

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. 229

- DATE:** Thursday, November 18, 2010
- TIME:** **6:30 P.M. Board Meeting**
- PLACE:** San Mateo County Transit District Office
1250 San Carlos Avenue, Second Floor Auditorium
San Carlos, CA
- PARKING:** Available adjacent to and behind building.
Please note the underground parking garage is no longer open.
- PUBLIC TRANSIT:** SamTrans Bus: Lines 261, 295, 297, 390, 391, 397, PX, KX.
CalTrain: San Carlos Station.
Trip Planner: <http://transit.511.org>

- 1.0 CALL TO ORDER/ ROLL CALL
- 2.0 **PLEDGE OF ALLEGIANCE**
- 3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Note: Public comment is limited to two minutes per speaker.
- 4.0 RESOLUTIONS OF APPRECIATION / PRESENTATIONS/ ANNOUNCEMENTS
- 4.1 Strategies for improving food and physical activity environments in San Mateo County.
- 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. 228 dated September 16, 2010. ACTION p. 1
- 5.2 Review and approval of Resolution 10-60 authorizing the C/CAG Chair to execute an

- agreement between C/CAG and the County of San Mateo for up to \$49,999 for staff services provided to the Resource Management and Climate Protection Committee and for C/CAG as the Local Task Force. ACTION p. 7
- 5.3 Review and approval of Resolution 10-61 authorizing the C/CAG Chair to execute an agreement between C/CAG and Kema, Incorporated for Consulting Services for the Bay Area Air Quality Management District Climate Action Plan Template Grant Project in an Amount not to Exceed \$49,500. ACTION p. 17
- 5.4 C/CAG Chair approved agreements in accordance with the adopted Procurement Policy.
- 5.4.1 Agreement Between C/CAG and the County of San Mateo to Provide Staff Services for a Climate Action Plan Template Project in an Amount not to Exceed \$20,000. INFORMATION p. 33
- 5.4.2 Executed contract with Alta Planning & Design for an amount not to exceed \$32,000 for development of the Toolkit of Programs for the San Mateo County Safe Routes to School Program. INFORMATION p. 41
- 5.5 Review and Approval of Resolution 10-58 Authorizing the C/CAG Chair to Execute a Two-Year No-Cost Extension to the Agreement with the County of San Mateo to Construct a Sustainable Green Street and Parking Lot Demonstration Project. ACTION p. 47
- 5.6 Review and Adoption of Resolution No. 10-59 Authorizing the C/CAG Board of Directors to Submit an Application to Caltrans to Receive and Accept State Grant Funds and Certify C/CAG's Share of Matching Funds to Prepare an Update of the Comprehensive Airport Land Use Compatibility Plan (CLUP) for the Environs of Half Moon Bay Airport. ACTION p. 55
- 5.7 Review and accept the C/CAG State Transportation Improvement Program (STIP) PPM Final Audit Report through January 30, 2010. ACTION p. 59
- 5.8 Review and approval of the call for projects for the 5th Cycle of the Transit Oriented Development Housing Incentive Program. ACTION p. 67

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 priorities, positions, and Legislative update. (A position may be taken on any legislation, including legislation not previously identified.) ACTION p. 71

- 6.2 Review and approval of the 2011 C/CAG Board Calendar. ACTION p. 101
- 6.3 Review and appointment of four public members to the C/CAG Bicycle and Pedestrian Advisory Committee. ACTION p. 103
- 6.4 Receive Update on Pre-Tax Commuter Outreach Efforts. INFORMATION p. 123
- 6.5 Review and Approve Resolution 10-62, authorizing continued staff support for the test claims filed by member agencies with the State Commission on Mandates related to requirements in the Municipal Regional Stormwater Permit, and authorizing the Executive Director, acting on behalf of C/CAG and the Countywide Program, to serve as the spokesperson and representative of those member agencies making such a request in writing. ACTION p. 133
- 6.6 Review and approval of C/CAG staff support for the Sustainable Communities Strategy including formation and support of a Regional Housing Needs Allocation (RHNA) Sub-region for San Mateo County including the 20 cities. ACTION p. 139

7.0 COMMITTEE REPORTS

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

8.0 EXECUTIVE DIRECTOR’S REPORT

9.0 COMMUNICATIONS - Information Only

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

- 9.1 Letter from Richard Newman, ALUC Chairperson, to Hon. Tom Kasten, Chairman, C/CAG Board of Directors, dated 10/13/10. RE: Request C/CAG Chair to write to the County Planning Commission, the Board of Supervisors, and the Community Development Director, requesting an extension of time for the notice period for the Final Environmental Impact Report (FEIR) for the Big Wave Wellness Center and Office Park, from 20 days to 60 days. p. 161
- 9.2 Letter from Chair Kasten to Mr. Jim Eggemeyer, Community Development Director, San Mateo County Planning Commission, dated 10/18/10. RE: Request San Mateo County Planning Commission to extend the notice period for the Final Environmental Impact Report (FEIR) for the Big Wave Wellness Center and Office Park, from 20 days to 60 days. p. 165
- 9.3 Letter from Richard Napier, Executive Director C/CAG, to John L. Martin, Director, San

- Francisco International Airport, dated 10/27/10. RE: Chaptering of SB 1333 (Yee). p. 167
- 9.4 The Mercury News, Updated 10/09/10. RE: Measure M would add \$10 to vehicle registration fee for San Mateo County drivers. p. 169
- 9.5 San Mateo Daily Journal, dated 10/18/10. RE: Local Vehicle Fee Hike on Ballot. p. 171
- 10.0 CLOSED SESSION (Pursuant to Government Code Sec. 54957):
- 10.1 Public Employee Performance Evaluation
- Title: Executive Director
- 10.2 Conference with Labor Negotiators
- C/CAG Representatives: Tom Kasten
- Unrepresented Employee: Executive Director
- 11.0 RECONVENE OPEN SESSION
- 11.1 Report on Closed Session.
- 12.0 Action on Compensation Adjustment for Executive Director. Consideration of Amendment to the Agreement between the City/County Association of Governments (C/CAG) and Richard Napier regarding annual compensation for services as Executive Director. ACTION
- 13.0 Approval of the Performance Objectives for FY 10-11 for the City/County Association of Governments (C/CAG) Executive Director. ACTION
- 14.0 ADJOURN

Next scheduled meeting: December 9, 2010 Regular Board Meeting.

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

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

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

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

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

FUTURE MEETINGS

November 16, 2010 NPDES Technical Advisory Committee - to be determined - 10:00 a.m.
November 18, 2010 Legislative Committee - SamTrans 2nd Floor Auditorium - 5:30 p.m.
November 18, 2010 C/CAG Board - SamTrans 2nd Floor Auditorium - 6:30 p.m.
November 18, 2010 Resource Management and Climate Protection Committee (RMCP)
November 18, 2010 CMP Technical Advisory Committee - SamTrans 2nd Floor Auditorium – 3:00 p.m.
November 22, 2010 Administrators' Advisory Committee - 555 County Center, 5th Fl, Redwood City – Noon
November 22, 2010 CMEQ Committee - San Mateo City Hall - Conference Room C - 3:00 p.m.

C/CAG

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Meeting No. 228
September 16, 2010

1.0 CALL TO ORDER/ROLL CALL

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

Jerry Carlson - Atherton
Terry Nagel - Burlingame
Joe Silva - Colma
David Canepa - Daly City
Carlos Romero - East Palo Alto
Pam Frisella - Foster City
Tom Kasten - Hillsborough
Rich Cline - Menlo Park (6:50)
Julie Lancelle - Pacifica
Maryann Moise Derwin - Portola Valley
Rosanne Foust - Redwood City, San Mateo County Transportation Authority
Brant Grotte - San Mateo City
Carole Groom - San Mateo County
Karyl Matsumoto - South San Francisco, San Mateo County Transit District

Absent:

Belmont
Brisbane
Half Moon Bay
Millbrae
San Bruno
San Carlos
Woodside

Others:

Richard Napier, Executive Director - C/CAG
Sandy Wong, Deputy Director - C/CAG
Lee Thompson, C/CAG - Legal Counsel
Tom Madalena, C/CAG Staff
Matt Fabry, C/CAG Staff
Jean Higaki, C/CAG Staff
Joe Kott, C/CAG Staff
Emily Betts, San Mateo County Transit District
Joe Hurley, San Mateo County Transportation Authority
Jerry Grace, Oakland

ITEM 5.1

David Boesch, San Mateo County Manager
Mary Ann Nihart, City of Pacifica
Eric Pawlowsky, Office of Supervisor Carole Groom
Jim Bigelow, Redwood City/San Mateo County Chamber, CMEQ Member

2.0 PLEDGE OF ALLEGIANCE led by David Boesch

3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

4.0 RESOLUTIONS OF APPRECIATION / PRESENTATIONS/ ANNOUNCEMENTS

4.1 Presentation on the State Budget

Mac Taylor, State of California's Legislative Analyst, provided an overview of the State Budget and answered questions.

5.0 CONSENT AGENDA.

Board Member Grotte MOVED approval of Consent Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, and 5.7.
Board Member Foust SECONDED. **MOTION CARRIED** 14-0.

5.1 Approval of the Minutes of Regular Business Meeting No. 227 dated August 12, 2010.

APPROVED

5.2 Approval of Appointment to the Congestion Management Program Technical Advisory Committee.

APPROVED

5.3 Consideration/Approval of a Comprehensive Airport Land Use Compatibility Plan (CLUP) Consistency Review of a Referral from the City of Burlingame, Re: Draft Burlingame Downtown Specific Plan June 2010.

APPROVED

5.4 C/CAG's support of the Healthy Eating Active Living Cities Campaign grant application to the Silicon Valley Community Foundation, and C/CAG's intention to co-host one training seminar for municipal officials.

INFORMATION

5.5 Review and accept the Quarterly Investment Report ending March 31, 2010.

APPROVED

5.6 Review and accept the Quarterly Investment Report ending June 30, 2010.

APPROVED

5.7 Resolution 10-53 Authorizing the C/CAG Chair to Execute an Agreement with the Bay Area Air Quality Management District to Receive a \$50,000 grant for Climate Action Plan Template and Tool Project.

APPROVED

No Items were removed from the Consent Calendar.

6.0 REGULAR AGENDA

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

APPROVED

Individual actions were taken to approve each Proposition/ Measure.

Board Member Nagel MOVED to support Proposition 22. Board Member Grotte SECONDED. **MOTION CARRIED** 13-0. Board Member Groom Abstained.

Board Member Foust MOVED to oppose Proposition 23. Board Member Nagel SECONDED. **MOTION CARRIED** 14-0.

Board Member Romero MOVED to oppose Proposition 26. Board Member Carlson SECONDED. **MOTION CARRIED** 14-0

- 6.1.1 Review and approval of Resolution 10-56 in support of Measure M to fund local transportation improvements in San Mateo County. APPROVED

Board Member Foust MOVED to approve Measure M. Board Member Cline SECONDED. **MOTION CARRIED** 14-0.

- 6.2 Receive Status Report on Unfunded Mandates Test Claim Process Related to Municipal Regional Stormwater Permit. INFORMATION

- 6.3 Review and adoption of Resolution 10-52: Resolution to approve a contract between the Board of Administration California Public Employees Retirement System and the Board of Directors City/ County Association of Governments of San Mateo County (C/CAG). APPROVED

Board Member Foust MOVED to approve Item 6.3. Board Member Groom SECONDED. **MOTION CARRIED** 14-0.

- 6.4 Grand Boulevard Multimodal Transportation Corridor Plan

- 6.4.1 Presentation on the Draft Grand Boulevard Multimodal Transportation Corridor Plan. INFORMATION

- 6.4.2 Review and approval of Resolution 10-54 authorizing the C/CAG Chair to execute the Second Amendment to Memorandum of Understanding between San Mateo County Transit District, City/County Association of Governments of San Mateo County, and Santa Clara Valley Transportation Authority for the implementation of the Grand Boulevard Multimodal Transportation Corridor Plan. APPROVED

Board Member Groom MOVED to approve Item 6.4.2. Board Member Nagel SECONDED. **MOTION CARRIED** 14-0.

- 6.4.3 Review and approval of Resolution 10-55 authorizing the C/CAG Chair to execute the First Amendment to the Bottomley Associates Agreement for the implementation of the Grand Boulevard Multimodal Transportation Corridor Plan to add \$7,378 for a new total cost not to exceed \$148,070. APPROVED

Board Member Nagel MOVED to approve Item 6.4.3. Board Member Lancelle SECONDED. MOTION CARRIED 14-0.

7.0 COMMITTEE REPORTS

7.1 None.

7.2 Chairperson's Report.

Chair Kasten raised a question if there was a role for C/CAG with respect to disasters such as the recent San Bruno fires.

7.3 Board Members Report

None.

8.0 EXECUTIVE DIRECTOR'S REPORT

None. Will respond to questions.

9.0 COMMUNICATIONS - Information Only

9.1 Letter from Richard Napier, Executive Director C/CAG, to Shaun Donovan, Secretary, U.S. Department of Housing and Urban Development, dated 8/12/10. RE: Joint HUD Community Challenge Planning and TIGER II Planning Grant, Docket No. FR-5415-N-1, Grand Boulevard Initiative Implementation Planning.

9.2 Letter from Chair Kasten, to Governor Arnold Schwarzenegger, dated 8/16/10. RE: C/CAG Support of SB 1333 (Yee).

9.3 Letter from Richard Napier, Executive Director C/CAG, to Charlotte Dickson, Director, Healthy Eating Active Living Cities Campaign, dated 8/16/10. RE: Support of grant application to Silicon Valley Community Foundation.

9.4 Letter from Richard Napier, Executive Director C/CAG, to Shaun Donovan, Secretary, U.S. Department of Housing and Urban Development, dated 8/19/10. RE: Joint HUD Community Challenge Planning and TIGER II Planning Grant, Docket No. FR-5415-N-1, Grand Boulevard: Removing Barriers to Livable Communities.

9.5. Letter from Chair Kasten, to Governor Arnold Schwarzenegger, dated 9/3/10. Re: SB 346 (Kehoe) – Source Control of Copper Water Pollution – Support.

10.0 ADJOURN

The meeting adjourned at 9:00 p.m. in memory of those who lost their life in the San Bruno Fire.

C/CAG AGENDA REPORT

Date: November 18, 2010
To: City/County Association of Governments Board of Directors
From: Richard Napier, Executive Director
Subject: Review and approval of Resolution 10-60 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo for up to \$49,999 for staff services provided to the Resource Management and Climate Protection Committee and for C/CAG as the Local Task Force.

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

RECOMMENDATION

Adopt Resolution 10-60 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo for up to \$49,999 for staff services provided to the Resource Management and Climate Protection Committee and for C/CAG as the Local Task Force.

FISCAL IMPACT

\$50,000

SOURCE OF FUNDS

The General Fund is the source of funds for the staffing of the RMCP Committee and for staff support to C/CAG for the Local Task Force.

BACKGROUND/DISCUSSION

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

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

ITEM 5.2

Amount	Revenue Source	Project
\$20,000	NPDES Fund	Green Business Program
\$25,000	Transportation (Congestion Relief)	Green Business Program
\$20,000	General Fund	Resource Conservation and Climate Protection Committee (RMCP)
		Solid Waste Program Support
\$25,000	San Mateo County Energy Watch (SMCEW)	Green Building Program

The County did not use the \$20,000 from the NPDES fund and did not use the \$25,000 from the Transportation Congestion Relief fund for the Green Business Program because the County was unable to expand the program countywide; a requirement for use of these funds.

The San Mateo County Energy Watch continues to provide funding for the Green Building program for the purpose of promoting adoption of Green Building Ordinances by cities in San Mateo County.

The County invoiced C/CAG for staff services from January 1, 2010 through June 10, 2010 in the amount of \$17, 060.81, leaving only \$2939.19 in the current agreement.

Staff has prepared a new agreement to align service to the current fiscal year for staff services provided to the Resource Management and Climate Protection Committee and for C/CAG as the Local Task Force.

Resolution 10-60 and the agreement are provided as attachments to this staff report.

ATTACHMENTS

- Resolution #10-60
- C/CAG County Agreement for the RMCP and Local Task Force

RESOLUTION NO. 10-60

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 CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AND THE COUNTY OF SAN MATEO TO PROVIDE STAFF SERVICES FOR THE RESOURCE MANAGEMENT AND CLIMATE PROTECTION COMMITTEE AND FOR C/CAG AS THE LOCAL TASK FORCE IN AN AMOUNT NOT TO EXCEED \$49,999 FOR FISCAL YEAR 2010-2011.

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

WHEREAS, C/CAG desires to obtain services from the County of San Mateo (County) to serve as the primary technical staff support function for the Resource Management and Climate Protection Committee on matters related to energy, water, and greenhouse gas emission reduction strategies; and

WHEREAS, C/CAG desires to obtain services from the County to serve as staff to the Local Task Force on matters related to solid waste; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Chair is authorized to execute an agreement with the County of San Mateo to provide staff services for the resource Management and Climate Protection Committee and for C/CAG as the Local Task Force in an amount not to exceed \$49,999 for fiscal year 2010-2011.

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 8TH DAY OF OCTOBER 2009.

Thomas M. Kasten, Chair

**AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO
COUNTY (C/CAG) AND THE COUNTY OF SAN MATEO TO PROVIDE
STAFF SERVICES FOR THE RESOURCE MANAGEMENT AND
CLIMATE PROTECTION COMMITTEE AND FOR C/CAG AS THE
LOCAL TASK FORCE IN AN AMOUNT NOT TO EXCEED \$49,999 FOR
FISCAL YEAR 2010-2011**

This Agreement entered this ____ Day of ____ 2010, 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, hereinafter called "COUNTY."

WITNESSETH

WHEREAS, the City/County Association of Governments (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 services from the County of San Mateo (COUNTY) to serve as the primary technical staff support function for the Resource Management and Climate Protection Committee on matters related to energy, water, and greenhouse gas emission reduction strategies and for C/CAG as staff to the Local Task Force on matters related to solid waste; and

WHEREAS, the COUNTY is committed to providing staff services for the Resource Management and Climate Protection Committee and for the C/CAG Board as the solid waste Local Task Force;

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

1. **Services to be provided by COUNTY.** The COUNTY shall provide 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, up to \$49,999. 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 July 1, 2010 and shall terminate on June 30, 2011; 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 Director of Public Works. 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 on the day and year indicated.

County of San Mateo

By _____
James C. Porter
County Department of Public Works - Director

Date

Approved as to Form By _____
County Counsel

Date

City/County Association of Governments (C/CAG)

By _____
Thomas M. Kasten
C/CAG Chair

Date

Approved as to Form By _____
C/CAG Legal Counsel

Date

Exhibit A

STAFF SERVICES FOR THE RESOURCE MANAGEMENT AND CLIMATE PROTECTION COMMITTEE AND TO C/CAG AS THE LOCAL TASK FORCE

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 staff support of the C/CAG Resource Management and Climate Protection committee and to provide technical staff support to the C/CAG Board as the solid waste Local Task Force.
- 2.0 Management and Staffing Oversight - the County shall provide adequate reporting and information, and attend meetings with C/CAG staff as necessary to support the Resource Management and Climate Protection Committee, and shall provide reports and presentations to the C/CAG Board as necessary to ensure that the responsibilities of the solid waste Local Task Force are administered.
- 3.0 Specific Scope of Work – the County shall:
 - 3.1 Provide staffing for the Resource Management and Climate Protection Committee, including the development of agendas, writing of minutes and the provision of strategic support for ongoing initiatives
 - 3.2 Provide staff support to the Local Task Force (C/CAG Board) on matters related to Solid Waste including Non-Disposal Facility Element (NDFE) amendments and other matters related to Countywide Integrated Waste Management Planning
- 4.0 Reporting - The County of San Mateo shall report to the C/CAG Board and other C/CAG committees on activities related to this scope of work upon request during the 2010-2011 fiscal year.
- 5.0 Payments - The County shall submit invoices for services provided along with supporting documentation including labor hours and rates for management and staffing. C/CAG shall pay invoices within 30 days of receipt.

C/CAG AGENDA REPORT

Date: November 18, 2011

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: Review and approval of Resolution 10-61 authorizing the C/CAG Chair to execute an agreement between C/CAG and Kema, Incorporated for Consulting Services for the Bay Area Air Quality Management District Climate Action Plan Template Grant Project in an Amount not to Exceed \$49,500.

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

RECOMMENDATION

That the C/CAG Board review and approve Resolution 10-61 authorizing the C/CAG Chair to execute an agreement between C/CAG and Kema, Incorporated for Consulting Services for the Bay Area Air Quality Management District Climate Action Plan Template Grant Project in an Amount not to Exceed \$49,500.

FISCAL IMPACT

The total amount of this agreement will be for an amount not to exceed \$49,500.

SOURCE OF FUNDS

Funds provided by Bay Area Air Quality Management District Grant No. 2010-083

BACKGROUND/DISCUSSION

On September 16, 2010 the C/CG Board adopted resolution 10-53 authorizing the C/CAG Chair to execute an agreement with the Bay Area Air Quality Management District (BAAQMD) to receive a \$50,000 grant for a Climate Action Plan Template and Tool Project.

One of the first deliverable in the grant agreement is to establish a list of selected contractors and roles. Staff has completed a procurement process consistent with the adopted C/CAG procurement policy for one of the major scopes of work for the project, leveraging consultant responses from an RFP undertaken by Joint Venture Silicon Valley Network to obtain similar services for cities in San Mateo and Santa Clara counties. Staff and a steering committee for this BAAQMD grant project, reviewed qualifications and relative costs to establish a short list of

ITEM 5.3

three consultants to interview in person. These consultants were AECOM, Strategic Energy Initiatives (SEI) and KEMA, Inc.

As a result of the in-person interviews, two consultants were asked to provide proposals and KEMA, Inc. was selected as the consultant to complete a set of deliverables under Task 1.2 of the Grant Agreement: 1) complete a draft CAP template, and 2) complete draft calculation methodologies and coefficients for selected greenhouse gas emission reduction measures.

Resolution 10-61 and the agreement between C/CAG and Kema, Inc., including a Scope of Work matching the deliverables described above are included with this staff report as attachments.

ATTACHMENTS

- Resolution 10-61
- Agreement with KEMA, Inc.

RESOLUTION 10-61

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 AND AGREEMENT BETWEEN C/CAG AND KEMA, INCORPORATED FOR CONSULTING SERVICES FOR THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT CLIMATE ACTION PLAN TEMPLATE GRANT PROJECT IN AN AMOUNT NOT TO EXCEED \$49,500

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

WHEREAS, the C/CAG Board on September 16, 2010 adopted Resolution No.10-53 authorizing the C/CAG Chair to execute an agreement with the Bay Area Air Quality Management District (BAAQMD) to receive a \$50,000 grant for a Climate Action Plan Template and Tool Project; and

WHEREAS, C/CAG and County staff believe a climate action plan template and tool resource will support the effort to reach a goal of all cities in San Mateo County completing climate action plans; and

WHEREAS, staff have completed a procurement process to select a consultant to undertake the completion of Task 1.2, deliverables in the grant agreement; and

WHEREAS, KEMA, Incorporated is the selected consultant;

NOW THEREFORE BE IT RESOLVED, that the C/CAG Board Chair is hereby authorized to execute and agreement between C/CAG and KEMA, Incorporated for consulting services for the Bay Area Air Quality Management District Climate Action Plan Template grant project in an amount not to exceed \$49,500 and that the Executive Director is authorized to negotiate the final Agreement subject to final approval by C/CAG Legal Counsel..

PASSED, APPROVED AND ADOPTED THIS 18TH DAY OF November 2010.

Thomas M. Kasten, Chair

AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
KEMA inc.

This Agreement entered this ____ day of _____, 20011, by and between the City/County Association of Governments of San Mateo County, a joint powers agency, hereinafter called "C/CAG" and KEMA Inc., hereinafter called "Contractor."

W I T N E S S E T H

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

WHEREAS, C/CAG is prepared to award funding to complete a Climate Action Plan Template and Calculation Methodologies project; and

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

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

1. Services to be provided by Contractor. In consideration of the payments hereinafter set forth, Contractor agrees to perform the services described in Exhibit A, attached hereto (the "Services"). All Services are to be performed and completed by April 30, 2011.
2. Payments. In consideration of Contractor providing the Services, C/CAG shall reimburse Consultant on a time and materials basis based on the cost rates set forth in Exhibit A up to a maximum amount of forty nine thousand five hundred dollars (\$49,500) 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 November 1, 2010 and shall terminate on March 31, 2011; 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. Either party shall have the right to terminate this Agreement and/or any Task Order should the other party default in its obligations under this Agreement or any Task Order, and either fail to correct such default within ten (10) days after receipt of written notice specifying same, or, if the default is not curable within such time, fail to take the reasonable and necessary steps to begin to cure the default.
6. Hold Harmless/ Indemnity: Contractor shall indemnify and save harmless C/CAG from all third party claims, suits or actions for death, bodily injury and direct property damage to the extent caused by the negligence of the Consultant, its agents, officers or employees related to or resulting from performance, or non-performance under this Agreement. C/CAG shall indemnify and save harmless Contractor from all third party claims, suits or actions for death, bodily injury and direct property damage to the extent caused by the negligence of C/CAG, its agents, officers or employees related to or resulting from C/CAG's 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.

In no event shall either party be liable to the other for any indirect, consequential, exemplary, special, incidental or punitive damages including, without limitation, lost profits or revenues even if such damages are foreseeable or the damaged party has been advised of the possibility of such damages. The liability of Contractor for any claim whatsoever related to or arising under this Agreement, including any cause of action in contract, tort or strict liability, shall not exceed the total amount of payments made to Contractor hereunder.

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

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. Notwithstanding the above, Contractor shall retain and may use the general knowledge acquired as a result of its creation of the work product or the performance of services hereunder, for its general reference, enhancement of its technical capabilities, and for other purposes. All information and material which is owned by Contractor and used by Contractor in the performance of the Agreement shall remain the exclusive property of Contractor whether or not such information or material was incorporated in or used to produce any of the work products delivered under 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 – DPW155
Redwood City, CA 94063
Attention: Kim Springer

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

KEMA, Inc.
155 Grand Avenue, Suite 500
Oakland, CA 94612
Attention: Karin Corfee, Director

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

KEMA, Inc (Contractor)

By _____ Date _____

City/County Association of Governments (C/CAG)

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

C/CAG Legal Counsel

By _____

Exhibit A

Climate Action Plan (CAP) Template Project (Project) SCOPE OF WORK KEMA, Inc.

The Climate Action Plan (CAP) Template project approach is unique from other CAP projects undertaken by most jurisdictions or groups of jurisdictions historically. This Project seeks to reduce the “universe” of greenhouse gas (GHG) reduction measures for jurisdictions to consider in their CAPs to those most viable for San Mateo County. The Project also seeks to focus on measures which individual jurisdictions can carry out to affect GHG reductions, as some measures are best undertaken by higher levels of government or organizations such as the County or regional agencies. Lastly, the Project should deliver a Template, measures and calculation methodologies that set the stage for California Environmental Quality Act (CEQA) compliance review. The working group and contracted County staff to C/CAG looks forward to working with the Contractor to develop this unique Climate Action Plan Template.

Deliverables:

- Template document
 - Follow existing outline to develop template for County-wide use
 - Not to exceed 35 pages (not including appendices)
 - Compliant with CEQA guidelines
 - Develop standard language for following sections:
 - Background section
 - Emissions inventory
 - Emission reduction targets
 - Strategies
 - Implementation
 - Other sections, as determined by CAP advisory team
- Template User’s Guide
 - Guide to help cities customize the template for their needs. The guide will:
 - Introduce the set of documents
 - Explain which sections may be adopted as-is and which must be completed by the cities
 - Provide additional instruction on how to customize and complete each section according to CEQA requirements
 - Describe how to select measures for consideration
 - Include a summary of resources for cities to complete CEQA-compliant CAPs
 - Not to exceed 5 pages
- Menu of 30-40 of the most practicable measures
 - Measures grouped by applicability to size of city (small, medium, large)
 - Measures will address sectors in greenhouse gas inventories:
 - Communitywide: waste generation, landfills, energy use and transportation
 - Government operations: building energy use, street lights, generated waste, fleet, employee commute, wastewater facilities, landfills, water transport, etc.
 - Measures will be specifically and concisely defined and described

- Some measures will be local, some countywide and some regional
- Consultant will take guidance from CAP advisory team on selection of measures
- Calculations associated with measures
 - Measure description
 - Estimated emissions reduction
 - Other resource savings (water, energy, waste, etc.)
 - Estimated costs and savings potential
 - List of variables that cities will need to input to perform calculations
 - Other co-benefits (i.e. health, job creation)
 - Appendix listing formulas and explaining methodology used in making calculations
 - Compliant with CEQA guidelines
 - Potential funding sources
 - Strategies for implementation

Required Work Flow Process for Development of Deliverables:

- Two meetings with CAP advisory team: one kick-off meeting, one mid-project meeting
- Two conference calls with CAP advisory team
- Consultant will work with CAP advisory team, not individual cities directly (unless a city hires the consultant to do individual work)
- Consultant writes section of template or menu, then provides to advisory team for feedback, provides expertise, incorporates feedback, provides updated draft to the team for review, and completes section for final document

CAP Template Draft Outline

Table of Contents

Letter from the Mayor

Executive Summary

Background

- Climate science
- Context – GHG reduction targets (state, local, etc.)
- Cost of inaction -- projected local financial impacts from increased scarcity of energy, water, materials; potential carbon taxes; sea level rise; health impacts
- Regulatory -- A.B. 32, SB 375, BAAQMD's CEQA guidelines.
- Regional efforts -- Joint Venture, Energy Watch, C/CAG, SVLG, SSV, SSMC.
- Local efforts -- how the CAP is/ is not being done in connection with a General Plan update; description and results from any citizen task force

- Process -- how the CAP was produced, including the group template development process, any community outreach to identify local values and establish criteria, the methodology used to select and prioritize programs, the tools used to quantify estimated reductions

Emissions Inventory

- Baseline -- charts or graphs showing results from inventories
- Projections for business as usual
- Updates -- plan (or if no plan, acknowledge the need) for regular partial and comprehensive inventories

Emission Reduction Targets

- Context - Targets of other cities in the area
- How targets were selected
- Target(s) -- actual municipal and community targets, expressed in GHGs and kilowatt hours, gallons of water, etc., and as translated into trees, cars and homes via the EPA calculator

Strategies

- Categories--why/how we selected the major categories: Transportation and Land Use, Solid Waste, Energy, Water (e.g. those found in the emissions inventory and General Plan); recognize that the energy associated with water is not always quantified
- Methodology -- develop the methodology and criteria used to select and prioritize programs and measures
- Programs/Measures -- develop menu of approximately 40 programs/measures from which cities can select for their climate action plans

Implementation

- Timeline -- as with everything in this section, refers to the CAP overall, rather than to any particular measure. Include important dates, e.g. adoption of a reduction target, availability of first draft of the CAP, projected adoption date of CAP, when activities will begin, the next inventory cycle
- Project management -- overall program roles and responsibility for implementing the CAP, monitoring progress and reporting results
- Funding -- reference the mix of sources for project implementation

- Tracking and reporting -- describe the plan (or acknowledge the need for a more robust plan) for a reporting tool and process; should identify frequency of data updates and reports to Council
- Public participation and community engagement -- summarize the plan for ongoing communication and education of residents and businesses; media strategy; meetings; social marketing

Guidance/ Users manual

How to use this CAP template

Schedule

C/CAG San Mateo Climate Action Plan		Nov				Dec.				Jan				Feb				Mar				Apr					
Task Description		5	12	19	26	3	10	17	24	31	7	14	21	28	4	11	18	25	4	11	18	25	1	8	15	22	29
	Project kick-off			▽																							
1	Template Document																										
	Detailed outline of sections for standardization																										
	<i>C/CAG review of detailed outline</i>																										
	Draft standard language																										
	<i>C/CAG review of draft</i>																										
	Finalize template document																										
2	Template Users Guide																										
	Outline of content																										
	<i>C/CAG review of outline</i>																										
	Draft template user's guide																										
	<i>C/CAG review of draft</i>																										
	Final template user's guide																										
3	Menu of 30 - 40 measures																										
	Produce set of initial measures																										
	<i>C/CAG feedback on which to include</i>																										
	Template for analyzing each measure																										
	<i>C/CAG feedback on the template</i>																										
	Analyze measures																										
4	Manual of Calculations																										
	Draft manual of calculations																										
	<i>C/CAG review of draft</i>																										
	Final manual of calculations																										

KEY:	▽	In-person meeting
	▽	Conference call meeting
	■	KEMA team
	▨	C/CAG review period

Costs

	KEMA						ESA			Rimpo	Direct Travel/ Materials	Total Hrs	Total Cost
	K. Corfee	B. Seto	J. Larkin	A. Rider	A. Stryker	D. Millar	J. Caton	A. Skewes	Sicular	T. Rimpo			
	PIC	Project Mgr	Green Bldg	Water	Transportat ion	Analyst	Director	Planning	CEQA	GHG			
Hourly Billing Rate	\$250	\$150	\$160	\$140	\$150	\$120	\$190	\$175	\$165	\$150			
Project management	4	8										12	\$2,200
Kick-off meeting	3	3					3				\$80	9	\$1,850
Project meeting	3	3					3				\$80	9	\$1,850
1. Template Document													
Draft standard language	2	16				24	2	4	2	4	\$ -	54	\$7,790
Address comments and finalize	2	12				8	2	4	2		\$ -	30	\$4,670
TOTAL DELIVERABLE 1	4	28	0	0	0	32	4	8	4	4	\$ -	84	\$12,460
2. Template Users Guide													
Outline of content	1	4					4				\$ -	9	\$1,610
Draft document		6				16	2	8	4	4	\$ -	40	\$5,860
Final document	1	6				8					\$ -	15	\$2,110
TOTAL DELIVERABLE 2	2	16	0	0	0	24	6	8	4	4	\$ -	64	\$9,580
3. Menu of 30-40 measures													
Produce set of initial options	2	8				8	2				\$ -	20	\$3,040
TOTAL DELIVERABLE 3	2	8	0	0	0	8	2	0	0	0	\$ -	20	\$3,040
4. Manual of Calculations													
Template for analysis	2	8				6	4			4	\$ -	24	\$3,780
Manual of calculations	2	16	14	14	14	24	4	4		8	\$ -	100	\$14,740
TOTAL DELIVERABLE 4	4	24	14	14	14	30	8	4	0	12	\$ -	124	\$18,520
TOTAL	\$5,500	\$13,500	\$2,240	\$1,960	\$2,100	\$11,280	\$4,940	\$3,500	\$1,320	\$3,000	\$160	302	\$ 49,500

Name	Title/classification	Hourly rate
KEMA		
Karin Corfee	Director, Sustainable Market Strategies and Climate Services	\$250
Betty Seto	Project Manager, Energy and Climate	\$150
Julia Larkin	Senior LEED Specialist	\$160
Andrew Stryker	Senior Transportation Specialist	\$150
Amy Rider	Senior Sustainability Specialist	\$140
Dave Millar	Energy and Climate Analyst	\$120
ESA		
Jeff Caton	Director, Renewable Resources	\$190
Amy Skewes-Cox	Senior Project Manager, Planning	\$175
Dan Sicular	Senior Managing Associate, CEQA	\$165
Rimpo and Associates		
Tim Rimpo	Senior Air Quality Scientist	\$150

C/CAG AGENDA REPORT

Date: November 18, 2010
To: City/County Association of Governments Board of Directors
From: Richard Napier, Executive Director
Subject: Agreement Between C/CAG and the County of San Mateo to Provide Staff Services for a Climate Action Plan Template Project in an Amount not to Exceed \$20,000.

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

RECOMMENDATION

Receive an agreement between C/CAG and the County of San Mateo to provide staff services for a Climate Action Plan Template Project in an amount not to exceed \$20,000

FISCAL IMPACT

Up to \$20,000.

SOURCE OF FUNDS

BAAQMD Grant Agreement Grant No. 2010-083 is for \$50,000. C/CAG matching funds from the Congestion Relief funds of \$50,000 will pay for County staff time. Staff is seeking further funding from stakeholders such as ABAG, PG&E and some cities.

BACKGROUND/DISCUSSION

On September 16, 2010 the C/CAG Board adopted Resolution 10-53 authorizing the C/CAG chair to execute an agreement with the BAAQMD to receive a \$50,000 grant for a climate action plan template and tool project.

Deliverables for this new Agreement include the writing of a template and development of a forecasting and calculation tool, such that city staff can fully understand:

- the steps and internal-city processes for completing their climate action plan (CAP)
- Approximately 40 greenhouse gas emission reduction measures
- the California Environmental Quality Act (CEQA) requirements for CAPs
- the calculation methodologies to establish cost and emission reductions for each greenhouse gas emission reduction measure
- the staffing and monetary implications of each greenhouse gas emission reduction measure.

A majority of the grant funds will be used to contract with a consultant to write the CAP template document and develop a menu of GHG reduction measures and their calculation methodologies. C/CAG has set aside funding in its budget to match the grant funds to support a forecasting and

ITEM 5.4.1

calculation tool to accompany the template document.

The attached agreement is for County of San Mateo staff time to support the completion of deliverables as defined by the Grant.

ATTACHMENTS

C/CAG County Agreement for CAP Template Grant Project

**AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO
COUNTY (C/CAG) AND THE COUNTY OF SAN MATEO TO PROVIDE
STAFF SERVICES FOR A CLIMATE ACTION PLAN TEMPLATE
PROJECT IN AN AMOUNT NOT TO EXCEED \$20,000**

This Agreement entered this ____ Day of ____ 2010, 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, hereinafter called "COUNTY."

W I T N E S S E T H

WHEREAS, the City/County Association of Governments (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 services from the County of San Mateo (COUNTY) to provide staff services for a climate action plan template project related to Bay Area Air Quality Management District, Climate Action Plan Template Grant Agreement, Grant No. 2010-083 (Grant); and

WHEREAS, the COUNTY is committed to providing staff services for the Grant;

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

1. **Services to be provided by COUNTY.** The COUNTY shall provide 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, up to \$20,000. 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 costs as set out in Exhibit A from August 1, 2010 and shall terminate on January 30, 2012; 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 Director of Public Works. 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 on the day and year indicated.

County of San Mateo

By _____
James C. Porter
County Department of Public Works - Director

Date

Approved as to Form By _____
County Counsel

Date

City/County Association of Governments (C/CAG)

By _____
Thomas M. Kasten
C/CAG Chair

Date

Approved as to Form By _____
C/CAG Legal Counsel

Date

Exhibit A

STAFF SERVICES FOR A CLIMATE ACTION PLAN TEMPLATE PROJECT

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. C/CAG desires to contract with the County of San Mateo (County) to provide staff services for the administration and project management of C/CAG's Climate Action Plan Template Project (Project) pursuant to the Scope of Work outlined in the Bay Area Air Quality Management District (BAAQMD) Grant Agreement Grant No. 2010-083 (Grant Agreement) between C/CAG and the BAAQMD. The Project will be funded through C/CAG and the Grant Agreement.
- 2.0 Management and Staffing Oversight - the County shall provide staff support to C/CAG to accomplish deliverables as provided in Section 3.0 below. The County shall provide project administration and project management to include: coordination of a working group of city staff, providing direction on procurement of consultants, managing the consultants, reviewing and commenting on consultant submittals, preparing and submitting required BAAQMD grant reports, and managing the Project in accordance with the stipulated timeline to ensure completion of the Project in accordance with the Scope of Work and Cost Schedule as outlined in the Grant Agreement.
- 3.0 Grant Scope of Work – the County shall:
 - 3.1 Support the completion of the scope of work as outlined in the Grant Agreement, attached hereto and referenced herein, up to a maximum amount of \$20,000 for this agreement.
- 4.0 Reporting - The County of San Mateo shall report to the C/CAG Board and other C/CAG committees and staff on activities and Project progress related to this scope of work upon request during the term of this agreement.
- 5.0 Payments - The County shall submit invoices for services provided along with supporting documentation including labor hours and rates for management and staffing. C/CAG shall pay invoices within 30 days of receipt.

C/CAG AGENDA REPORT

Date: November 18, 2010

To: City/County Association of Governments Board of Directors

From: Richard Napier, C/CAG Executive Director

Subject: Executed contract with Alta Planning & Design for an amount not to exceed \$32,000 for development of the Toolkit of Programs for the San Mateo County Safe Routes to School Program

(For further information contact John Hoang 363-4105)

RECOMMENDATION

That the C/CAG Board is notified of an executed contract with Alta Planning & Design for an amount not to exceed \$32,000 for development of the Toolkit of Programs for the San Mateo County Safe Routes to School Program.

FISCAL IMPACT

Up to \$32,000

SOURCE OF FUNDS

Congestion Management Fund (02)

BACKGROUND/DISSION

The Safe Routes to Schools (SR2S) program for San Mateo County is an element of the Metropolitan Transportation Commissions' (MTC) Climate Initiatives Program for the New Federal Transportation Act Cycle 1 STP/CMAQ funding program. The purpose of the new program for San Mateo County is to apply SR2S region-wide with the overall goal of enabling and encouraging children to walk and bicycle to school, implementing projects and activities to improve safety, and reducing traffic and emissions related to school-related travel.

C/CAG, as the congestion management agency, is the designated agency that will administer the SR2S funds for San Mateo County. San Mateo County will receive \$1,429,000 in the first cycle of the Federal Transportation Act. Combined with a required minimum local match of 11.47% (\$185,142), the total program budget would be \$1,614,142. The specific project sponsors including schools, cities, and other eligible agencies, or a combination thereof would provide the local match.

ITEM 5.4.2

C/CAG, in partnership with the San Mateo County Health System, is facilitating the development and preparation of the new San Mateo County SR2S Strategic Plan. Development of the program plan, which began in February of this year, is currently being performed by a Working Group and guided by a Task Force consisting of schools, office of education, law enforcement, public works, and health system officials. This development process will continue over the next several months.

Part of the Task Force recommendation is to develop a “toolkit” that identifies a list of programs and projects that can be implemented in various schools and establishes priorities for funding. The SR2S Toolkit of Programs will provide a comprehensive overview of safe routes to school best practices focusing on education, encouragement, enforcement, and evaluation components. In addition to serving as a resource for schools, the intent of the Toolkit is to inform schools of the various types of projects that would be eligible for SR2S funding through the countywide program.

The Toolkit, once completed would be a component of the Strategic Plan. The draft Strategic Plan will be presented to the Board separately at a future meeting.

In selecting Alta Planning & Design (Alta) to perform the work, staff followed the adopted C/CAG Procurement Policy. With the contract amount between 25,001 and \$49,999, a formal request for proposal (RFP) was not required. In compliance with the Policy, staff selected the consultant based on two criteria: 1) Alta had been previously chosen by the City of Menlo Park through an RFP process for the Menlo Park School Trip Reduction Study, a project that had components tying in directly with the safe routes to school toolkit development, and 2) C/CAG, through our own RFP process earlier this year, had also selected Alta to update the San Mateo County Bicycle and Pedestrian Plan. The Bike/Ped Plan, currently in development, contains elements that are closely related to bike and pedestrian program, including safe routes to schools.

ATTACHMENT

Scope of Work - Safe Routes to School Toolkit of Programs

SAFE ROUTES TO SCHOOL TOOLKIT OF PROGRAMS SCOPE OF WORK

1. Summary of Existing Programs

Alta will gather and review existing safe routes to school education, encouragement, and enforcement program information in San Mateo cities, County, and operated by organizations including the Silicon Valley Bicycle Coalition. Alta Planning + Design will conduct up to 15 interviews as well as conduct web and telephone research and review relevant documents (as identified by C/CAG).

The findings of this review and analysis will provide our team with a detailed understanding of the current state of safe routes to school programs in San Mateo County, priorities for pedestrian and bicycle programs improving school and transit access, how much funding is currently allocated to these programs, and the level of funding needed to continue these programs or to implement new programs at the school, city, district, or county level.

Deliverables

- Technical Memorandum detailing all Plans, Studies, and Data Collected on Existing Conditions in San Mateo County.

2. Develop a Safe Routes to School Toolkit of Programs

In order to introduce the concept of Safe Routes to School to stakeholders, Alta will develop a Safe Routes to School Toolkit for distribution. Alta Planning + Design will expand the Menlo Park School Trip Reduction Toolkit to include safe routes to school programs applicable for individual schools as well as a countywide program. The toolkit will provide a comprehensive overview of Safe Routes to School best practices in all "Four E's": Education, Encouragement, Enforcement, and Evaluation. The intent of the toolkit is to serve as a resource for those interested in learning about SR2S, and as a way to kick off and promote the C/CAG program. The Toolkit will cover:

- Description and brief history of Safe Routes to School Movement
- Overview of Safe Routes to Schools programs (Education, Encouragement, Enforcement, and Evaluation), including target audience, scope (individual schools vs. countywide) lead agency, partners, and approximate cost
- Description of programs already in place in San Mateo cities and county
- Common safety issues associated with school-related travel.
- Solutions for improving safety of school-related travel (Enforcement, Education)
- Methods for encouraging students to walk and bike to school (Education, Encouragement)
- Methods for evaluating the success of a program (Evaluation)
- Creating and maintaining a sustainable Safe Routes to School program
- Local, state and national resources for more information

The Safe Routes to Schools Toolkit will be distributed to relevant stakeholders including City Councils, school districts, C/CAG staff, selected City staff, school principals and PTAs, to be identified in partnership with C/CAG. The Toolkit will also be available on the C/CAG website for

downloading.

Deliverables

- Safe Routes to School Toolkit of Programs
 - Alta will develop a Draft Toolkit of Safe Routes to School Programs for city, school and countywide programs
 - The Toolkit will cover non-infrastructure programs, including the 4 E's of Education, Encouragement, Enforcement, and Evaluation

3. Safe Routes to School Program Implementation Process

For programs included in the Safe Routes to School Toolkit of Programs, Alta will outline the necessary steps for implementation. This may include how a consultant, staff, or community groups can establish and maintain a program. Safe Routes to School programs often need assistance starting but once the proper leadership, guidance, and materials are established, they can be maintained with modest ongoing support by school staff and volunteers.

Deliverable

- Alta will develop strategies for implementation of Safe Routes to School programs. These implementation strategies will be included in the Toolkit with the programs.

4. Safe Routes to School Toolkit Outreach

a. City Council and School District Board Presentations

Alta will create a presentation and script covering Safe Routes to School programs and recommendations to be presented by either Alta representatives or C/CAG staff. The purpose of these presentations is to introduce the C/CAG program to local City Councils, School Districts, and other groups and to ask for involvement in implementing the programs. Alta will also develop a "Fact Sheet" describing SR2S and the C/CAG program implementation process. Alta will conduct the presentation as requested by C/CAG based on meeting cost presented in the project budget.

b. Task Force/Committee

We understand that C/CAG has a Task Force composed of representatives from local cities and key stakeholders. This group will serve to guide the SR2S Toolkit process by establishing goals and objectives of the product. Alta will attend a total of two (2) meetings (Task Force and/or another standing C/CAG Committee) over the course of the project. (Meetings will be determined by the C/CAG Project Manager)

Deliverables

- Safe Routes to School Toolkit Presentation (Optional – TBD)
- Safe Routes to School Fact Sheet
- Attendance at two Meetings (Task Force and/or C/CAG Committee)

5. Final Safe Routes to School Toolkit of Programs

Alta will refine the Safe Routes to School Toolkit based on input received from the Steering Committee and stakeholders as provided to C/CAG. The Toolkit will be clearly written, easy to navigate, and visually appealing. It will contain ample graphics to illustrate concepts and make the document interesting to use for planners, engineers, advocates, potential funding agencies, parents, and anyone interested in Safe Routes to School. Upon C/CAG’s review and approval, Alta will provide a Final Safe Routes to School Toolkit of Programs.

Deliverables

- Final Safe Routes to School Toolkit of Programs
- Ten (10) bound copies of the Safe Routes to School Toolkit of Programs
- One (1) PDF copy of the Safe Routes to School Toolkit of Programs

Budget

Project Management	\$ 1,940
1. Summary of Existing Programs	\$ 4,310
2. Develop a Safe Routes to School Toolkit of Programs	\$ 8,020
3. Safe Routes to School Program Implementation Process	\$ 3,960
4. Safe Routes to School Toolkit Outreach	\$ 4,940
5. Final Safe Routes to School Toolkit of Programs	\$ 4,100
Expenses	\$ 250
	<hr/>
	Sub-total
	\$27,520
<i>Optional Item</i>	
Toolkit presentations to City Councils, School Districts	\$ 4,480
<i>(Up to 2 presentations @ \$2,000 each + direct expenses)</i>	
	<hr/>
	(Not to Exceed) Total
	\$32,000

C/CAG AGENDA REPORT

Date: November 18, 2010

To: City/County Association of Governments Board of Directors

From: Richard Napier, C/CAG Executive Director

Subject: Review and Approval of Resolution 10-58, Authorizing the C/CAG Chair to Execute a Two-Year No-Cost Extension to the Agreement with the County of San Mateo to Construct a Sustainable Green Street and Parking Lot Demonstration Project

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

RECOMMENDATION

Review and approval of Resolution 10-58, authorizing the C/CAG chair to execute a two-year no-cost extension to the agreement with the County of San Mateo to construct a Sustainable Green Street and Parking Lot Demonstration Project.

FISCAL IMPACT

None

SOURCE OF FUNDS

This project is funded through vehicle license fee revenue collected under the AB1546/SB348 program. The proposed amendment is a no-cost extension and will not require any additional funding.

BACKGROUND/DISCUSSION

C/CAG previously awarded the County of San Mateo \$250,000 to design and construct a demonstration project under the San Mateo Countywide Water Pollution Prevention Program (Countywide Program)'s Sustainable, Green Streets and Parking Lots Program. The County originally anticipated project completion by December 2010, which was included as the termination date in C/CAG's adopted funding agreement. The demonstration project consists of installing vegetated stormwater treatment measures and permeable hardscapes at the Fitzgerald Marine Reserve main parking lot. The County also received \$200,000 in supplemental funding under the State's Proposition 84 Areas of Special Biological Significance grant program; however, the County was delayed from proceeding on the parking lot project when the State froze all of its bond-funded projects. The Proposition 84 grant was frozen until this summer, at which point the County proceeded with executing a funding agreement with the State Water Resources Control Board. With the C/CAG and Proposition 84 grants in place, the County is

ITEM 5.5

now able to proceed along its originally projected two-year design and construction schedule. The County's August 17, 2010 request for an extension is attached. The proposed no-cost extension would extend the existing funding agreement for two years, until December 31, 2012.

ATTACHMENTS

- Resolution 10-58
- Amendment (No. 1) to Agreement Between C/CAG and County of San Mateo
- August 17, 2010 letter from County of San Mateo

ALTERNATIVES

- 1- Review and approval of Resolution 10-58, authorizing the C/CAG Chair to execute a two-year no-cost extension to the agreement with the County of San Mateo to construct a Sustainable Green Street and Parking Lot Demonstration Project in accordance with the staff recommendation.
- 2- Review and approval of Resolution 10-58, authorizing the C/CAG Chair to execute a two-year no-cost extension to the agreement with the County of San Mateo to construct a Sustainable Green Street and Parking Lot Demonstration Project in accordance with the staff recommendation with modifications.
- 3- No action.

RESOLUTION 10-58

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE C/CAG CHAIR TO EXECUTE A TWO-YEAR NO-COST EXTENSION TO THE AGREEMENT WITH THE COUNTY OF SAN MATEO TO CONSTRUCT A SUSTAINABLE GREEN STREETS AND PARKING LOT DEMONSTRATION PROJECT

WHEREAS, the City/County Association of Governments (C/CAG) manages the Countywide Water Pollution Prevention Program (SMCWPPP), which implemented a Sustainable Green Streets and Parking Lots Program to address vehicle-related pollution impacts from street and parking lot runoff; and,

WHEREAS, the City/County Association of Governments for San Mateo County (hereinafter referred to as C/CAG) approved an agreement with the County of San Mateo (hereinafter referred to as County) on March 12, 2009 for design and construction of a Sustainable Green Street and Parking Lot demonstration project; and,

WHEREAS, the agreement between C/CAG and the County terminates December 31, 2010; and

WHEREAS, the County requires additional time to complete the grant-funded project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the C/CAG Chair be authorized to execute a no-cost amendment to the funding agreement with the County of San Mateo to extend the agreement termination date to December 31, 2012.

APPROVED AND ADOPTED THIS 18TH DAY OF NOVEMBER, 2010.

Thomas M. Kasten., Chair

**AMENDMENT (No. 1) TO THE AGREEMENT BETWEEN THE CITY/COUNTY
ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AND THE COUNTY
OF SAN MATEO**

WHEREAS, the City/County Association of Governments for San Mateo County (C/CAG) manages the Countywide Water Pollution Prevention Program (SMCWPPP), which implemented a Sustainable Green Streets and Parking Lots Program to address vehicle-related pollution impacts from street and parking lot runoff; and,

WHEREAS, C/CAG entered into an agreement with the County of San Mateo (hereinafter referred to as County), effective January 1, 2009, for design and construction of a Sustainable Green Street and Parking Lot demonstration project (the "Original Agreement"); and,

WHEREAS, the Original Agreement terminates December 31, 2010; and

WHEREAS, the County requires additional time to complete the grant-funded project;

IT IS HEREBY AGREED by C/CAG and County that:

1. The Original Agreement is modified to include a Contract Termination date of December 31, 2012 (instead of December 31, 2010).
2. All other provisions of the Original Agreement shall remain in full force and effect; and
3. This amendment to the Original Agreement shall take effect upon signature by both parties.

For C/CAG Chair:

For County of San Mateo:

Thomas M. Kasten, Chair

Signature

By: _____

Date: _____

Date: _____

Approved as to form:

C/CAG Legal Counsel



Department of Parks COUNTY OF SAN MATEO

BOARD OF SUPERVISORS

MARK CHURCH
CAROLE GROOM
RICHARD S. GORDON
ROSE JACOBS GIBSON
ADRIENNE TISSIER

DAVID G. HOLLAND
DIRECTOR

455 COUNTY CENTER, 4th FLOOR • REDWOOD CITY • CALIFORNIA 94063-1663 • PHONE (650) 363-4020 • FAX (650) 599-1721 www.eparks.net

August 17, 2010

Matt Fabry, P.E.
Program Coordinator
San Mateo Countywide Water Pollution Prevention Program
50 Park Place
Brisbane, CA 94005-1310

Dear Mr. Fabry:

On behalf of the County of San Mateo Department of Parks (Department), I would like to request a two-year extension of our San Mateo Countywide Water Pollution Prevention Project (SMCWPPP) grant. The term of the Funding Agreement is from January 1, 2009 to December 31, 2010. We would like to request an extension for a term beginning January 1, 2011 and ending December 31, 2012.

The Department was awarded a \$250,000 grant for the Fitzgerald Marine Reserve Demonstration Parking Lot Project. The Project work scope of planning, designing, permitting and constructing a stormwater pollution prevention design has not changed. The two year timeframe to complete the work is still adequate. Our delay in beginning the project has been caused by delays in securing the awarded matching funds to complete the Project.

Our matching funds will come from the Proposition 84 Area of Special Biological Assistance (ASBS) Grant Program. This program awards grants to projects designed to improve water quality and reduce or eliminate discharges into ASBS's in order to comply with the discharge prohibitions contained in the California Ocean Plan. This \$200,000 grant complements the SMCWPPP program goals of addressing impacts on creeks, streams, bays and/or ocean caused by motor vehicles and the infrastructure causing motor vehicle travel.

This State of California Water Resources Control Board (Water Board) Bond Act grant program was frozen until this summer. San Mateo County is now working to execute the Agreement with the Water Board in October 2010.

I would be glad to answer any questions that you might have about this request to extend the term of the Funding Agreement. I can be contacted at (650) 363-4027 or charris@co.sanmateo.ca.us.

I look forward to getting the project started.

Sincerely,

Cecily Harris
Financial Services manager

Enc:

C/CAG AGENDA REPORT

Date: November 18, 2010
To: C/CAG Board of Directors
From: David F. Carbone, C/CAG Airport Land Use Committee (ALUC) Staff
TEL: 650/363-4417; FAX: 650/363-44849; email: dcarbone@co.sanmateo.ca.us
Subject: Review and Adoption of Resolution No. 10-59 Authorizing the C/CAG Board of Directors to Submit an Application to Caltrans to Receive and Accept State Grant Funds and Certify C/CAG's Share of Matching Funds to Prepare an Update of the Comprehensive Airport Land Use Compatibility Plan (CLUP) for the Environs of Half Moon Bay Airport

RECOMMENDATION

That the C/CAG Board of Directors, in its designated role as the Airport Land Use Commission, adopt the attached resolution (Resolution No. 10-59) to: (1) authorize the submittal of an application to the Caltrans Division of Aeronautics, (2) accept an allocation of grant funds (90%), (3) execute an agreement with Caltrans for an Acquisition & Development grant, and (4) certify the availability of C/CAG's share of matching funds (10%) to prepare an update of the Comprehensive Airport Land Use Compatibility Plan (CLUP) for the environs of Half Moon Bay Airport.

FISCAL IMPACT

Adoption of Resolution No. 10-59 commits the C/CAG Board to provide the 10% (\$15,000) match to a 90% (\$135,000) State grant, in FY 2010-2011, to prepare an update of the Comprehensive Airport Land Use Compatibility Plan (CLUP) for the environs of Half Moon Bay Airport.

BACKGROUND

On June 30, 2010, the California Transportation Commission (Commission) adopted the 2010 Aeronautics Program. That action included a list of airport-related projects that are eligible for grant funding over the next three fiscal years (FY 2010 - 2011, FY 2011 - 2012, and FY 2012 - 2013). The list includes an update of the Comprehensive Airport Land Use Compatibility Plan (CLUP) for the environs of Half Moon Bay Airport for funding eligibility in FY 2010-2011 and an update of the Comprehensive Airport Land Use Compatibility Plan (CLUP) for the environs of San Carlos Airport for funding eligibility in FY 2011-2012. The total cost for each CLUP update is \$150,000.

DISCUSSION

The Caltrans Division of Aeronautics manages the grant process the Aeronautics Program. To receive the state grant funds (project allocation) for the Half Moon Bay Airport CLUP update, the Board must complete the required application form and adopt the attached resolution (per direction from Caltrans staff) and then submit both documents to the Caltrans Division of Aeronautics. The same procedure will be implemented for the San Carlos Airport CLUP update in FY 2011-2012. After the funding for the Half Moon Bay CLUP update has been allocated by the Commission, Caltrans Aeronautics staff will provide further instructions to the C/CAG Board.

ATTACHMENT: C/CAG Board Resolution No. 10-59

ITEM 5.6

ccagagendareportHAFCLUPupdatefundingreso1010.doc

RESOLUTION NO. 10-59

A Resolution of the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG) Authorizing the Submittal of an Application, Acceptance of an Allocation of Funds, Execution of a Grant Agreement with the California Department of Transportation (CALTRANS) for an Acquisition & Development Grant, and Certifying the Availability of C/CAG's Share of Matching Funds to Prepare an Update of the Comprehensive Airport/Land Use Compatibility Plan (CLUP) for the Environs of Half Moon Bay Airport.

WHEREAS, the California Transportation Commission has adopted the 2010 Aeronautics Program for airport improvement projects; and

WHEREAS, the California Department of Transportation, pursuant to the Public Utilities Code and California Aid to Airports Program (CAAP) regulations, requires local government approval authorizing the application and certifying the availability of 10% matching funds, a sum from other than state or federal sources; and

WHEREAS, the C/CAG Board of Directors is submitting an application to Caltrans to prepare an update of the Comprehensive Airport/Land Use Compatibility Plan (CLUP) for the environs of Half Moon Bay Airport, which is included in the 2010 Aeronautics Program:

NOW, THEREFORE BE IT RESOLVED that the C/CAG Board of Directors, in its designated role as the Airport/Land Use Commission for San Mateo County:

1. Authorizes filing the application for the project in the 2010 Aeronautics Program.
2. Authorizes accepting the allocation of grant funds (90%) for the project in the environs of Half Moon Bay Airport.
3. Certifies the availability of C/CAG's ten percent (10%) matching funds.
4. Authorizes execution of the Grant Agreement; and

BE IT FURTHER RESOLVED, that the C/CAG Board of Directors does hereby authorize Richard Napier, C/CAG Executive Director, to sign any documents required to apply for and accept these subject funds on behalf of C/CAG.

PASSED, APPROVED, AND ADOPTED THIS 18TH DAY OF NOVEMBER 2010.

Thomas M. Kasten, C/CAG Board Chairperson

C/CAG AGENDA REPORT

Date: November 18, 2010
To: City/County Association of Governments Board of Directors
From: Richard Napier, Executive Director
Subject: Review and accept the C/CAG State Transportation Improvement Program (STIP) PPM Final Audit Report through January 30, 2010

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

RECOMMENDATION

That the C/CAG Board review and accept the C/CAG State Transportation Improvement Program (STIP) Planning, Programming & Monitoring (PPM) Final Audit Report through January 30, 2010.

FISCAL IMPACT

None

SOURCE OF FUNDS

This audit pertains to the State Transportation Improvement Program (STIP) Planning, Programming & Monitoring (PPM) fund for San Mateo County.

BACKGROUND/DISCUSSION

C/CAG received \$460,000 Planning, Programming & Monitoring (PPM) fund from the State Transportation Improvement Program (STIP) for fiscal year 2009/2010. This fund was fully expended from July 1, 2009 through January 30, 2010. An independent audit was performed on C/CAG for this fund. Final Audit Report was issued on August 19, 2010 (attached). No issues were identified that required correction. The audit did not disclose any deficiencies, or material weaknesses or instances of noncompliance material to the basic financial statements.

ATTACHMENT

C/CAG State Transportation Improvement Program (STIP) Planning, Programming, & Monitoring (PPM) Final Audit Report Through January 30, 2010.

ITEM 5.7

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

**STATE TRANSPORTATION IMPROVEMENT
PROGRAM (STIP)
PLANNING, PROGRAMMING & MONITORING (PPM)
FINAL AUDIT REPORT**

**FROM PROGRAM INCEPTION
THROUGH JANUARY 30, 2010**

CITY/COUNTY ASSOCIATION
OF GOVERNMENTS OF SAN MATEO COUNTY

STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)
PLANNING, PROGRAMMING & MONITORING (PPM)
FROM PROGRAM INCEPTION THROUGH JANUARY 30, 2010

TABLE OF CONTENTS

	<u>Page</u>
Independent Accountants' Report on Compliance with the State Transportation Improvement Program (STIP) Planning.....	1
Final Project Expenditure Report	3
Notes to Final Project Expenditure Report.....	4

ACCOUNTANCY CORPORATION
3478 Buskirk Ave. - Suite 215
Pleasant Hill, California 94523
(925) 930-0902 • FAX (925) 930-0135
maze@mazeassociates.com
www.mazeassociates.com

**INDEPENDENT ACCOUNTANTS' REPORT
ON COMPLIANCE WITH THE STATE TRANSPORTATION
IMPROVEMENT PROGRAM**

To Governing Board of the City/County Association
of Governments of San Mateo County
San Carlos, California

We have examined management's assertion, included in the Final Project Expenditure Report dated March 24, 2010, that the City/County Association of Governments of San Mateo County(C/CAG), complied with the following requirements which are identified in the STIP Planning, Programming & Monitoring Program (PPM) Fund Transfer Agreement (Agreement) for State Funded Projects:

- The reimbursement claims submitted to the State of California Department of Transportation for the project (Project Number PPM10-6419(008)) are supported by payment vouchers and cancelled checks.
- The charges for the various categories of eligible project costs incurred by C/CAG are fully supported and recorded in C/CAG's accounting records in accordance with generally accepted accounting principles.
- PPM funds were used in conformance with Article XIX of the California State Constitution and for PPM purposes as defined in the Fund Transfer Agreement.
- C/CAG complied with CFR 49 Part 18, *Uniform Administrative Requirements for State and Local Governments* and OMB A-87, *Cost Principles for State and Local Governments*.

Such requirements are applicable to its reimbursement claim to the State Transportation Improvement Program (Program), which are identified in the Final Project Expenditure Report dated March 24, 2010, for the period from inception through January 30, 2010. Management of C/CAG is responsible for the assertion. Our responsibility is to express an opinion on the assertion based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence supporting management's assertion about the C/CAG's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

In our opinion, management's assertion referred to above is fairly stated, in all material respects, based on the requirements established by the State of California Department of Transportation.

This report is intended solely for the information and use of the C/CAG and the State of California Department of Transportation and is not intended to be and should not be used by anyone other than these specified parties.

Mare & Associates

August 19, 2010

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY

FINAL PROJECT EXPENDITURE REPORT
PROJECT NUMBER PPM10-6419(008)
FROM PROJECT INCEPTION
THROUGH JANUARY 31, 2010

State Funds Allocated:	<u>\$460,000</u>
Expenditures Incurred:	
A. Payment to Contractor	
B. Other Project Costs:	
a. Preliminary Engineering	\$478,787
b. Construction Engineering	
c. Any Additional Construction	
d. Right of Way (Capital and Support)	
C. Liquidated Damages	
D. Outstanding Contractors Claims	
E. Others (specify)	
Sources and Amounts of Additional Funds Used (Local Fund):	<u>\$18,787</u>
State Funds Allocated But Not Used:	<u>\$0</u>

See Accompanying Notes to Final Project Expenditure Report

**CITY/COUNTY ASSOCIATION
OF GOVERNMENTS OF SAN MATEO COUNTY
STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)
PLANNING, PROGRAMMING & MONITORING (PPM)
PPM10-6419(008)
FINAL AUDIT REPORT
NOTES TO FINAL PROJECT EXPENDITURE REPORT**

NOTE 1 - PROJECT DESCRIPTION

PPM is defined as the project planning, programming and monitoring activities related to development of the Regional Transportation Improvement Program (RTIP) and the STIP as required, and for the monitoring of project implementation for projects approved in the STIP.

Specific activities including but are not limited to:

- a) Reviewed Project Study Reports for STIP funded projects.
- b) Coordinated with Caltrans District 4 and all local jurisdictions to prepare Project Initiation Document (PID) Work Plan. Coordinated with County Transportation Authority to develop countywide priorities for STIP funded projects.
- c) Attended CTC and MTC meetings.
- d) Developed RTIP and its amendments.
- e) Developed engineering documents and performed project management tasks for STIP funded projects.
- f) Conducted outreach prior to final adoption by C/CAG Board of STIP.

C/CAG AGENDA REPORT

Date: November 18, 2010
To: C/CAG Board of Directors
From: Congestion Management and Environmental Quality (CMEQ) Committee
Subject: Review and approval of the call for projects for the 5th Cycle of the Transit Oriented Development Housing Incentive Program

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

RECOMMENDATION

That the Board of Directors review and approve the call for projects for the 5th Cycle of the Transit Oriented Development (TOD) Housing Incentive Program.

FISCAL IMPACT

There is no direct impact to the C/CAG budget. The program will provide up to \$3,000,000 as an incentive to the Cities/County.

SOURCE OF FUNDS

Transportation Enhancement (TE), Federal Congestion Management and Air Quality (CMAQ), and Surface Transportation Program (STP) funds

BACKGROUND/DISCUSSION

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

The 5th Cycle TOD Program being recommended for approval is similar to the previous cycles of the program. An incentive of up to \$2,000 per bedroom will be provided. For developments with a minimum of 10% of the units set aside for low or moderate-income households, an additional incentive of up to \$250 per affordable bedroom will be provided to encourage low or moderate-income housing. Please see the attached program guidelines for a complete description of the program.

ITEM 5.8

RESULTS FROM PREVIOUS CYCLES

	Jurisdictions	Projects	Units (Bedrooms)	Incentive Funds
1 st Cycle Committed	4	5	NA (1282)	
1st Cycle Completed	1	1	NA (402)	\$707,000
2 nd Cycle Committed	5	10	1372 (2407)	
2nd Cycle Completed	3	4	1075 (2006)	\$1,484,000
3 rd Cycle Committed	9	14	1306 (2192)	
3rd Cycle Completed	6	8	828 (1296)	\$1,622,000
4 th Cycle Committed	6	10	1391 (2446)	
4th Cycle Completed*	4	5	803 (1301)	\$1,632,000

* Some of the projects in the 4th cycle are still under construction at this time.

ATTACHMENT

- Program Guidelines for the 5th Cycle Transit Oriented Development (TOD) Housing Incentive Program

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*

Program Guidelines for the 5th Cycle Transit Oriented Development (TOD) Housing Incentive Program

GOAL & OBJECTIVE

The goal of the C/CAG Transit Oriented Development (TOD) Housing Incentive Program is to promote, support, and facilitate high-density residential housing projects near transit services throughout the County in order to improve the coordination between land use and transportation. The C/CAG TOD program provides financial incentives to jurisdictions that build eligible Transit Oriented Development housing projects by rewarding them with funds for transportation projects.

ELIGIBILITY REQUIREMENTS FOR TOD HOUSING INCENTIVE FUNDING

Residential housing projects must meet the following requirements in order to be eligible for funding from the C/CAG Transit Oriented Development (TOD) Housing Incentive Program:

- (1) Transit Oriented Development (TOD) housing projects must be permanent high-density residential housing with a minimum density of 40 units per net acre, located within one-third (1/3) of a mile from a Caltrain or BART station or on a frontage parcel of the El Camino Real/Mission Street in San Mateo County. An incentive of up to \$2,000 per bedroom will be provided. For developments with a minimum of 10% of the units set aside for low or moderate-income households, an additional incentive of up to \$250 per affordable bedroom will be provided to encourage low or moderate-income housing.
- (2) A letter from the City Council/Board of Supervisors of the jurisdiction approving the TOD project application for submittal to the C/CAG TOD Housing Incentive Program.
- (3) TOD housing project must not have received an approved building permit from the jurisdiction at the time of application for C/CAG TOD Housing Incentive Program, except for those TOD housing projects that were approved by the C/CAG Board in a previous cycle but did not meet the 2-year deadline to be under construction as stated in item 4 below.
- (4) After the C/CAG Board makes a financial incentive commitment to the TOD housing project, if requirements (1) through (3) above are met, the housing project must be completed or under construction within two (2) years from the date of C/CAG Board financial commitment. If the 2-year deadline is not met, the C/CAG financial commitment will become invalid. However, jurisdictions can reapply in a future TOD cycle.

Definition of Completion/ Under Construction

A TOD housing project is considered to be under construction if it is in accordance with the following requirements. There are physical units visibly completed or partially completed (under construction). As a minimum the project must have received building permits,

demonstrate that less visible construction has started (such as fencing, grading, utilities, infrastructure etc.) and that both the developer and the jurisdiction are clearly obligated for completion of the project in a timely manner. Jurisdictions must submit the appropriate supporting documentation that the project is under construction and provide documentation on the number of units (including the number of total bedrooms and affordable bedrooms) to be constructed. However, the incentive will not be programmed until the housing construction is completed.

INCENTIVE AMOUNT

C/CAG will make financial commitment to TOD housing projects that meet the eligibility requirements in an amount up to \$2,000 per bedroom in incentive funds. The actual amount of incentive funding per bedroom may be less than \$2,000, depending on the total number of eligible applications. Upon completion of the housing project, jurisdiction must provide a copy of the Certificate of Occupancy to C/CAG. The amount of funding equal to the number of bedrooms completed multiplied by the amount per bedroom committed by the C/CAG Board will be provided to the jurisdiction for transportation improvement projects. Most likely, the transportation funds will come from Federal and/or State transportation funding sources and are restricted for the purpose of street enhancement or bicycle/pedestrian facility improvements, i.e., Congestion Management and Air Quality (CMAQ) or Transportation Enhancement (TE) funds.

REQUIREMENTS FOR APPROVAL OF TRANSPORTATION FUNDING

- (1) After the housing project is completed or under construction, but no later than two years from the date of C/CAG Board's approval of the financial commitment, jurisdiction must identify the transportation project(s), in writing to C/CAG. The transportation project(s) must meet the requirements of the relevant Federal and/or State transportation programs.
- (2) Jurisdiction must cooperate with C/CAG staff and follow all appropriate steps in programming and delivery of the transportation project(s) as required by the relevant Federal and/or State transportation programs. C/CAG will attempt to program the transportation project as soon as practical depending on funding limitations.

TIMELINE

- December 1, 2010 - Call for Projects release
- January 21, 2011 - Applications due
- March 10, 2011 – Project list approval by C/CAG Board of Directors
- March 10, 2013 – Housing project must be under construction and transportation project must be identified in writing.

C/CAG AGENDA REPORT

Date: November 18, 2010

To: City/County Association of Governments Board of Directors

From: Richard Napier, C/CAG Executive Director

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

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

RECOMMENDATION

That the C/CAG Board review the status of C/CAG's Legislative "Support" and "Watch" Lists and receive reports on the 2010 California and San Mateo County election results.

LEGISLATIVE PRIORITY

C/CAG Measure M endorsed by C/CAG was passed while State Proposition 26, opposed by C.CAG also passed.

BACKGROUND/DISCUSSION

Results from the November 2, 2010 will affect state and local public policy for years to come. Jerry Brown was elected Governor, Proposition 22, intended to safeguard funding for local government was adopted, as was Proposition 25, which calls for only a simple majority vote in the State Legislature to pass a budget. On the other hand, Proposition 26, which will require two-thirds approval for adoption of state and local fees was also adopted. The voters rejected Proposition 23, which would have effectively repealed AB 32, the State's greenhouse gas reduction/climate change law. The California Senate and assembly retain Democratic majorities with no change in party totals in the Senate and a one-seat reduction in the Democrats' majority in the Assembly. Locally, C/CAG's own measure M was adopted by the votes in San Mateo County.

ATTACHMENTS

C/CAG “Support” and “Watch” List Status

C/CAG Sacramento Lobbyist’s Monthly Report

Election Results for California and San Mateo County

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

SUPPORT LIST

BILL: SB 346

http://info.sen.ca.gov/cgi-bin/postquery?bill_number=sb_346&sess=CUR&house=B&site=sen

AUTHOR: Kehoe (D)

<http://dist39.casen.govoffice.com/>

SUBJECT: Hazardous materials: motor vehicle brake friction materials.

STATUS:

8/31/2010 Enrolled; CHARTERED into law

Summary: Would require the department to conduct a baseline survey, on or before January 1, 2013, of the concentration levels of nickel, zinc, copper, and antimony in motor vehicle brake friction materials. The bill would require the department, commencing on January 1, 2013, and at least every 3 years thereafter, to monitor the concentration levels of those metals in motor vehicle brake friction materials to ensure that those levels do not increase by more than 50% above the baseline levels established through the baseline survey. The bill would require the department to take specified action if any of those metals increased by more than 50%, and would require the department to prioritize the presence of those constituents in brake friction materials for regulation, as specified. This bill contains other related provisions and other existing laws.

C/CAG POSITION: SUPPORT

BILL: SB 965

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

AUTHOR: DeSaulnier (D)

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

SUBJECT: High-speed rail

STATUS:

8/13/2010 Enrolled; Vetoed by the Governor

SUMMARY:

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

Last Amended on 6/21/ 2010

C/CAG POSITION: SUPPORT

BILL: SB 1333

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

AUTHOR: Yee (D)

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

SUBJECT: Airport Avigation Easements**STATUS:**

8/13/2010 Enrolled; CHAPTERED into law

SUMMARY:

The State Aeronautics Act governs the creation and operation of airports in this state. The act provides for the establishment of county airport land use commissions to carry out various requirements, including the formulation of a comprehensive land use compatibility plan to provide for the orderly growth of the airport and the area surrounding the airport within the jurisdiction of the commission, and to safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The act authorizes any person authorized to

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exercise the power of eminent domain for airport purposes to acquire by purchase, gift, devise, lease, condemnation, or otherwise airspace or an easement in airspace above the surface of property where necessary to permit imposition upon the property of excessive noise, vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value, due to the operation of aircraft to and from the airport. This bill would provide that if a political subdivision, as defined, conditions approval of a noise-sensitive project, as defined, upon the grant of an avigation easement, as defined, to the owner or operator of an airport, the avigation easement shall be required to be granted to the owner or operator of the airport prior to the issuance of the building permit that allows construction or reconstruction of the noise-sensitive project. The bill would require that the avigation easement include a termination clause that operates to terminate the avigation easement if the noise-sensitive project is not built and the permit or any permit extension authorizing construction or reconstruction has expired or has been revoked. The bill would require the political subdivision that issued the permit to notify the owner or operator of the airport of the expiration or revocation of the permit within 30 days of its expiration or revocation. The bill would require the owner or operator of the airport to record a notice of termination with the county recorder of the county where the property is located within 90 days after receipt of the notice from the political subdivision, and to provide the political subdivision with proof of filing of the notice of termination within 30 days of it being recorded. By requiring a political subdivision to provide notice of the expiration or revocation of the permit to the owner or operator of an airport and by requiring the recording of a notice of termination, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

C/CAG POSITION: SUPPORT

BILL: SB 1141

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

AUTHOR: Negrete McLeon (D)

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

SUBJECT: Airports: Land Use Commissions

STATUS:

8/13/2010 Enrolled; Vetoed by the Governor

SUMMARY:

The State Aeronautics Act governs the creation and operation of airports in this state. The act provides for the establishment of county airport land use commissions to carry out various requirements, including the formulation of a comprehensive land use compatibility plan to

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

C/CAG POSITION: SUPPORT

CALIFORNIA PROPOSITION 26

http://ag.ca.gov/cms_attachments/initiatives/pdfs/i891_initiative_09-0093.pdf

and

http://www.lao.ca.gov/ballot/2010/26_11_2010.aspx

Proponent:

Allan Zaremborg

SUBJECT: State and local fees

STATUS:

Passed by the voters on November 2, 2010.

SUMMARY:

Increases legislative vote requirement to two-thirds for state levies and charges, with limited exceptions, and for certain taxes currently subject to majority vote. Changes Constitution to require voters to approve, either by two-thirds or majority, local levies and charges with limited exceptions. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Potentially major decrease in state and local revenues and spending, depending upon future actions of the Legislature, local governing bodies, and local voters.

C/CAG POSITION: OPPOSE

WATCH LIST

BILL: AB 744

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

AUTHOR: Torrico (D)

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

SUBJECT: Transportation: toll lanes: Express Lane Network

STATUS:

APPR. SUSPENSE FILE

8/27/2009

SUMMARY:

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

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including the net revenues remaining after expenses and obligations, including revenue bond obligations, for the express lane program are satisfied. The bill would provide for certain payments by the authority to the Department of Transportation and the Department of the California Highway Patrol relative to their responsibilities with regard to the express lane program, and would continuously appropriate the amount of those payments to those agencies for those purposes. The bill would require the Sunol Smart Carpool Lane Joint Powers Authority, the Alameda County Congestion Management Agency, and the Santa Clara Valley Transportation Authority to enter into agreements with the Bay Area Toll Authority by January 1, 2011, to provide for the transfer of their rights and obligations relative to HOT lane projects to the Bay Area Toll Authority. The bill would enact other related provisions. This bill contains other related provisions and other existing laws.

C/CAG POSITION: WATCH

BILL: AB 2703

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

AUTHOR: Perez (D)

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

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

STATUS:

7/15/2010 To Senate Appropriations

SUMMARY:

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

CCAG POSITION: WATCH

BILL: SB 1061

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

AUTHOR: Hancock (D)

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

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

STATUS:

8/04/2010 ASM APPR.

SUMMARY:

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

C/CAG RECOMMENDATION: WATCH

BILL: SB 1245

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

AUTHOR: Simitian (D)

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

SUBJECT: High-occupancy vehicle lanes.

STATUS:

6//21/2010 – ASM APPR.

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SUMMARY:

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

C/CAG RECOMMENDATION: WATCH

BILL: SB 1299

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

AUTHOR: Lowenthal (D)

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

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

STATUS:

5/27/2010 – SEN APPR. Suspense File

SUMMARY:

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

C/CAGRECOMMENDATION: WATCH

BILL: SB 1320

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

AUTHOR: Hancock (D)

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

SUBJECT:

Transit fare evasion and passenger misconduct: administrative adjudication.

STATUS:

8/02/2010 ASM TRANSPORTATION

SUMMARY:

Existing law provides that it is an infraction, punishable by a fine not to exceed \$250 and by specified community service, to evade the payment of any fare of, or to engage in passenger misconduct on or in a facility or vehicle of a public transportation system. Existing law authorizes the City and County of San Francisco and the Los Angeles County Metropolitan Transportation Authority to adopt and enforce an ordinance to impose and enforce civil administrative penalties for fare evasion or passenger misconduct, other than by minors, on or in a transit facility or vehicle in lieu of the criminal penalties, with specified administrative adjudication procedures for the imposition and enforcement of the administrative penalties. Fare evasion and passenger misconduct violation penalties are deposited in the general fund of the City and County of San Francisco or the County of Los Angeles, as applicable. This bill would authorize the Alameda-Contra Costa Transit District to adopt and enforce a similar administrative adjudication ordinance. Fare evasion and passenger misconduct violation penalties would be deposited in the general fund of the district.

C/CAG RECOMMENDATION: WATCH

BILL: SB 1371

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

AUTHOR: Lowenthal (D)

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

SUBJECT:

Federal transportation economic stimulus funds: 2nd round.

STATUS:

7/28/2010 ASM APPR

SUMMARY:

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

C/CAG RECOMMENDATION: WATCH**BILL: SB 1418**

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

AUTHOR: Wiggins (D)

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

SUBJECT: Transportation: motorist aid services.**STATUS:**

7/02/2010 ASM TRANSPORTATION

SUMMARY:

Existing law authorizes the establishment of a service authority for freeway emergencies in any county if the board of supervisors of the county and the city councils of a majority of the cities within the county adopt resolutions providing for the establishment of the service authority. Existing law authorizes the Metropolitan Transportation Commission to function as the service authority for freeway emergencies in the San Francisco Bay area counties upon adoption of a

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

C/CAG RECOMMENDATION: WATCH

BILL: SCA 5

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

AUTHOR: Hancock (D)

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

SUBJECT: State budget.

STATUS:

7/28/2010 #81 SENATE APPROPRIATIONS

SUMMARY:

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

C/CAG RECOMMENDATION: WATCH

BILL: SCA 9

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

AUTHOR: Ducheny (D)

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

SUBJECT: Finance: state budget: taxes.

STATUS:

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

SUMMARY:

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

C/CAG RECOMMENDATION: WATCH

BILL: SCA 15

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

AUTHOR: Calderon (D)

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

SUBJECT: State budget.

STATUS:

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

SUMMARY:

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

C/CAG RECOMMENDATION: WATCH



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



ADVOCATION

November 3, 2010

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

RE: STATE LEGISLATIVE UPDATE- NOVEMBER

On November 2nd, voters approved Propositions 22 and 26 which both could alter the nature of transportation financing yet again. We are checking with our legal counsel, but the following represents a potential interpretation of the possible ramifications due to the passage of both measures.

Proposition 26, which was approved by 52.9% of statewide voters, requires that all fees be approve a 2/3 vote. In addition, most other fees or charges in existence at the time of the November 2, 2010 election would not be affected unless:

- The state or local government later increases or extends the fees or charges. (In this case, the state or local government would have to comply with the approval requirements of Proposition 26, meaning a two-thirds vote.)
- The fees or charges were created or increased by a state law—passed between January 1, 2010 and November 2, 2010—that conflicts with Proposition 26. This repeal would not take place, however, if two-thirds of each house of the Legislature passed the law again.

Proposition 22, approved by 61% of statewide voters, prohibits the State from borrowing or delaying the distribution of tax revenues that are dedicated for transportation, redevelopment, or local government projects and services.

Impact on Transportation

In March, the legislature approved the “gas tax swap” which had the effect of eliminating the sales tax on gasoline and imposing an increased amount of excise tax revenues. The net effect was to allow the legislature to acquire roughly \$1 billion on an annual basis, without repayment, to pay off bond debt service while maintaining funding for local streets and roads, the State Transportation Improvement Program (STIP), and creating a new dedicated funding source for

the State Highway Operations and Protection Program (SHOPP). This was made possible by eliminating three of out the four funding sources for public transportation (spillover, Proposition 42, and the sales tax on 9 cents of the excise tax) and redirecting the revenue to create the higher excise tax (18 to 35.3 cents).

With the passage of Proposition 26, we have reason to believe that the gas tax swap that would be repealed notwithstanding its reintroduction and approval by a 2/3 vote of the legislature. In fact, the text of Proposition 26 specifically calls out the gas tax swap as an example of a tax that was passed as a fee, despite the fact that the taxpayer is not paying more at the pump. The text of Proposition 26 reads as follows:

“In the spring of 2010, the state increased fuel taxes paid by gasoline suppliers, but eliminated other fuel taxes paid (sales tax) by gasoline retailers. Overall, these changes do not raise more state tax revenues, but they give the state greater spending flexibility over their use. The net result of the gas tax swap also provided additional funding for the State Transportation Improvement Program (STIP), State Highway Operation and Protection Program (SHOPP), and cities and counties for local streets and roads, as well as an increase in allocated revenue for public transportation from historical averages.

Using this flexibility, the state shifted about \$1 billion of annual transportation bond costs from the state’s General Fund to its fuel tax funds. (The General Fund is the state’s main funding source for schools, universities, prisons, health, and social services programs.) The swap decreases the potential amount of money available for public transportation programs, but helps the state balance its General Fund budget.

Since the Legislature approved this tax change with a majority vote in each house, this law would be repealed in November 2011—unless the Legislature approved the tax again with a two-thirds vote in each house.”

We are in the process of verifying with our legal counsel but if our assertion is correct, the invalidation of the gas tax swap would restore the spillover, Proposition 42, and sales tax on the 9 cents of the excise tax (Proposition 111). These sources, in addition to excise tax revenue and sales tax on diesel, would receive constitutional protection with the passage of Proposition 22 and forbid the legislature from diverting the revenue to pay for General Fund purposes, essentially placing a \$1 billion hole in the state budget. The legislature is not precluded however from eliminating or imposing taxes.

Recap of the Gas Tax Swap

Impact on Transportation

In March, the legislature adopted the “gas tax swap” which eliminated the sales tax on gasoline (Proposition 42) and replace it with a 17.3 cent increase in excise tax revenue. This new increment provided an additional \$650 million to what the sales tax generated and was to be split 44/44/12 between the State Transportation Improvement Program (STIP), and cities and counties, and State Highway Operation and Protection Program (SHOPP), respectively. The 2010-11 Budget Act borrows this amount and proposes to repay it in 2013. This funding is available on a one-time only basis, as specified in ABx8 9, Chapter 12, Statutes of 2010, of the recently enacted excise gas tax swap legislation.

Impact on Transit

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

Governor - Statewide Results

100.0% (24,845 of 24,845) precincts partially
or fully reporting as of November 3, 2010, 6:14 p.m.

Visit our [County Reporting Status](#) page to determine if a county has submitted a final election night report.


County: -- Select --

Other Links

Map

Candidate	Votes	Percent
Jerry Brown (Dem)	4,021,264	53.6%
Meg Whitman (Rep)	3,102,646	41.4%
Chelene Nightingale (Al)	119,496	1.6%
Laura Wells (Grn)	91,385	1.2%
Dale F. Ogden (Lib)	110,076	1.4%
Carlos Alvarez (P&F)	65,795	0.8%

Other Links

- [Statewide Contests](#)
- [District Contests](#)
- [State Ballot Measures](#)
- [Maps](#)
- [Close Contests](#)
- [County Reporting Status](#)
- [Unprocessed Ballots Status](#)
- [Check Status of Your Ballot](#) 
- [Certified List of Candidates](#)

State Ballot Measures - Statewide Results

100.0% (24,845 of 24,845) precincts partially or fully reporting as of November 3, 2010, 6:14 p.m.

Visit our [County Reporting Status](#) page to determine if a county has submitted a final election night report.

County: -- Select --

Other Links

Maps

Proposition Title	Yes Votes	%	No Votes	%
No 19 Legalize Marijuana in CA, Regulate and Tax	3,424,145	46.1%	3,994,442	53.9%
Yes 20 Redistricting of Congressional Districts	4,285,446	61.2%	2,721,024	38.8%
No 21 State Park Funding, Vehicle License Surcharge.	3,059,181	41.8%	4,244,080	58.2%
Yes 22 Prohibit State From Taking Some Local Funds	4,307,601	61.0%	2,760,743	39.0%
No 23 Suspend Air Pollution Control Law (AB 32)	2,818,769	38.9%	4,419,219	61.1%
No 24 Repeal Allowance of Lower Business Tax Liability	2,922,025	41.5%	4,118,311	58.5%
Yes 25 Simple Majority Vote to Pass Budget	3,897,709	54.8%	3,225,947	45.2%
Yes 26 2/3 Vote for Some State/Local Fees	3,707,806	52.9%	3,309,324	47.1%
No 27 Eliminate State Redistricting Commission	2,794,202	40.5%	4,088,122	59.5%

Related Links - Voter Information Guide

- [Quick Reference Guide](#) ↗
- [Proposition 19](#) ↗
- [Proposition 20](#) ↗
- [Proposition 21](#) ↗
- [Proposition 22](#) ↗
- [Proposition 23](#) ↗
- [Proposition 24](#) ↗
- [Proposition 25](#) ↗
- [Proposition 26](#) ↗
- [Proposition 27](#) ↗

Other Links

- [Statewide Contests](#)
- [District Contests](#)
- [State Ballot Measures](#)
- [Maps](#)
- [Close Contests](#)
- [County Reporting Status](#)
- [Unprocessed Ballots Status](#)
- [Check Status of Your Ballot](#) ↗
- [Certified List of Candidates](#)

California State Senate elections, 2010

From Ballotpedia

Elections for the office of California State Senator will be held in California on November 2, 2010. State senate seats in the even numbered districts will be on the ballot in 2010. There was also a special election for district 37 on June 8, 2010.

The signature-filing deadline for candidates wishing to run in these elections was February 25, 2010, and the primary election day was June 8, 2010.

In California, senators serve four-year terms with a two term limit. The Senators representing the odd-numbered districts are elected in years evenly divisible by four. The senators from the even-numbered districts are elected in the intervening even-numbered years.

The incumbent senator is running for re-election for 10 of the 20 state senate seats that are up for election in 2010. (50% of races) In 8 of the remaining 10 seats the incumbent is ineligible to run because of term limits.

See also: State senate elections and California State Assembly elections

November 2 General Election Results

California State Senate		
Party	As of November 1, 2010	After the 2010 Election
Democratic Party	24	24
Republican Party	14	14
Vacancy	2	2
Total	40	40

Term limits

See also: State legislatures with term limits

The California State Senate has been a term-limited state senate since California voters approved Proposition 140 in 1990. Under the terms of Proposition 140, California's senators can serve no more



California State Senate elections, 2010

Majority control • Campaign contributions

Qualifications • Competitiveness analysis

★ State Legislative Election Results ★

List of candidates

District 2 • District 4 • District 6 • District 8 • District 10 • District 12 • District 14 • District 16 • District 18 • District 20 • District 22 • District 24 • District 26 • District 28 • District 30 • District 32 • District 34 • District 36 • District 37 • District 38 • District 40

California State Senate

California State Assembly elections, 2010

From Ballotpedia


Elections for the office of California State Representative will be held in California on November 2, 2010. State assembly seats in all districts will be on the ballot in 2010.

The signature-filing deadline for candidates wishing to run in these elections was February 25, 2010, and the primary election day was June 8, 2010.

Members of the California State Assembly serve two-year terms with a three term limit.

The incumbent is running for re-election in 52 of the 80 races in 2010. (65% of races)

See also: State house elections, 2010 and California State Senate elections



California State House elections,
2010

Majority control • Campaign contributions

Qualifications • Competitiveness analysis

★ State Legislative Election Results ★

List of candidates

District 1 • District 2 • District 3 • District 4 • District 5 • District 6 • District 7 • District 8 • District 9 • District 10 • District 11 • District 12 • District 13 • District 14 • District 15 • District 16 • District 17 • District 18 • District 19 • District 20 • District 21 • District 22 • District 23 • District 24 • District 25 • District 26 • District 27 • District 28 • District 29 • District 30 • District 31 • District 32 • District 33 • District 34 • District 35 • District 36 • District 37 • District 38 • District 39 • District 40 • District 41 • District 42 • District 43 • District 44 • District 45 • District 46 • District 47 • District 48 • District 49 • District 50 • District 51 • District 52 • District 53 • District 54 • District 55 • District 56 • District 57 • District 58 • District 59 • District 60 • District 61 • District 62 • District 63 • District 64 • District 65 • District 66 • District 67 • District 68 • District 69 • District 70 • District 71 • District 72 • District 73 • District 74 • District 75 • District 76 • District 77 • District 78 • District 79 •

November 2 General Election Results

California State Assembly		
Party	As of November 1, 2010	After the 2010 Election
Democratic Party	50	51
Republican Party	27	29
Independent	1	-
Vacancy	2	-
Total	80	80

Majority control

See also: Partisan composition of state houses

Heading into the November 2 election, Democrats are the majority party in the California State Assembly:

Party	As of October 2010
Democratic	

November 2, 2010 Gubernatorial General Election
Warren Slocum, Chief Elections Officer, County of San Mateo

Semi-Official Results, November 2, 2010
Final Election Night Report

<i>Total Registration and Turnout</i>			
Complete Precincts:	457	of	457
Total Registered Voters	346,516		
Precinct Registration	346,516		
Precinct Ballots Cast	83,411	24.07%	
Early Voting Ballots Cast	1,670	0.48%	
Vote By Mail Ballots Cast	79,246	22.87%	
Total Ballots Cast	164,327	47.42%	

<i>GOVERNOR</i>			
Complete Precincts:	457	of	457
JERRY BROWN (DEM)	105,474	65.15%	
MEG WHITMAN (REP)	51,440	31.77%	
LAURA WELLS (GRN)	1,728	1.07%	
DALE F. OGDEN (LIB)	1,405	0.87%	
CHELENE NIGHTINGALE (AIP)	1,049	0.65%	
CARLOS ALVAREZ (PF)	808	0.50%	

<i>LIEUTENANT GOVERNOR</i>			
Complete Precincts:	457	of	457
GAVIN NEWSOM (DEM)	101,572	63.86%	
ABEL MALDONADO (REP)	47,356	29.77%	
PAMELA J. BROWN (LIB)	5,374	3.38%	
JAMES "JIMI" CASTILLO (GRN)	2,048	1.29%	
JIM KING (AIP)	1,639	1.03%	
C.T. WEBER (PF)	1,071	0.67%	

<i>SECRETARY OF STATE</i>			
Complete Precincts:	457	of	457
DEBRA BOWEN (DEM)	99,865	64.87%	
DAMON DUNN (REP)	42,842	27.83%	
ANN MENASCHE (GRN)	4,080	2.65%	
CHRISTINA TOBIN (LIB)	3,325	2.16%	
MARYLOU CABRAL (PF)	1,998	1.30%	
MERTON D. SHORT (AIP)	1,835	1.19%	

<i>CONTROLLER</i>			
Complete Precincts:	457	of	457
JOHN CHIANG (DEM)	100,984	65.69%	
TONY STRICKLAND (REP)	41,093	26.73%	
ANDREW "ANDY" FAVOR (LIB)	3,883	2.53%	
ROSS D. FRANKEL (GRN)	3,475	2.26%	
KAREN MARTINEZ (PF)	2,528	1.64%	
LAWRENCE G. BELIZ (AIP)	1,765	1.15%	

<i>TREASURER</i>			
Complete Precincts:	457	of	457
BILL LOCKYER (DEM)	104,926	67.84%	
MIMI WALTERS (REP)	40,041	25.89%	
CHARLES "KIT" CRITTENDEN (GRN)	3,486	2.25%	
EDWARD M. TEYSSIER (LIB)	2,919	1.89%	
DEBRA L. REIGER (PF)	1,737	1.12%	
ROBERT LAUTEN (AIP)	1,556	1.01%	

<i>ATTORNEY GENERAL</i>			
Complete Precincts:	457	of	457
KAMALA D. HARRIS (DEM)	87,790	56.68%	
STEVE COOLEY (REP)	55,409	35.77%	
PETER ALLEN (GRN)	4,230	2.73%	
TIMOTHY J. HANNAN (LIB)	3,508	2.26%	
ROBERT J. EVANS (PF)	2,026	1.31%	
DIANE BEALL TEMPLIN (AIP)	1,925	1.24%	

<i>INSURANCE COMMISSIONER</i>			
Complete Precincts:	457	of	457
DAVE JONES (DEM)	91,067	60.42%	
MIKE VILLINES (REP)	45,416	30.13%	
RICHARD S. BRONSTEIN (LIB)	5,063	3.36%	
DINA JOSEPHINE PADILLA (PF)	3,740	2.48%	
WILLIAM BALDERSTON (GRN)	3,598	2.39%	
CLAY PEDERSEN (AIP)	1,832	1.22%	

<i>MEMBER, STATE BOARD OF EQUALIZATION, DISTRICT 1</i>			
Complete Precincts:	457	of	457
BETTY T. YEE (DEM)	94,067	63.86%	
KEVIN R. SCOTT (REP)	45,983	31.22%	
KENNITA WATSON (LIB)	3,771	2.56%	
SHERILL BORG (PF)	3,478	2.36%	

<i>U.S. SENATOR</i>			
Complete Precincts:	457	of	457
BARBARA BOXER (DEM)	105,726	65.81%	
CARLY FIORINA (REP)	48,992	30.50%	
GAIL K. LIGHTFOOT (LIB)	1,891	1.18%	
DUANE ROBERTS (GRN)	1,585	0.99%	
EDWARD C. NOONAN (AIP)	1,396	0.87%	
MARSHA FEINLAND (PF)	1,053	0.66%	

<i>12TH CONGRESSIONAL DISTRICT</i>			
Complete Precincts:	315	of	315
JACKIE SPEIER (DEM)	83,008	73.64%	
MIKE MOLONEY (REP)	27,238	24.17%	
MARK PAUL WILLIAMS (LIB)	2,469	2.19%	

<i>14TH CONGRESSIONAL DISTRICT</i>			
Complete Precincts:	142	of	142
ANNA G. ESHOO (DEM)	32,304	70.85%	
DAVE CHAPMAN (REP)	12,030	26.39%	
PAUL LAZAGA (LIB)	1,259	2.76%	

<i>8TH SENATE DISTRICT</i>			
Complete Precincts:	323	of	323
LELAND YEE (DEM)	80,300	74.69%	
DOO SUP PARK (REP)	27,206	25.31%	

<i>12TH ASSEMBLY DISTRICT</i>			
Complete Precincts:	29	of	29
FIONA MA (DEM)	7,230	78.71%	
ALFONSO FAUSTINO, JR. (REP)	1,956	21.29%	

<i>19TH ASSEMBLY DISTRICT</i>			
Complete Precincts:	286	of	286
JERRY HILL (DEM)	66,887	70.25%	
ALBERTO WAISMAN (REP)	25,618	26.91%	
GARY TUTIN (LIB)	2,703	2.84%	

21ST ASSEMBLY DISTRICT

Complete Precincts: 142 of 142

RICH GORDON (DEM)	30,086	62.80%
GREG CONLON (REP)	15,955	33.30%
RAY M. BELL, JR. (LIB)	1,865	3.89%

SUPREME COURT CHIEF JUSTICE (TANI G. CANTIL-SAKAUYE)

Complete Precincts: 457 of 457

YES	84,029	75.04%
NO	27,943	24.96%

SUPREME COURT ASSOCIATE JUSTICE SEAT 4 (MING W. CHIN)

Complete Precincts: 457 of 457

YES	80,768	73.60%
NO	28,978	26.40%

SUPREME COURT ASSOCIATE JUSTICE SEAT 5 (CARLOS R. MORENO)

Complete Precincts: 457 of 457

YES	83,221	76.78%
NO	25,173	23.22%

COURT OF APPEALS - ASSOCIATE JUSTICE - DIST 1 DIVISION 1 SEAT 1 (KATHLEEN M. BANKE)

Complete Precincts: 457 of 457

YES	83,808	79.61%
NO	21,466	20.39%

COURT OF APPEALS - ASSOCIATE JUSTICE - DIST 1 DIVISION 1 SEAT 2 (ROBERT L. DONDERO)

Complete Precincts: 457 of 457

YES	80,426	77.58%
NO	23,236	22.42%

COURT OF APPEALS - ASSOCIATE JUSTICE - DIST 1 DIVISION 2 SEAT 2 (JAMES R. LAMBDEN)

Complete Precincts: 457 of 457

YES	79,707	77.49%
NO	23,153	22.51%

COURT OF APPEALS - ASSOCIATE JUSTICE - DIST 1 DIVISION 3 SEAT 1 (MARTIN J. JENKINS)

Complete Precincts: 457 of 457

YES	81,699	79.16%
NO	21,506	20.84%

COURT OF APPEALS - ASSOCIATE JUSTICE - DIST 1 DIVISION 3 SEAT 3 (PETER J. SIGGINS)

Complete Precincts: 457 of 457

YES	78,937	76.60%
NO	24,113	23.40%

COURT OF APPEALS - ASSOCIATE JUSTICE - DIST 1 DIVISION 4 SEAT 1 (TIMOTHY A. REARDON)

Complete Precincts: 457 of 457

YES	83,181	80.51%
NO	20,139	19.49%

COURT OF APPEALS - ASSOCIATE JUSTICE - DIST 1 DIVISION 5 SEAT 2 (TERENCE L. BRUINIERS)

Complete Precincts: 457 of 457

YES	78,959	77.59%
NO	22,807	22.41%

COURT OF APPEALS - ASSOCIATE JUSTICE - DIST 1 DIVISION 5 SEAT 3 (HENRY E. NEEDHAM, JR)

Complete Precincts: 457 of 457

YES	79,271	78.04%
NO	22,307	21.96%

SUPERINTENDENT OF PUBLIC INSTRUCTION

Complete Precincts: 457 of 457

TOM TORLAKSON	80,710	65.40%
LARRY ACEVES	42,695	34.60%

CABRILLO UNIFIED SCHOOL DISTRICT MEMBERS, GOVERNING BOARD

Number To Vote For: 3

Complete Precincts: 29 of 29

KIRK RIEMER	3,549	24.95%
FREYA MCCAMANT	3,206	22.54%
ROB PAPPALARDO	3,088	21.71%
CHARMION M. DONEGAN	2,545	17.89%
CHARLES JONES	1,838	12.92%

November 2, 2010 Gubernatorial General Election
Warren Slocum, Chief Elections Officer, County of San Mateo

Semi-Official Results, November 2, 2010
Final Election Night Report

BRISBANE SCHOOL DISTRICT MEMBERS, GOVERNING BOARD

Number To Vote For: 3
 Complete Precincts: 8 of 8

KEN WALKER	945	24.62%
LEO TINGIN	784	20.43%
THOMAS P. LEDDA	751	19.57%
DAWN CUTLER	713	18.58%
JOSEPH M. BLANK	645	16.81%

LAS LOMITAS ELEMENTARY SCHOOL DISTRICT MEMBERS, GOVERNING BOARD

Number To Vote For: 3
 Complete Precincts: 14 of 14

ANN C. JAQUITH	2,055	29.84%
JAY SIEGEL	1,742	25.29%
RICHARD GINN	1,586	23.03%
MARK REINSTRA	1,504	21.84%

MENLO PARK CITY ELEMENTARY SCHOOL DISTRICT MEMBERS, GOVERNING BOARD

Number To Vote For: 3
 Complete Precincts: 21 of 21

LAURA LINKLETTER RICH	4,405	31.40%
TERRY THYGESEN	3,714	26.47%
JOAN LAMBERT	3,662	26.10%
ANA C URIBE-RUIZ	2,248	16.02%

PACIFICA SCHOOL DISTRICT MEMBERS, GOVERNING BOARD

Number To Vote For: 3
 Complete Precincts: 29 of 29

MIKE O'NEILL	5,492	27.62%
RICHARD B. FAUST	5,389	27.10%
JOAN WEIDEMAN	5,376	27.04%
KALIMAH SALAHUDDIN	3,628	18.24%

MEMBER, BOARD OF SUPERVISORS, 3RD DISTRICT

Complete Precincts: 457 of 457

DON HORSLEY	73,234	56.50%
APRIL VARGAS	56,391	43.50%

TREASURER-TAX COLLECTOR

Complete Precincts: 457 of 457

SANDIE ARNOTT	63,293	51.01%
DAVE MANDELKERN	60,793	48.99%

TOWN OF ATHERTON MEMBERS, TOWN COUNCIL

Number To Vote For: 3
 Complete Precincts: 6 of 6

BILL WIDMER	1,687	32.05%
JERRY CARLSON	1,467	27.87%
JIM DOBBIE	1,253	23.81%
CARY E. WIEST	856	16.26%

TOWN OF COLMA MEMBERS, TOWN COUNCIL

Number To Vote For: 2
 Complete Precincts: 1 of 1

HELEN FISICARO	168	51.53%
JOANNE F. DEL ROSARIO	158	48.47%

TOWN OF COLMA TOWN TREASURER

Complete Precincts: 1 of 1

LAURA WALSH	182	100.00%
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CITY OF DALY CITY MEMBERS, CITY COUNCIL

Number To Vote For: 3
 Complete Precincts: 36 of 36

MICHAEL P. GUINGONA	8,151	27.14%
CAROL L. KLATT	7,433	24.75%
MAGGIE GOMEZ	6,933	23.09%
RICHARD R. BRUGGER	4,064	13.53%
DORIE PANIZA	3,450	11.49%

CITY OF EAST PALO ALTO MEMBERS, CITY COUNCIL

Number To Vote For: 2
 Complete Precincts: 8 of 8

RUBEN ABRICA	1,334	39.35%
DAVID E. WOODS	1,225	36.14%
DOUGLAS FORT	831	24.51%

CITY OF MENLO PARK MEMBERS, CITY COUNCIL

Number To Vote For: 3
 Complete Precincts: 21 of 21

PETER OHTAKI	4,328	21.93%
KIRSTEN KEITH	4,042	20.48%
RICHARD A. CLINE	3,747	18.99%
HEYWARD ROBINSON	3,485	17.66%
CHUCK BERNSTEIN	2,744	13.90%
RUSSELL PETERSON	1,390	7.04%

CITY OF PACIFICA MEMBERS, CITY COUNCIL

Number To Vote For: 3
 Complete Precincts: 29 of 29

LEN STONE	4,137	16.33%
SUE DIGRE	3,792	14.96%
JIM VREELAND	3,731	14.72%
WILLIAM "LEO" LEON	3,280	12.94%
SUSAN VELLONE	3,180	12.55%
BARBARA ARIETTA	2,426	9.57%
THOMAS H. CLIFFORD	2,062	8.14%
HEATHER TANNER	1,724	6.80%
KARL F. DAVIDSON	1,009	3.98%

NORTH COAST COUNTY WATER DISTRICT MEMBERS, BOARD OF DIRECTORS

Number To Vote For: 3
 Complete Precincts: 31 of 31

THOMAS J. PICCOLOTTI	5,319	25.05%
BOB VETTER	4,623	21.77%
RON P. ASH	4,412	20.78%
ANNE DE JARNATT	3,681	17.33%
LINDA CORWIN	3,200	15.07%

SAN MATEO COUNTY HARBOR DISTRICT, MEMBERS, BOARD OF COMMISSIONERS

Number To Vote For: 2
 Complete Precincts: 457 of 457

ROBERT BERNARDO	60,225	33.26%
JAMES J. TUCKER	54,218	29.94%
SABRINA BRENNAN	45,933	25.36%
WILLIAM T. KLEAR	20,716	11.44%

November 2, 2010 Gubernatorial General Election
Warren Slocum, Chief Elections Officer, County of San Mateo

Semi-Official Results, November 2, 2010
Final Election Night Report

SEQUOIA HEALTHCARE DISTRICT MEMBERS, BOARD OF DIRECTORS

Number To Vote For: 3
 Complete Precincts: 176 of 176

JERRY SHEFREN	19,815	19.79%
JOHN J. "JACK" HICKEY	18,932	18.91%
ARTHUR J. FARO	17,588	17.57%
RUTH WEST-GORRIN	17,205	17.18%
ALPIO BARBARA	12,040	12.03%
MICHAEL G. STOGNER	7,547	7.54%
FREDERICK A. GRAHAM	6,995	6.99%

PROPOSITION 19 - LEGALIZE MARIJUANA IN CA, REGULATE AND TAX (50%+1)

Complete Precincts: 457 of 457

YES	82,230	51.66%
NO	76,957	48.34%

PROPOSITION 20 - REDISTRICTING OF CONGRESSIONAL DISTRICTS (50%+1)

Complete Precincts: 457 of 457

YES	88,718	59.40%
NO	60,630	40.60%

PROPOSITION 21 - STATE PARK FUNDING. VEHICLE LICENSE SURCHARGE. (50%+1)

Complete Precincts: 457 of 457

YES	82,478	52.43%
NO	74,821	47.57%

PROPOSITION 22 - PROHIBIT STATE FROM TAKING SOME LOCAL FUNDS (50%+1)

Complete Precincts: 457 of 457

YES	82,126	54.83%
NO	67,644	45.17%

PROPOSITION 23 - SUSPEND AIR POLLUTION CONTROL LAW (AB 32) (50%+1)

Complete Precincts: 457 of 457

YES	42,823	27.59%
NO	112,382	72.41%

PROPOSITION 24 - REPEAL ALLOWANCE OF LOWER BUSINESS TAX LIABILITY (50%+1)

Complete Precincts: 457 of 457

YES	72,305	48.40%
NO	77,080	51.60%

PROPOSITION 25 - SIMPLE MAJORITY VOTE TO PASS BUDGET (50%+1)

Complete Precincts: 457 of 457

YES	99,978	65.36%
NO	52,977	34.64%

PROPOSITION 26 - 2/3 VOTE FOR SOME STATE/LOCAL FEES (50%+1)

Complete Precincts: 457 of 457

YES	62,942	42.02%
NO	86,845	57.98%

PROPOSITION 27 - ELIMINATE STATE REDISTRICTING COMMISSION (50%+1)

Complete Precincts: 457 of 457

YES	62,331	42.68%
NO	83,708	57.32%

SOUTH SAN FRANCISCO UNIFIED SCHOOL DISTRICT MEASURE J FACILITY IMPROVEMENTS BOND (55%)

Complete Precincts: 37 of 37

BONDS YES	10,061	77.11%
BONDS NO	2,986	22.89%

JEFFERSON UNION HIGH SCHOOL DISTRICT MEASURE P PARCEL TAX FOR ACADEMICS (2/3)

Complete Precincts: 73 of 73

YES	15,364	65.69%
NO	8,023	34.31%

SAN MATEO UNION HIGH SCHOOL DISTRICT MEASURE O FACILITY IMPROVEMENTS BOND (55%)

Complete Precincts: 162 of 162

BONDS YES	31,658	61.05%
BONDS NO	20,199	38.95%

BELMONT-REDWOOD SHORES ELEM SCHOOL DISTRICT MEASURE I FACILITY IMPROVEMENTS BOND (55%)

Complete Precincts: 38 of 38

BONDS YES	6,887	65.21%
BONDS NO	3,675	34.79%

BELMONT-REDWOOD SHORES ELEM SCHOOL DISTRICT MEASURE N FACILITY IMPROVEMENTS BOND (55%)

Complete Precincts: 33 of 33

BONDS YES	4,882	63.20%
BONDS NO	2,843	36.80%

CITY/COUNTY ASSOCIATION OF GOVERNMENTS MEASURE M VEHICLE LICENSE FEE FOR LOCAL PROJECTS (50%+1)

Complete Precincts: 457 of 457

YES	81,022	54.77%
NO	66,898	45.23%

COUNTY OF SAN MATEO MEASURE U - CONDUCT SPECIAL ELECTIONS FOR BD OF SUPERVISORS BY MAIL (50%+1)

Complete Precincts: 457 of 457

YES	85,671	65.73%
NO	44,659	34.27%

TOWN OF COLMA MEASURE Q - APPOINT CITY TREASURER (50%+1)

Complete Precincts: 1 of 1

YES	123	52.12%
NO	113	47.88%

CITY OF HALF MOON BAY MEASURE K - SALES TAX FOR CITY SERVICES (50%+1)

Complete Precincts: 8 of 8

YES	1,560	47.10%
NO	1,752	52.90%

CITY OF HALF MOON BAY MEASURE S - CITY ELECTIONS-CONSOLIDATE TIMING (50%+1)

Complete Precincts: 8 of 8

YES	2,655	83.12%
NO	539	16.88%

<i>CITY OF MENLO PARK MEASURE L - LIMIT RETIREMENT BENEFITS (50%+1)</i>			
Complete Precincts:	21	of	21
YES	5,899	72.19%	
NO	2,272	27.81%	
<i>CITY OF MENLO PARK MEASURE T - MENLO GATEWAY PROJECT (50%+1)</i>			
Complete Precincts:	21	of	21
YES	5,479	65.55%	
NO	2,880	34.45%	
<i>CITY OF PACIFICA MEASURE R - HOTEL TAX INCREASE (50%+1)</i>			
Complete Precincts:	29	of	29
YES	5,788	59.13%	
NO	4,001	40.87%	
<i>CITY OF PACIFICA MEASURE V - TERM LIMITS FOR CITY COUNCIL (50%+1)</i>			
Complete Precincts:	29	of	29
YES	4,962	51.38%	
NO	4,695	48.62%	

C/CAG AGENDA REPORT

Date: November 18, 2010
TO: C/CAG Board of Directors
From: Richard Napier, Executive Director - C/CAG
Subject: Review and approval of the 2011 C/CAG Board calendar.

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

Recommendation:

Review and approve the 2011 schedule for the monthly Board meetings.

Fiscal Impact:

None.

Background/Discussion:

The following schedule for the 2011 Board meetings is proposed:

January 13	July - No meeting.
February 10	August 11
March 10	September 8
April 14	October 13
May 12	November 10
June 9	December 8

ITEM 6.2

C/CAG AGENDA REPORT

Date: November 18, 2010
To: C/CAG Board of Directors
From: Richard Napier, Executive Director
Subject: Review and approval of appointments to the C/CAG Bicycle and Pedestrian Advisory Committee (BPAC) for two-year terms.

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

RECOMMENDATION

That the C/CAG Board review and approve appointments to the C/CAG Bicycle and Pedestrian Advisory Committee (BPAC) for two-year terms.

FISCAL IMPACT

There will be no fiscal impact.

SOURCE OF FUNDS

Not applicable

BACKGROUND/DISCUSSION

Staff issued a Call for Applicants for the four vacant public seats on the BPAC and broadcasted the announcement via the BPAC email distribution list as well as the C/CAG website. It was also announced through the Silicon Valley Bicycle Coalition website. Staff received seven applications for the vacant seats. The appointments to the four vacant seats will be for two-year terms.

At the November 9, 2006 C/CAG Board meeting, the Board concluded that it was necessary to bring forward all of the applicants for vacant seats on the BPAC. Each of the applicants have been invited to come before the Board and will have two minutes to speak as to why they would make a good appointment and then answer any questions that the Board may have. The BPAC has a membership policy that states that no more than two members, either elected or public, should reside in the same jurisdiction.

Two BPAC members, Cory Roay and Joel Slavitt, have reapplied. Cory Roay and Joel Slavitt both have had excellent attendance records throughout their prior terms.

ITEM 6.3

Attached please find the membership application and the seven applications that were received.

<u>Applicant</u>	<u>City of Residence</u>
• Margaret Pye	San Carlos
• Cory Roay	Belmont
• Tony Panero	San Carlos
• Cathleen Baker	San Mateo
• Judi Mosqueda	Millbrae
• Joel Slavit	San Carlos
• David Alfano	Menlo Park

As a result of the membership policy only one of the above applicants from San Carlos may be appointed to the BPAC.

ATTACHMENTS

- Bicycle and Pedestrian Advisory Committee Membership Application
- Seven BPAC membership applications received
- Bicycle and Pedestrian Advisory Committee Membership Roster 2010

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*

Bicycle and Pedestrian Advisory Committee Public Membership Application

Please give brief answers to the following questions to be considered for appointment to the City/County Association of Governments (C/CAG) of San Mateo County Bicycle and Pedestrian Advisory Committee (BPAC).

FOR INCUMBENTS:

1. Why do you want to be reappointed to the BPAC?
2. Do you have any suggestions for making the BPAC more effective?
3. How long have you served on the BPAC?

FOR NEW MEMBERS:

1. What expertise/experience do you have pertaining to serving on this committee?
2. Why do you want to serve on this committee?
3. What special strengths would you bring to the committee?
4. What is the role of the countywide Bicycle and Pedestrian Advisory Committee?
5. Have you ever attended a meeting of this committee? If so, when?

FOR ALL APPLICANTS:

- A. The C/CAG BPAC meets on the fourth Thursday of the month from 7:00 – 9:00 p.m., do you have other commitments that will keep you from attending meetings?
- B. Are you a member of any other committees/organizations?
- C. Please mention the city in which you reside.

Applications will be reviewed and presented to the C/CAG Board for appointment to the BPAC. Please email, fax, or mail your application to Tom Madalena.

tmadalena@co.sanmateo.ca.us

650-361-8227 fax

555 County Center
5th Floor
Redwood City , CA 94063

From: "Margaret Pye" <pyem@sonic.net>
To: <tmadalena@co.sanmateo.ca.us>
Date: 10/13/2010 8:12 PM
Subject: Application C/CAG BPAC-- Margaret Pye

- > Hello, Mr. Madalena,
- > Please consider my application for appointment to the C/CAG BPAC.
- > Thank you very much!
- >
- > 1) What expertise/experience do you have pertaining to serving on
- > this committee?
- > My husband and I have been "non-motor-vehicle-owners" for
- > approximately five years. As such, I have extensive experience
- > traveling around San Mateo County by public transit, by foot and on
- > my bicycle. (I have been an every-day bicycle commuter, six miles
- > each way, to my job in Menlo Park for three years now.)
- > I served the City of San Carlos as a member of its Bicycle/
- > Pedestrian Advisory Committee for several years; when that
- > committee became the Transportation and Circulation Commission (the
- > "T&C"), I began service on that Commission. I have now been a
- > member of the T&C for nearly four years; I served as its
- > Chairperson for two years. For the past 3 months I have been the
- > Vice Chairperson.

- > 2) Why do you want to serve on this committee?
- > I would like to become more involved in county-wide bicycle and
- > pedestrian matters. My daily bicycle commute to work takes me
- > through parts of San Carlos, Redwood City, Menlo Park and
- > unincorporated County locations, as well as roadways under the
- > responsibility of Caltrans. I am interested in helping oversee
- > matters that overlap various jurisdictions.
- >
- > 3) What special strengths would you bring to the committee?
- > I believe I am a thoughtful, intelligent, sensitive person who has
- > respect for the opinions of others and who strongly seeks to
- > improve safety and convenience for the more vulnerable users of our
- > roads and sidewalks.
- >
- > 4) What is the role of the countywide Bicycle and Pedestrian
- > Advisory Committee?
- > The C/CAG BPAC reviews matters related to bicycle and pedestrian
- > facilities planning and helps select projects for state and federal
- > funding. They forward their recommendations to the C/CAG Board of
- > Directors.
- >
- > 5) Have you ever attended a meeting of this committee? If so, when?
- > I attended a C/CAG BPAC meeting in early 2009. I spoke to the
- > committee regarding the application from the City of San Carlos for
- > funds to provide bike lanes on the southern part of Old County Road.
- >
- > 6/A) Do you have other commitments that will keep you from
- > attending meetings?
- > No, I have no conflicting commitments on the evening of the fourth
- > Thursday of the month. I will take seriously my obligation to
- > attend each meeting of the C/CAG BPAC.
- >

- > 7/B) Are you a member of any other committees/organizations?
- > I am a member of the Silicon Valley Bicycle Coalition, the San Francisco Bicycle Coalition and Walk San Francisco. (I am not extremely active in any of these groups, but I am a member and I follow and support the work they do.) I am also the Treasurer for the Green Party of San Mateo County, and have served them in that capacity for six years. Additionally, I am a member of the San Carlos Villagers, the group that provides docent services for the San Carlos History Museum. (The museum houses a fine, antique bicycle, by the way, in case you haven't visited!)
- >
- > 8/C) Please mention the city in which you reside.
- > I live in San Carlos.
- >
- > Respectfully submitted,
- > Margaret Pye

Page 1 of 1

Hello, again,

I thought the following award might enhance my application (sorry to have forgotten to mention this in my first email!):

I am the San Mateo County "Bike Commuter of the Year" for 2010.

My award certificate was signed by both Scott Haggerty (the Chair of the Metropolitan Transportation Commission) and by Andrew Casteel (the Executive Director of the Bay Area Bicycle Coalition).

Thanks again for your consideration!

--Margaret

Bicycle and Pedestrian Advisory Committee
Public Membership Application

I would like to be re-appointed to the BPAC for three reasons:

First, my somewhat unusual position as a law enforcement official with 31 years of experience, combined with my ongoing involvement in bicycle commuting and amateur road racing, and my membership on the board of directors of the Peninsula Velo Bicycle Club, allows me to temper my passion for bike racing and advocacy with an understanding of local government processes and an appreciation for the needs and perspectives of local communities.

Secondly, having served on the BPAC for five and one-half years, I have developed an excellent working relationship with the staff and the other committee members, and more importantly, I have gradually developed a more complete understanding of the somewhat complex committee processes, in particular the project evaluation and ranking procedures.

Finally, I am planning on retiring from my position as a Daly City Police Department Captain in December. I find that I still have enthusiasm for my committee membership and I am interested in the potential of increased bicycle and pedestrian activities as a means to mitigate numerous serious social problems such as poor health, transportation issues and environmental degradation.

Regarding suggestions for improvements, I feel that the impact of the BPAC is naturally limited by the fact that we can only rank the projects that the agencies bring us and the fact that we are chipping away at a system that was designed around the car and decentralized housing. Never the less, the BPAC has a very positive impact on the safety and accessibility of cycling and pedestrian activities in San Mateo County.

I have always been greatly impressed by the fairness and sincerity of the other committee members and the level of professionalism of the staff and you can actually add that to my list of reasons for wanting to continue.

I do not have any commitments that would hinder my participation in committee activities or meetings. As I mentioned, I am a member of Peninsula Velo and a licensed USA Cycling amateur racer. I have been a member of the Daly City BPAC for many years, but that membership ends with my retirement in December, as will my membership with the Daly City Host Lions Club.

I have been a resident of Belmont for the last 20 years.

Thank you for your consideration,

Cory Roay

Bicycle and Pedestrian Advisory Commission Public Member Application
for
Tony Panero, San Carlos

1. What expertise/experience do you have pertaining to serving on this committee?

I served on the San Carlos BPAC as member and chair from its inception and continued to serve as it merged with the Traffic and Circulation Commission to become the Transportation and Circulation Commission. I brought to these commissions a depth of knowledge of bicycle-related topics including law, facilities, and riding safety. As a member of the new commission, I gained an appreciation of the need for a mix of options for meeting the necessary goal of reduced private motor vehicle trips.

I am certified by the League of American Bicyclists to teach their national Smart Cycling courses.

2. Why do you want to serve on this committee?

While there is much left to do in San Carlos to improve access to shopping, parks, schools, work, and transit, I see a need for better coordination among the large number of jurisdictions in the county and would like to participate in satisfying that need.

As a member of the San Carlos commissions, I have focused on cost-effective solutions to both short and long term problems. As one of the key roles of the C/CAG BPAC is allocation of funds to local projects, I would like to continue my efforts to use scarce funds effectively.

3. What special strengths would you bring to the committee?

I like to think that I'm good at getting at the underlying issue despite how it may be phrased so the real problem can be addressed. For example, a request for a stop sign may be a way of expressing that an intersection is perceived to be dangerous; the solution to that perception may be other than a stop sign. While I identify as a cycling advocate, I am careful to listen to opposing ideas and avoid doctrinaire responses as I understand that all modes of transit must be addressed.

4. What is the role of the countywide Bicycle and Pedestrian Advisory Committee?

The roles of the BPAC are to make recommendations on bicycle and pedestrian project funding and to serve as a county-wide forum on bicycle-related issues.

5. Have you ever attended a meeting of this committee? If so, when?

No.

A. The C/CAG BPAC meets on the fourth Thursday of the month from 7:00 – 9:00 p.m., do you have other commitments that will keep you from attending meetings?

No other commitments.

October 20, 2010

Bicycle and Pedestrian Advisory Commission Public Member Application
for
Tony Panero, San Carlos

B. *Are you a member of any other committees/organizations?*

San Carlos Transportation and Circulation Commission

Silicon Valley Bicycle Coalition

League of American Bicyclists

C. *Please mention the city in which you reside.*

San Carlos

Thank you,

Tony Panero
650 593-5495
tpanero@gmail.com

165 Belvedere Ave,
San Carlos, CA 94070

October 20, 2010

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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

Bicycle and Pedestrian Advisory Committee Public Membership Application

APPLICANT:

Cathleen Baker, M.P.P.

Community Health Planner, San Mateo County Health System, Health Policy and Planning Division

Work: 650.573-2737

Cell: 415.533-5336

Email: cbaker@co.sanmateo.ca.us or catbaker9@yahoo.com

1. What expertise/experience do you have pertaining to serving on this committee?

I am confident that my participation in regional processes relating to sustainable transit and land use policies and my professional endeavors with the San Mateo County Health System, would enable me to make a valuable contribution to the San Mateo County Bicycle and Pedestrian Advisory Committee (BPAC). My experiences elsewhere and in San Mateo County allow me to consider challenges and solutions at neighborhood, city, county, and regional scales. Considering impacts at each of these levels is critical to achieving a fantastic, functional bike and pedestrian network that helps the County achieve its goals for sustainability, fairness, and providing a great quality of life for its current residents and future generations.

My background in public policy analysis, and my ongoing efforts to bring health into policy- and decision-making processes allow me to effectively clarify and weigh trade-offs, to assess innovative solutions and projects on their own and as components of complex systems, and to facilitate implementation.

Lastly, as a regular pedestrian / transit commuter and cyclist, I frequently use and traverse the multijurisdictional network that can be shaped by BPAC decision-making. This makes me all the more invested in creating a network that meets distinct transit and recreational needs and is truly safe, accessible, and user-friendly for cyclists and pedestrians of all skill levels.

2. Why do you want to serve on this committee?

I believe that positive changes at Caltrans and partnerships among federal agencies, the updating of the San Mateo County Comprehensive Bicycle and Pedestrian Plan, the implementation of SB 375, and growing recognition of the need to account for the health impacts of policy and planning decisions make this a uniquely opportune time for the BPAC and C/CAG to be a part of multifaceted, collaborative solutions to complex problems. I hope to contribute my skills, knowledge, and commitment as a way to both advance those solutions and raise the profile of active transit in San Mateo County.

3. What special strengths would you bring to the committee?

With an understanding of local, regional and state funds and programming, inter-agency partnerships, best practices, and emergent evidence, I can bring valuable perspectives to the Committee. I look forward to being able to actively participate from the outset.

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Professionally, I research what communities throughout the state and Country are exploring and finding to work in shaping communities and policymaking processes to support equity and public health. As a result, I would contribute an appreciation of how “the devil is in the details” and why designs, policies, and solutions must be extremely context-sensitive. I’m also versed in the economic and quality of life benefits that are accruing to communities with the political will to put the needs of active transit users on equal footing with the needs of motorists, and look forward to sharing that with the BPAC.

4. What is the role of the countywide Bicycle and Pedestrian Advisory Committee?

The role of the BPAC is to make recommendations to C/CAG on bicycle and pedestrian projects. With so many strategic growth and sustainable communities goals to meet in the coming years, I believe it is also incumbent upon the BPAC to contextualize their recommendations within a sustainable communities framework and to highlight how C/CAG’s investments in a safe, appealing, and functional bicycle and pedestrian network can contribute to these broader goals.

5. Have you ever attended a meeting of this committee? If so, when?

I regularly review BPAC minutes and agendas via the C/CAG site, but have only attended two meetings in person: one in early 2009, and the open house for the Comprehensive Bicycle and Pedestrian Plan on October 28th.

A. The C/CAG BPAC meets on the fourth Thursday of the month from 7:00 – 9:00 p.m., do you have other commitments that will keep you from attending meetings?

I have no Thursday commitments that prevent me from attending C/CAG BPAC meetings.

B. Are you a member of any other committees/organizations?

I am member of the Bay Area Regional Health Inequities Initiative. BARHII is a collective of local health departments from all Bay Area counties which is attempting to redefine public health by addressing community conditions that contribute to health inequities. I am co-chair of the BARHII Built Environment Committee, which focuses on land use, transportation, and redevelopment policies that are empirically linked with health outcomes.

I am also one of three San Mateo County representatives serving on the 27-person Metropolitan Transportation Commission (MTC) Policy Advisory Council. In this capacity, I bring a health equity perspective to matters discussed by the Council and represent the interests of low-income populations in San Mateo County.

C. Please mention the city in which you reside.

I am a resident of the City of San Mateo, living near the downtown Caltrain station.

Thank you for considering my submission!

~Cathleen Baker

November 3, 2010

Mr. Tom Madalena
CCAG
555 County Center, 5th Floor
Redwood City, CA 94063

Mr. Madalena,

I would like to be considered for re-appointment to the City and County Association of Governments of San Mateo County Bicycle and Pedestrian Advisory Committee (BPAC). I have enjoyed serving on the BPAC for the past four years and feel that I bring a unique and valuable perspective to this committee.

I want to be reappointed to the BPAC because I care about the development of bicycle and pedestrian infrastructure within San Mateo County. The BPAC is able to support smart growth for the Peninsula, encouraging provisions for commute bicyclists, transit users, recreational cyclists and hikers, people with disabilities, and pedestrians. Additionally, in 2010 I encouraged the City of Millbrae to form a BPAC and, while I am not a Millbrae BPAC member, we use my knowledge gained from attendance at the CCAG BPAC to inform the topics of discussion in Millbrae. I am very hopeful that Millbrae is now on the path of implementing a program of bicycle and pedestrian improvements.

I think the CCAG BPAC functions very well as a committee. The members and staff are invested in the topics of discussions. While the meetings are well run, and discussions are lively, I feel it is important to hear advocacy from the perspective of pedestrian access and recreational cycling. This is an area that I can assist.

The BPAC is a very exciting committee. I am happy to see Peninsula towns working to enhance the quality of life for all citizens and visitors to the county. I respectfully request your consideration for re-appointment to the BPAC.

Sincerely,

Judi Mosqueda
341 Palm Avenue
Millbrae, CA 94030
mosquedaonpalm@comcast.net

Bicycle and Pedestrian Advisory Committee Public Membership Application

David D. Alfano
650 Kenwood Drive
Menlo Park, CA 94025
dda@gamasot.net

1. What expertise/experience do you have pertaining to serving on this committee?

I have been a bicycle commuter and advocate in San Mateo County for 20 years, and I have been a pedestrian in the county for longer. When not cycling to work, I either drive my own vehicle or take a Caltrain/shuttle bus multi-mode transport. I began an involvement with the BPAC in the mid 1990s, and provided information and recommendations to that committee for more than 12 years. I served as Vice-Chair of the BPAC from 2000 – 2002, and as Chair from 2002 – 2008. Both positions were obtained through voting by the BPAC membership. I have also served as a bicycling advisor on a Commute Alternatives Program at NASA Ames Research Center, and I have participated in recurring bike rodeo teaching activities at a local elementary school. I have strong skills in participating in and running meetings that are effective and finish within the allocated time. I have provided substantial input and revisions to the selection criteria for BPAC recommendations of projects for Transportation Development Act (TDA) funding.

2. Why do you want to serve on this committee?

I served on the BPAC for more than 12 years and left only when I was forced to leave by a term limit that was imposed by C/CAG during my tenure on the BPAC. I was very disappointed when my opportunity to serve the public in this fashion was terminated by the term limit. I investigated other public service possibilities related to cycling at my local level, but I did not find a good match between my skills and those organizations. I only recently learned of an opportunity to serve the BPAC once again when I attended the public meeting discussion a revision to the San Mateo County Comprehensive Bicycle Route Plan. I had worked on the previous version, published in 2000, and I came to see how this document had changed and matured. I would be very pleased to be able to serve the people of San Mateo County (both cyclists and pedestrians) on the BPAC once again, as I found this service both satisfying and uplifting.

3. What special strengths would you bring to the committee?

I have strong organizational and meeting skills. As a NASA Project Manager and former Program Manager, I know how to integrate information and different viewpoints and work toward a large scale, long-term goal. I am detail-oriented, and I tend to look at projects and their impact in the long term. I have over 12 years of historical knowledge specific to the dealings of the San Mateo County BPAC, including both process as well as projects recommended for funding. I am well known for being able to run a meeting on schedule.

4. What is the role of the countywide Bicycle and Pedestrian Advisory Committee?

The role of the countywide BPAC is primarily to provide advice and recommendations to its parent group, C/CAG, on issues pertaining to both commute and recreational travel within and throughout the county by either walking or bicycling. The BPAC is comprised of a mix of elected and public members representing the member cities of C/CAG as well as the County of San Mateo. While members sometimes provide clarifying information regarding activities in their cities, the objective of the membership is to provide for the greater good of county residents.

The most significant role of the BPAC is to provide recommendations to C/CAG for funding of projects submitted by the cities and the county in request of California Transportation Development Act (TDA) funding. Recently, this role has been augmented to also provide recommendations for distribution of bicycle and pedestrian-oriented funding resulting from the Measure A tax reauthorized by countywide voters in 2004.

5. Have you ever attended a meeting of this committee? If so, when?

I have attended nearly all of the meetings of the BPAC beginning in 1993, through my end of term in 2008. I began attending as an interested member of the public, then as an alternate to the Chair (Scott Mace), then as a public member, then Vice-Chair, and finally Chair of the BPAC.

A. The C/CAG BPAC meets on the fourth Thursday of the month from 7:00 – 9:00 p.m., do you have other commitments that will keep you from attending meetings?

I have no other regular commitments that will keep me from attending meetings. If I am selected to serve, I will ensure my ability to attend the regular BPAC meetings.

B. Are you a member of any other committees/organizations?

I am not a member of any other committees/organizations at this time.

C. Please mention the city in which you reside.

I live in Menlo Park, where I have resided since 1988.

October 30, 2010

Tom Madalena
City/County Association of Governments
555 County Center, 5th Floor
Redwood City, CA 94063

Dear Mr. Madalena:

It has been a pleasure serving on the BPAC over the past two years and I would like to be considered for re-appointment to a second two-year term. I have enjoyed sharing input from my professional planning and grants experience and as a frequent commuter bicyclist. It has also been very rewarding gaining further insight into community issues and concerns from having served on the committee. I am grateful to have been part of a dedicated group of individuals who have come together to work cooperatively to help enhance the quality of the built environment for bicyclists and pedestrians in San Mateo County.

During the past year, presentations were made to the BPAC regarding the development of Caltrain's Access Policy and the City of South San Francisco's Bicycle Master Plan. I believe the BPAC can continue to be better informed and more effective when making its own recommendations on bicycle and pedestrian matters through a greater level of information sharing on the planning efforts and activities of other public agencies and advocacy groups that promote bicycle and pedestrian interests. This could occur through presentations from a variety of groups that share common goals with the BPAC, ranging from smart growth proponents with the Grand Boulevard Initiative to regional recreational interests with the Bay Trail, at regular committee meetings or other forums.

While I am a member of the American Planning Association and am currently serving on a Transit Cooperative Research Panel, I have no commitments that would preclude my attendance at regular committee meetings. Thank you for consideration of my interest to be re-appointed to the C/CAG BPAC.

Sincerely,

Joel Slavitt
1936 St Francis
San Carlos, CA 94070

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*

Bicycle and Pedestrian Advisory Committee Members 2010

Member	City
Matt Grocott (Chair)	San Carlos
Naomi Patridge	Half Moon Bay
Karyl Matsumoto	South San Francisco
Cory Roay	Belmont
Julie Lancelle	Pacifica
Ken Ibarra	San Bruno
Marge Colapietro	Millbrae
Cathy Baylock	Burlingame
Judi Mosqueda	Millbrae
Ian Bain	Redwood City
Joel Slavitt	San Carlos
Lucy Wicks	Unincorporated San Mateo County
Paul Grantham	Burlingame
Steve Schmidt	Menlo Park
Frank Markowitz	San Mateo

Staff Support:

Tom Madalena (650) 599-1460 tmadalena@co.sanmateo.ca.us

Sandy Wong (650) 599-1409 slwong@co.sanmateo.ca.us

C/CAG AGENDA REPORT

Date: November 18, 2010
To: Board of Directors
From: Richard Napier, C/CAG Executive Director
Subject: Receive Update on Pre-Tax Commuter Outreach Efforts.
(For further information contact Joseph Kott at 599-1412)

RECOMMENDATION

That the C/CAG Board receive staff's report on pre-tax commuter benefits and outreach efforts to the local business community and local government agencies regarding pre-tax commuter benefits.

FISCAL IMPACT

None.

SOURCE OF FUNDS

N/A

BACKGROUND/DISCUSSION

At its May 24, 2010 meeting, the C/CAG CMEQ Committee reviewed and provided direction on a prospective Commuter Benefits Ordinance requiring employers to offer a pre-tax commuter benefits program to encourage employees to use public transit or vanpools. In San Francisco, a similar Ordinance covers employers with 20 or more full-time or part-time employees. Creation of a pre-tax commuter benefits program under existing Federal Tax Law 132(f) allows employees to use up to \$230 per month in pre-tax wages to purchase transit passes or vanpool rides. The public policy benefits of a Commuter Benefits Ordinance include potential vehicle trip reduction during peak commuter periods, provision of more affordable travel choices to those who work in San Mateo County, resulting in greater use of public transit as a commute alternative, and potential reduction in energy consumption and air emissions during peak commuter periods.

The CMEQ Committee directed C/CAG staff to outreach with local business and government entities to inform them about pre-tax commuter benefits programs and to receive input on how best to adapt the pre-tax commute benefits concept to San Mateo County. C/CAG staff then consulted with Christine Maley-Grubl, Executive Director of the Peninsula Traffic Congestion Relief Alliance, Stuart Baker, Executive Director for Fund for the Environment and Urban Life

ITEM 6.4

and a specialist in commute benefits programs, and local businessperson and CMEQ Committee member Jim Bigelow on best ways to outreach to the community.

At its meeting of August 30, 2010, the C/CAG CMEQ Committee approved outreach efforts to the local business community and local government agencies regarding pre-tax commuter benefits to be conducted during the Fall, primarily through the Alliance with assistance from Stuart Baker. Jim Bigelow agreed to spearhead the outreach effort representing the CMEQ Committee. A complete report of findings from the outreach efforts is to be provided to the CMEQ Committee in Spring 2011.

To-date, outreach efforts have included scheduled presentations to the Redwood City Chamber of Commerce Transportation & Housing Committee on 9/9/10; the Menlo Park Chamber of Commerce Transportation Committee on 9/23/10; and to the SAMCEDA Housing, Land Use and Transportation Committee on 10/12/10.

Some positive comments and feedback were received at all of these meetings. In general, the members of these committees did not object to discussion of a potential ordinance. General consensus was that this potential requirement for employers should be for employers with 100 employees or more as smaller employers may not be able to administer the program as easily. The general feedback also included that an ordinance should be consistent Countywide as there are employers who have more than one location in San Mateo County.

In addition, there was discussion of cost to the employer of implementing the program. It was reiterated by the presenters (mentioned above) conducting the outreach that there is a 7.65% payroll tax savings to employers to establish the commuter tax benefit for employees. Employees also receive a great benefit as they save up to 40% on the cost of their commute using pre-tax dollars for transit or vanpools.

All committees agreed to review a draft Ordinance once it is available to be provided for the Committee's feedback and/or possible support. Committee members indicated that implementation of such an ordinance should be as easy as possible for employers to understand and to comply with the requirements. The SAMCEDA Committee offered to help with outreach to its members about the Commuter Tax Benefit for employers when more detailed information is brought back to the Committee in Spring 2011.

In addition, a focus group of large employers (some who offer the Commuter Tax Benefit and some who do not offer the benefit) in San Mateo County was conducted by Stuart Baker, with assistance from Christine Maley-Grubl and her staff, on 9/22/10 to discuss these employers' impressions on the potential for a transit benefit ordinance for employers of 100 or more employees in San Mateo County. Thirteen employers were invited and employers that participated in the focus group included: Genentech, Nektar Therapeutics, San Mateo Credit Union, Sony Ericsson, Walmart.com, Whole Foods Market, Gilead Sciences and United Airlines.

Questions surrounding the Commuter Tax Benefit were posed to the group and there was a general consensus of the following:

- The ordinance should apply to companies of a smaller size as well (50 or more).

- There should be a sufficient grace period in which to comply (9 months to one year at least).
- It should be done on a Countywide basis and not by city.
- There needs to be a well thought out plan to educate employers on how to comply, not only alerting employers that an ordinance is in place.

No one in the focus group that attended or that was invited but could not attend had any issue with putting an ordinance such as this in place. In fact, one employer with 1,200 local employees, pressed to get it in the books. This would be the only way to get the attention of their main office in Arkansas.

Outreach efforts will continue to local chamber of commerce throughout the Fall. A report will be provided to the C/CAG CMEQ Committee in the Spring to discuss next steps.

ATTACHMENTS

Outreach flyer on Commuter Tax Benefits produced by the Alliance and provided to local business organizations.

Commuter Tax Benefit flyer produced by the Bay Area Air Quality Management District.

Join Our Discussion:

Learn About the Employer and Employee Benefits of the Pre-Tax Commuter Benefit and the Value of a Model Ordinance for San Mateo County

The Pre-Tax Commuter Benefit for public transit riders and vanpoolers increased considerably when the American Recovery and Reinvestment Act Stimulus Bill passed in February 2009.

- Up to \$230 per month per employee may now be set aside, tax free, for mass transit and vanpool expenses incurred while commuting to work.

Once established, the Pre-Tax Commuter Benefit provides both employers and employees cost savings and addresses environmental and climate concerns of AB 32 and SB 375 as carbon emissions from automobiles represents 70% of the Bay Area's air quality concerns.

The result: as more commuters utilize a commute alternative to driving as solo drivers, traffic congestion is reduced and air quality is improved.

City/County of San Francisco and the cities of Berkeley and Richmond have taken a proactive approach to ensure the Pre-Tax Commuter Benefit is available to those who are willing and interested in taking transit or vanpools to work by establishing a Commuter Tax Benefit Ordinance.

C/CAG of San Mateo County through its CMEQ Committee and Jim Bigelow as its representative, is coordinating efforts with The Peninsula Traffic Congestion Relief Alliance. These efforts include outreach to leaders in the business community through the Chambers of Commerce and SAMCEDA not only to provide information about the Pre-Tax Commuter Benefit but also to receive input on how a model ordinance can be adopted to meet the needs of San Mateo County.

Please join our discussion on the value of a model Pre-Tax Commuter Benefits Ordinance.

Commute.org

Working Together to Improve
Our San Mateo County Commute





Commuter Choice

T A X B E N E F I T S

A Win-Win situation is the goal of everyone doing business. Commuter Choice Tax Benefits are a Win-Win-Win for employers, employees and the environment.



The **Commuter Choice Tax Benefits** program is a valuable addition to any benefits package. Unlike health care or vacation plans, employees can use the Commuter Choice Tax Benefit every day they commute to work.

The program, based on Section 132(f) of the federal tax code, allows employers to offer employees a variety of financial incentives for using alternative commute modes. Section 132(f) covers transit, vanpool and bicycle benefits as well as qualified parking. Employers and employees save money, employees save time, the employer is viewed as a good corporate citizen and the environment benefits from reduced traffic congestion. With vehicle exhaust as the number one source of air pollution in the Bay Area, Commuter Choice Tax Benefits can lead to cleaner air.

Employers offering a Commuter Choice Tax Benefits program, have the ability to offer the benefit in one of three ways:

- 1) In addition to compensation (offer a subsidy)
- 2) In lieu of compensation (allow employees to set aside pre-tax dollars), or
- 3) As a combination of these two methods (subsidize part of the commuting cost and allow employees to pay for the remainder of the cost, up to the monthly limit, with pre-tax dollars).

For taxable years beginning in January 1, 2009, the federal limitation for the parking benefit is \$230 a month per employee (\$2,760 a year). Beginning the same date the federal limitation for the bicycling benefit is \$20 per qualified bicycle commuting month. Beginning February 17, 2009 the federal limitation for the transit/vanpool benefit is \$230 a month per employee (\$2,760 a year).

A qualified bicycle commuting month is any month in which the employee:

- 1) Regularly uses a bicycle for a substantial portion of the travel between the employee's residence and place of employment **and**
- 2) Does not receive:
 - a. Transportation in a commuter highway vehicle
 - b. Any transit pass, or
 - c. Qualified parking benefits

The Commuter Choice Tax Benefits program is exempt from the usual restrictions and reporting requirements that accompany other pre-tax programs allowed by the IRS. There are no plan filings or forms for the employer to fill out, no irrevocable elections and no mandatory enrollment dates. It is not subject to the regulations governing cafeteria plans – and cannot be offered as part of a cafeteria plan.

Employers offering Commuter Choice Tax Benefits will enjoy increased tax savings, improved employee recruitment and retention, improved employee morale, and a reduction in operating costs for parking, among other benefits. Employees will enjoy reduced commuting costs, reduced vehicle ownership costs and more time saved by commuting by transit or vanpool. Employees using alternate forms of commuting frequently have less stress and demonstrate greater productivity.

A Program for Every Budget

More often, employers are offering full transit benefits to employees. When employers contribute to employee commuting costs, it is the equivalent of offering a low-cost wage enhancement.

For example: if a \$230 transit benefit were given as a pay increase instead of a commuter benefit, the employer would have to pay payroll taxes on the amount given and employees would pay more in income taxes. When you consider the overall value of offering Commuter Choice Tax Benefits to employees, it may cost the employer more not to provide these benefits.

In 2001, the IRS established Section 132(f), Qualified Transportation Fringe, which now enables commuters to pay for transit, vanpools, bicycling and/or parking costs pre-tax. Depending on the individual's income tax bracket, the savings can add up to hundreds of dollars annually for employees (see Calculating the Benefit, page 2).

An employee can use the pre-tax benefit for "qualifying transportation expenses." Qualifying expenses include items such as transit passes, vanpool subscriptions, and parking fees. Qualifying bicycle commuting expenses include the purchase of a bicycle and bicycle improvements, repair and storage¹.

¹ A complete list of qualifying expenses is available by calling 511 Rideshare. Just dial "511" and say "Rideshare"

Calculating the Benefit: How much could it save your employee?

Step 1

Determining how much an individual pays in taxes.
Example: for an individual in the **25%** tax bracket²:

Tax		Tax Percentage
Federal Income Tax		25%
FICA	Social Security	6.2%
	Medicare	1.45%
California State and Local Income Taxes		9%
Total Tax		41.65%

Step 2

Using the Total Tax percentage from the table above (in this sample, 41.65%) to calculate that individual's annual tax savings.

Annual Expenditures:	Transit or Vanpool	Parking
Travel Expenses (buying transit passes, etc)	\$2,760	\$2,760
Tax Savings (applying 41.65% to each expense)	\$1,150	\$1,150

What this shows is that an employee in the 25% tax bracket could **save up to \$1,150 per year** on transit, vanpool or parking costs.

In summary, for an employee who makes \$34,000 per year and takes transit, these pre-tax savings are the equivalent of a **\$1,150 raise** at no cost to the employer.

With qualified transportation fringe benefits (Section 132(f) of the Internal Revenue Code) or "Commuter Tax Benefits," employers save on payroll related taxes and employees save on federal income taxes.

Commuters can receive both the transit and parking benefits (i.e., up to \$460 per month). Employers can allow employees to use pretax dollars to pay for transit passes, vanpool fares and parking.

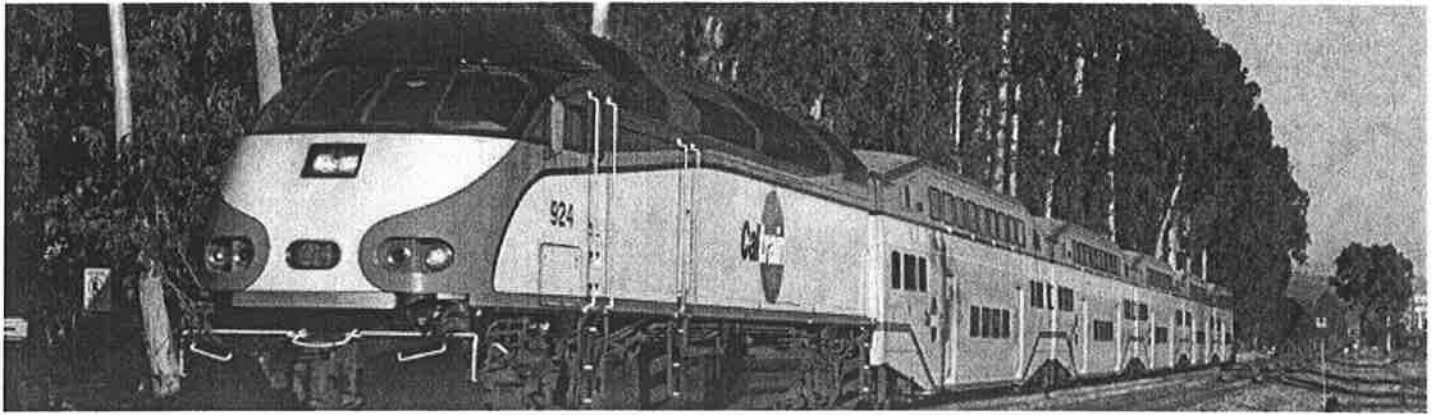
2010

	Transit	Vanpool	Qualified Parking
Incentive Levels	Up to \$230/month* for transit expenses	Up to \$230/month* for vanpool expenses	Up to \$230/month for parking at or near an employer's worksite, or at a facility from which employee commutes via transit, vanpool, or carpool
Employer Tax Benefit	Employers give their employees up to \$230/month* to commute via transit; the employer gets a tax deduction and saves over providing the same value in gross income or Employers allow employees to use pre-tax income to pay for transit and employers save on payroll tax (at least 7.65% savings) or A combination of both up to statutory limits	Employers give their employees up to \$230/month* to commute via vanpool; the employer gets a tax deduction and saves over providing the same value in gross income or Employers allow employees to use pre-tax income to pay for vanpooling and employers save on payroll tax (at least 7.65% savings) or A combination of both up to statutory limits	Employers give their employees up to \$230/month for qualified parking; gets a tax deduction and saves over providing same value in gross income or Employers allow employees to use pre-tax income to pay for qualified parking and employers save on payroll tax (at least 7.65% savings) or A combination of both up to statutory limits
Employee Tax Benefit	Employee receives up to \$230/month* tax free (not on their W-2 form) or Employee pays for commute benefit with the pre-tax income and saves on income tax or A combination of both	Employee receives up to \$230/month* tax free (not on their W-2 form) or Employee pays for commute benefit with the pre-tax income and saves on income tax or A combination of both	Employee receives up to \$230/month tax free (not on their W-2 form) for qualified parking or Employee pays for commute benefit with the pre-tax income and saves on income tax or A combination of both

² For 2008, the 25% federal income tax bracket applied to single individuals earning between \$32,551 - \$78,850 and married couples earning between \$65,101 - \$131,450.

³ Assumed 9% combined state and local tax.

*The American Recovery and Reinvestment Act of 2009 increased the transit and vanpool subsidy to be at parity with the parking benefit. The parity is scheduled to expire on December 31, 2010 if not extended by Congress.



Implementing a Tax Benefits Program

- 1 Contact representatives from top management, human resources, payroll, and the accounting/finance departments to coordinate efforts and to ensure buy-in.
- 2 Check with the company tax specialist on how to establish and manage the program.
- 3 Survey employees to learn about their commuting habits to determine which benefits to offer.
- 4 Determine which employees will receive benefits. These benefits do not have non-discrimination requirements. For example, you can offer the benefit to employees who work in one location versus another.
- 5 Based upon budget, determine the delivery of benefit - a subsidy, pretax deduction, or a combination of both.
- 6 If offering a subsidy, determine the level and limitations.
- 7 Decide to administer the program internally or via outsourcing. There are advantages to both. Typically, smaller companies will manage their own programs.
- 8 Decide how to distribute benefit(s) to employees.
- 9 Update the personnel manual to include the benefit and qualifications for receiving the benefit.



10 Announce and market your program, and educate employees about it. In any worksite or employee documentation, list all the rules, deadlines and limitations. Provide a convenient sign-up sheet, especially if allowing employees to set aside pre-tax wages for the benefit. Employees will need to authorize any salary deductions.

11 Make changes as necessary to W-2 forms/information. If offering the benefit as a subsidy, there will be no changes in the W-2 form. If offering it as a pre-tax benefit, it will be noted in the appropriate box on the W-2.

12 Purchase / distribute the benefit - monitor the program - analyze the savings.

For further information on Commuter Tax Benefits and other Commuter Choice programs go to:

- ACT website:
<http://http://tmi.cob.fsu.edu/act/benefit.htm>
- Federal Transit Administration website:
www.fta.dot.gov/2172_ENG_HTML.htm
- Your Programs Representative in San Mateo County at the Peninsula Traffic Congestion Relief Alliance:
http://www.commute.org/about_us_staff.htm

For further information on the San Mateo Resource Team on Clean Air, creators of this document, visit:
<http://sparetheair.org/Get-Involved/Your-Community/Resource-Teams/San-Mateo.aspx>



"Driving alone is the primary source of air pollution in the Bay Area. The use of commuter benefit programs is essential to encourage employees to not go it alone and instead find alternate

ways to commute to work. The Air District's Spare the Air campaign promotes alternative transportation options like carpooling for cleaner, healthier air. Remembering that *Any Ride is Worth Sharing* is a great way to improve both employee morale and air quality!"

Jack Broadbent

Executive Officer/Air Pollution Control Officer
Bay Area Air Quality Management District
jbroadbent@baaqmd.gov



"The Commuter Choice Tax Benefit not only helps pay for alternative methods of transit for our employees who travel from all over the Bay Area, it also encourages employees to do their part to reduce traffic congestion and to improve air quality—initiatives that InterMune strongly supports."

Daisy Chhokar, PHR

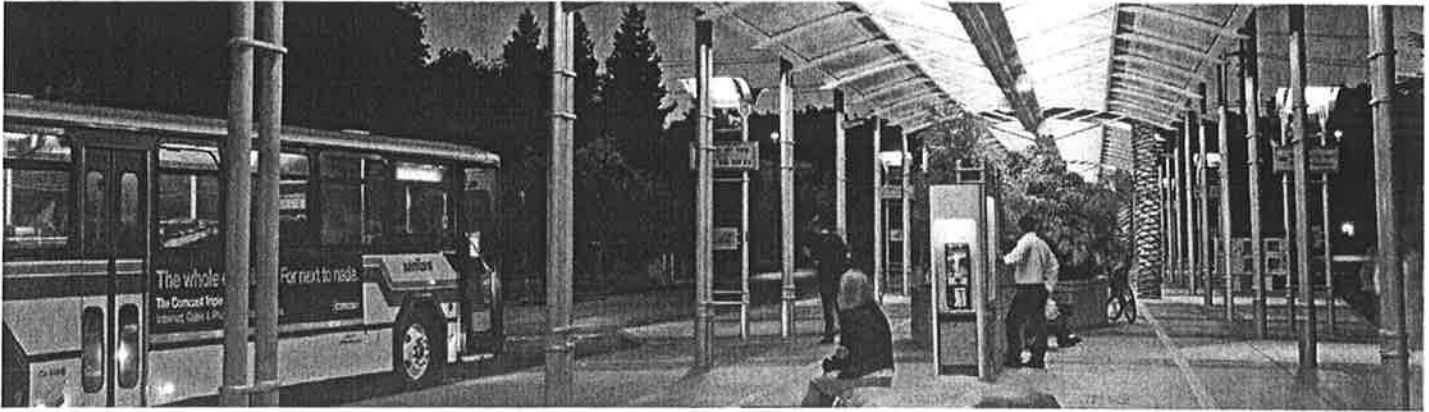
Manager, Human Resources
InterMune, Inc.
(415) 466-2258
dchhokar@intermune.com



"Yahoo! has employees from all over the Bay Area. The tax benefits that they receive when taking transit or vanpools to work are great financial perks to our employees who choose to leave their cars at home."

Danielle Bricker

Yahoo! Inc.
Commute Coordinator
(408) 349-4729
dbricker@yahoo-inc.com



Commuter Choice Tax Benefit Providers

Provides Benefits Administration

Benefit Resource ①④

Eric Moxim
2320 Brighton-Henrietta Townline Road
Rochester, NY 14623
508-381-0291
emoxim@ibrinet.com
www.ibenefitresource.com

CBCA ①③

Patricia Gatzke
10900 Hampshire Avenue South
Minneapolis, MN 55438
952-903-6335
patricia_gatzke@cbca.com
www.cbca.com

CBS Administrators, LLC ①②③④

Leo Lonergan
1821 S. Bascom Avenue, Suite 251
Campbell, CA 95008
408-244-2501
leo@cbsadmin.com
www.cbsadmin.com

CDSNet ①②④

Andy Musolino
Director of Sales
3435 Wilshire Blvd, Suite 400
Los Angeles, CA 90010
212-947-2018
sales@cadsnet-inc.net
www.transitsearch.com

Commuter Check/ ①②③④

Commuter Check Direct
Steve Rossen
Account Manager
2980 College Ave #7
Berkeley, CA 94705
510-704-0856
steve.rossen@accorservicesusa.com
www.commutercheck.com

EBS Employee ①②③④ Benefits Specialists

Chimane Rhodes
5674 Stoneridge Drive, Suite 209
Pleasanton, CA 94588
925-460-3910
chimane@ebsbenefits.com
www.ebsbenefits.com

TranBen, Ltd. ①③

Janice Carey Hamilton
877-587-6236
303-588-0192 (Direct)
janiceh@tranben.com
www.tranben.com

TransLink Direct Benefits ①④

Robert Orbe
Sales Director
1800 Sutter Street, Suite 900
Concord, CA 94520
925-686-8287
robert.orbe@cubic.com
https://www.translink.org/directbenefits

Trust Administrators, Inc. ①②④

Royce A. Charney
One Kaiser Plaza, Suite 401
Oakland, CA 94612
888-951-5556
Royce@trustadmin.com
www.trustadmin.com

WageWorks ①②③④

Sheila Villaroman
Two Waters Park Drive, Suite 250
San Mateo, CA 94403
877-924-3967
Sheila.villaroman@wageworks.com
www.wageworks.com

Provides Information on administering Commuter Tax Benefit Programs

511 Regional Rideshare Program

Call 511 (say Rideshare)
commuterbenefits@511.org
www.511.org

511 Contra Costa

925-407-0354
www.511contracosta.org

AMBAG Association of Monterey Bay Area Governments

831-883-3750
www.commutealternatives.info

Commuter Connection – San Joaquin Council of Governments

209-468-8960
www.commuterconnection.com

Peninsula Traffic Congestion Relief Alliance

650-588-8170
www.commute.org

Solano Napa Commuter Information

800-535-6883
www.solanolinks.com/commuterinfo

Sacramento Region 511

Call 511 or 916-340-6247
www.sacregion511.org

San Benito Rideshare

831-637-POOL (7665)
www.sanbenitorideshare.org

Santa Cruz Commute Solutions

831-429-POOL (7665)
www.commuterinfo.org

KEY

- ① Provides benefits administration
- ② Distributes transit passes
- ③ Distributes vouchers
- ④ Debit card technology



Commuter Choice Tax Benefits: a win-win-win
for employers, employees and the environment.

C/CAG AGENDA REPORT

Date: November 18, 2010

To: City/County Association of Governments Board of Directors

From: Richard Napier, C/CAG Executive Director

Subject: Review and Approve Resolution 10-62, authorizing continued staff support for the test claims filed by member agencies with the State Commission on Mandates related to requirements in the Municipal Regional Stormwater Permit, and authorizing the Executive Director, acting on behalf of C/CAG and the Countywide Program, to serve as the spokesperson and representative of those member agencies making such a request in writing.

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

RECOMMENDATION

The C/CAG Board review and approve Resolution 10-62, authorizing continued staff support for the test claims filed by member agencies with the State Commission on Mandates related to requirements in the Municipal Regional Stormwater Permit, and authorizing the Executive Director, acting on behalf of C/CAG and the Countywide Program, to serve as the spokesperson and representative of those member agencies making such a request in writing.

BACKGROUND/DISCUSSION

The Municipal Regional Permit (MRP) was adopted in October 2009 and went into effect on December 1, 2009. Since adoption of the permit, Countywide Program staff worked with its technical consultants to develop cost estimates for the five years that the MRP is in effect. The cost for the Countywide Program to meet the MRP requirements is expected to exceed revenue and reserve funds, resulting in a deficit of over \$400,000 at the end of the permit term. Recent decisions by the California Commission on State Mandates (Commission) regarding requirements in Los Angeles and San Diego municipal stormwater permits indicate some provisions in the MRP may be state mandates requiring reimbursement by the State. Therefore, in an effort to explore all options for funding the new MRP requirements, the Countywide Program partnered with the Santa Clara, Alameda, and Fairfield-Suisun stormwater programs to 1) analyze the MRP to determine which provisions have a high probability of success for being declared unfunded mandates, and 2) prepare model documents that could be used by all jurisdictions within those programs for filing test claims on those provisions, should those jurisdictions so choose.

Specific MRP provisions that were determined to have a high probability of success for being declared unfunded mandates included monitoring, trash control, and pilot stormwater diversions to sanitary sewer requirements. Cumulatively, these requirements are estimated to cost in the tens of millions of dollars to C/CAG and its member agencies over the course of the MRP's five-year term. Model test claim documents addressing these specific provisions were distributed to

ITEM 6.5

C/CAG's member agencies on August 19, 2010, and Countywide Program staff provided a briefing to all jurisdictions on the model documents and test claim process on August 31, 2010. Commission rules require submittal of test claims within one year of adoption of the MRP, so jurisdictions had until October 14, 2010 to file. C/CAG is not a copermitttee on the MRP, so, although C/CAG performs and funds many of the compliance tasks within the MRP on behalf of the member agencies, it is ineligible to file a test claim with the Commission.

Filing a test claim is just the first step in the Commission's process. After reviewing a test claim document for completeness, Commission staff will provide the test claims to State agencies for review and comment. Upon receipt of comments from State agencies, test claimants have an opportunity to respond to those comments. Once the review and commenting process is complete, Commission staff issue a draft decision that is subject to additional public review and comment. The Commission's staff then provides a final recommendation to the Commission members for decision. The Commission's decision is subject to appeal to the courts.

Should the Commission rule that a test claim is indeed an unfunded mandate, it will then request the filing jurisdictions prepare "Parameters and Guidelines" that detail the activities and costs that are eligible for reimbursement. The Commission will hear and adopt, amend, or deny the proposed parameters and guidelines. Once the Commission has adopted parameters and guidelines, Commission staff prepares an estimate of the statewide cost for Commission approval. If approved, the State Controller's Office then provides the claimants with instructions for filing reimbursement claims. If funds have been appropriated to the Commission through the local government claims bill or the State Budget Bill by the legislature, the State Controller pays reimbursement claims. If funds are not made available, municipalities may then request injunctive relief from the courts to suspend the MRP requirements.

Of the 22 San Mateo copermitttees under the Municipal Regional Permit (20 cities/towns, the county, and the flood control district), 21 filed test claims based on the model documents (East Palo Alto did not file). Sixteen of the 17 copermitttees in Alameda County and one in Santa Clara County filed similar test claims. The Commission is currently reviewing the claims for completeness and determining whether to consolidate claims on a countywide and/or Bay Area-wide basis given the common relation to requirements in the MRP. The cost for C/CAG to provide joint representation for its member agencies' test claims to the point of a Commission decision is estimated at \$100,000. Given that the MRP provisions addressed by the test claims are expected to cost in the tens of millions of dollars to both C/CAG and its member agencies, it is cost effective for C/CAG to fund a common effort to support and defend the claims on behalf of its member agencies to the point of a Commission decision.

Under the proposed Resolution, C/CAG staff would continue to provide staff support for the member agency test claims and the Executive Director, acting on behalf of C/CAG and the Countywide Program, would serve as the spokesperson and representative for those member agencies making such a request. Requests by member agencies should be in writing and will serve as documentation for the Commission to provide formal evidence of C/CAG's role in representing claims through the Commissions process. Should C/CAG staff determine outside contractors (technical or legal) or budget modifications are required, the Executive Director will engage the C/CAG Board as necessary and in accordance with the procurement policy.

FISCAL IMPACT

Sufficient funds for joint representation of test claims during the 2010-11 fiscal year are included in C/CAG's adopted Fiscal Year 2010-11 budget for the Countywide Water Pollution Prevention Program (Countywide Program). The Countywide Program's budget included \$75,000 for legal issues, such as unfunded mandate test claims, permit appeals, and/or litigation. The Countywide Program expended approximately \$40,000 of those funds to jointly develop with the Alameda and Santa Clara Countywide Programs model documents that were used by member agencies to file test claims with the State Commission on Mandates (Commission) in mid-October. C/CAG staff estimates the cost to jointly represent member agency test claims to the point of a final decision by the Commission is approximately \$100,000. These costs are anticipated to be spread over the current and next fiscal year's budgets due to the expected length of the Commission's process; however, C/CAG staff also anticipates cost sharing with other Countywide Programs for joint test claim representation given the similarity of claims filed throughout the Bay Area based on the shared requirements in the Municipal Regional Stormwater Permit. Therefore, staff expects the remaining \$35,000 in the current budget is sufficient for costs during the rest of 2010-11 and the Countywide Program's budget includes \$75,000 in 2011-12 for legal issues. The particular requirements in question in the test claims filed with the Commission could collectively cost C/CAG and its member agencies tens of millions of dollars over the five-term of the Municipal Regional Stormwater Permit.

SOURCE OF FUNDS

Funds for the current effort to develop the model test claim documents and provide the initial phase of joint test claim representation are included in C/CAG's adopted Fiscal Year 2010-11 budget. The Countywide Program has budgeted an additional \$75,000 for legal issues in fiscal year 2011-12 that will be included for approval by C/CAG when it considers its overall budget for the coming fiscal year. Ongoing funding for the Countywide Program comes from annual property tax assessments and member agency contributions in jurisdictions that have chosen to not include program costs on the tax rolls.

ATTACHMENTS

- Resolution 10-62

ALTERNATIVES

1. Approve Resolution 10-62, as attached.
2. Approve Resolution 10-62, with modifications.
3. No action.

RESOLUTION 10-62

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING CONTINUED STAFF SUPPORT FOR THE TEST CLAIMS FILED BY MEMBER AGENCIES WITH THE STATE COMMISSION ON MANDATES RELATED TO REQUIREMENTS IN THE MUNICIPAL REGIONAL STORMWATER PERMIT, AND AUTHORIZING THE EXECUTIVE DIRECTOR, ACTING ON BEHALF OF C/CAG AND THE COUNTYWIDE PROGRAM, TO SERVE AS THE SPOKESPERSON AND REPRESENTATIVE OF THOSE MEMBER AGENCIES MAKING SUCH A REQUEST IN WRITING

WHEREAS, the City/County Association of Governments of San Mateo County (C/CAG) manages the Countywide Water Pollution Prevention Program (Countywide Program) that assists C/CAG's member agencies and performs compliance activities in compliance with requirements contained in the Municipal Regional Stormwater Permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board; and,

WHEREAS, C/CAG's member agencies filed test claims with the State's Commission on State Mandates (Commission) that identify certain provisions of the MRP as potential unfunded state mandates that cumulatively, over the course of the five-year term of the MRP, may cost C/CAG and its member agencies tens of millions of dollars in compliance costs; and,

WHEREAS, given the similarities in all of the test claims filed by its member agencies, it would be more cost-effective for C/CAG to fund a common effort to support and defend the claims on behalf of its member agencies as the Commission determines whether the referenced MRP provisions are indeed unfunded state mandates, than to have each member agency separately represent its own claim through the Commission's process; and,

WHEREAS, funds are included in C/CAG's adopted budget for Fiscal Year 2010-11 for such issues associated with Countywide Program activities, including those related to unfunded mandate claims; and,

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

1. C/CAG staff, including its the Executive Director, are authorized to continue support for the test claims filed by member agencies with the State Commission on Mandates related to requirements in the Municipal Regional Stormwater Permit; and,
2. The Executive Director, acting on behalf of C/CAG and the Countywide Program, is authorized to serve as the spokesperson and representative before the State Commission on Mandates regarding said test claims for those member agencies making such a request in writing.

APPROVED AND ADOPTED THIS 18TH DAY OF NOVEMBER, 2010.

Thomas M. Kasten., Chair

C/CAG AGENDA REPORT

Date: November 18, 2010

To: City/County Association of Governments Board of Directors

From: Richard Napier, C/CAG Executive Director

Subject: Review and approval of C/CAG staff support for the Sustainable Communities Strategy including formation and support of a Regional Housing Needs Allocation (RHNA) Sub-region for San Mateo County including the 20 cities.

(For further information or questions, contact Richard Napier at 650-599-1420)

RECOMMENDATION:

Coordinate and support the Sustainable Communities Strategy (SCS) in San Mateo County including working with all the relevant established initiatives including Grand Boulevard Initiative and 21 Elements. Work with the Cities and County to determine the interest in the Regional Housing Needs Allocation (RHNA) - Sub-regional delegation process. C/CAG would facilitate and staff this process if there is interest. Approval of budget to \$50,000.

FISCAL IMPACT:

Less than \$50,000.

SOURCE OF FUNDS:

Part of the annual Metropolitan Transportation Commission (MTC) Transportation Plus Land Use grant and San Mateo Congestion Relief Fund.

BACKGROUND/DISCUSSION:

In 2006 and 2007 C/CAG and the County of San Mateo Housing Department worked cooperatively to facilitate the formation and operation of a sub-region for San Mateo County that included the 20 cities and the County. The purpose of the Sub-Region was to receive a Sub-Regional allocation for housing and for the Sub-Region to determine the housing allocation for each land use agency. These allocations were then used for each agency's 2007 Housing Elements. The process was successful and resulted in a much more positive engagement with the cities and the County.

SB 375 has established the requirement for a Sustainable Communities Strategy (SCS) to reduce the greenhouse gas emissions from small trucks and automobiles. The Bay Area regional agencies are responsible to work with counties and cities to develop the SCS. This is done by the Joint Policy Committee (JPC) that includes the Association of Bay Area Governments (ABAG),

ITEM 6.6

Metropolitan Transportation Commission (MTC), Bay Conservation Development Commission (BCDC), and Bay Area Air Quality Management District (BAAQMD). The goal of SCS is to link land use and transportation decisions. It is important that all the transportation and land use agencies in San Mateo County work together to define what can realistically be accomplished in San Mateo County. Every eight years both the Sustainable Communities Strategy housing requirement and the Regional Housing Needs Assessment (RHNA) must be consistent. The establishment of the initial Sustainable Community Strategy will also include an update to the RHNA even though it was done in 2007. The new cycle will be eight years instead of seven. The SCS variables will include housing, employment, and specific location of each in order to reduce greenhouse gas emissions in the region.

On October 12, 2010 key elected officials and staff from agencies in San Mateo County met with regional staff including Steve Heminger (Executive Director of MTC) and Ezra Rapport (Executive Director of ABAG). It was emphasized since San Mateo County is pursuing most of the initiatives being advanced that the established initiatives should be used and linked together as appropriate. It was also suggested that C/CAG coordinate the effort and work with the Grand Boulevard Initiative (GBI) and County of San Mateo Department of Housing in pulling this together. By the end of the year the Joint Policy Committee would like to get from San Mateo County the following: 1- Visions and Policies 2- Input on the Baseline Jobs and Housing assumptions 3- Discussion of place types.

Staff is recommending that: 1- \$50,000 be allocated, and 2- C/CAG staff facilitate the support from San Mateo County for the regional Sustainable Communities Strategy. In addition given the success of the previous Sub-Regional Process it is recommended that a San Mateo Sub-Region be established for the SCS process.

Staff had discussions with ABAG and determined that the following needs to be done.

- 1- Must provide resolutions from all participating Cities and County by 3/16/11. It is not necessary to have the plan or process defined.

A meeting with the Planning Directors has been scheduled for 11/19/10 to discuss forming a Sub-Region and other aspects of the Sustainable Communities Strategy.

Based on this it is suggested that the Board direct C/CAG staff to work with the Cities and County to develop interest in this delegation process. It is reasonable to get the resolutions by 3/16/11. This will be taken to the City Managers at their January meeting. C/CAG staff has drafted a sample staff report and resolution to expedite the City/ County adoption of the resolutions. See attached. This would then be brought to the Board at the March meeting for status on the resolutions and final determination as to whether to pursue the Regional Housing Needs Allocation (RHNA) - Sub-regional delegation process.

C/CAG's role would primarily be as a facilitator and to provide staff support. All efforts would be coordinated with GBI and the County of San Mateo Department of Housing. The primary responsibility rests with the cities and the County that have the land use responsibility. A rough draft of a City/ County based San Mateo County SCS process is attached. This is a rough overview with details to be defined as the process proceeds.

ATTACHMENTS:

- Sample Staff Report and Resolution
- San Mateo County SCS Process
- One Bay Area

ALTERNATIVES:

- 1- Coordinate and support the Sustainable Communities Strategy (SCS) in San Mateo County including working with all the relevant established initiatives including Grand Boulevard Initiative and 21 Elements. Work with the Cities and County to determine the interest in the Regional Housing Needs Allocation (RHNA) - Sub-regional delegation process. Approval of budget to \$50,000. Board approval in accordance with the staff recommendation.
- 2- No action.

Date: December XX, 2010

TO: City/ Town Council/ Board of Supervisors

FROM: City/ County Manager

Subject: Review and approval of Resolution No. XX authorizing the City/ County of XX to become a member of a Countywide Sub-Region, an entity that would locally administer ABAG's Regional Housing Needs Allocation Process (RHNA) as part of the regional Sustainable Communities Strategy.

RECOMMENDATION:

Review and approval of Resolution No. XX authorizing the City/ County of XX to become a member of a Countywide Sub-Region, an entity that would locally administer ABAG's Regional Housing Needs Allocation Process (RHNA)) as part of the regional Sustainable Communities Strategy in accordance with the staff recommendation.

FINANCIAL IMPACT:

In-lieu staff support provided under current approved budget. C/CAG will provide primary staff support. Will build upon or use current programs currently underway. May result in additional housing analysis by the City/ County; however, the cost for this is unknown at this time.

SOURCE OF REVENUE:

Planning/ Housing fees and revenue.

BACKGROUND:

In 2006 and 2007 the City/ County worked with C/CAG and the County of San Mateo Housing Department to facilitate the formation and operation of a Sub-region for San Mateo County that included the 20 cities and the County. The purpose of the Sub-Region was to receive a Sub-Regional allocation for housing and for the Sub-Region to determine the allocation for each land use agency. These allocations were then to be used for each agency's 2009 Housing Elements. The process was successful and resulted in a much more positive engagement with the cities and the County.

SB 375 has established the requirement for a Sustainable Communities Strategy to reduce the greenhouse gas emissions from small trucks and automobiles. This is being addressed at the regional level by the Joint Policy Committee (JPC) that includes the Association of Bay Area Governments (ABAG), Metropolitan Transportation Commission (MTC), Bay Conservation Development Commission (BCDC), and Bay

Area Air Quality Management District (BAAQMD). Part of this strategy is to link land use and transportation decisions. It is important that all the transportation and land use agencies in San Mateo County work together to define what can realistically be accomplished in San Mateo County. Every eight years the Sustainable Communities Strategy and the Regional Housing Needs Assessment (RHNA) must be consistent. The establishment of the initial Sustainable Community Strategy will also include an update to the RHNA even though it was done in 2007. The new cycle will be eight years instead of seven.

State Law

State law now allows cities within the County to join together to form a “sub-region”, a consortium that would administer the State mandated Regional Housing Needs Allocation (RHNA) program at the local level. Each member jurisdiction of a sub-region must submit a resolution to the Association of Governments (ABAG) requesting authority to locally administer the program by March 16, 2011. ABAG would then adopt a resolution approving the formation of the “sub-region.” This process would establish the housing numbers to be used in each city or county as part of the Housing Element update for 2012. C/CAG would like to form a sub-region consisting of all the cities and the County.

Composition of a “Sub-Region”

A “sub-region” may be comprised of two or more contiguous cities. The City/ County Association of Governments of San Mateo County (C/CAG) has indicated interest in supporting this effort if the individual cities and the County are interested. Therefore, C/CAG is coordinating the creation of a countywide “sub-region” that includes most if not all the cities and County. C/CAG is committed to provide facilitation and staff support as necessary

Timeline

The ‘sub-region needs to be formed by 3/16/2011.

Procedures

“Sub-regions” must follow the same substantive and procedural rules and guidelines that ABAG follows when distributing housing allocations. “Sub-regions” must also enter into an agreement with ABAG that specifies the process, timing, and other terms and conditions for administering the local housing needs determination process.

DISCUSSION:

Increased Local Control

Creating a “sub-region” in San Mateo County to administer the allocation process significantly increases local control. Members of the “sub-region” will have the flexibility to negotiate with other members for adjustments to their allocations. Jurisdictions that want fewer units might offer incentives to other jurisdictions that might accept additional units. Incentives could include cash payments to help subsidize the cost of providing services for new development or the costs of roadway and transportation improvements. Or, perhaps, jurisdictions that want fewer units could be required to make cash payments to the Housing Endowment and Regional Trust of San Mateo County to help build more housing in the County. This concept of swap and credits is not possible under state law using the current ABAG process. However, swaps and credits can be developed through the sub-regional delegation process. Since it is also part of the Sustainable Communities Strategy the sub region will be balancing three variables Housing, Employment, and Location.

ALTERNATIVES:

- 1- Review and approval of Resolution No. XX authorizing the City/ County of XX to become a member of a Countywide Sub-Region, an entity that would locally administer ABAG’s Regional Housing Needs Allocation Process (RHNA)) as part of the regional Sustainable Communities Strategy in accordance with the staff recommendation.
- 2- No action.

SAMPLE AGENCY RESOLUTION OF SUPPORT

RESOLUTION NO. 11-XX

CITY COUNCIL{BOARD OF SUPERVISORS}, CITY OF X {COUNTY OF SAN MATEO}, STATE OF CALIFORNIA RESOLUTION SUPPORTING THE CITY OF X {COUNTY OF SAN MATEO} TO BECOME A MEMBER OF A COUNTYWIDE SUB-REGION, AN ENTITY THAT WOULD LOCALLY ADMINISTER ABAG'S REGIONAL HOUSING NEEDS ALLOCATION PROCESS (RHNA).

WHEREAS, SB 375 requires the development of a Sustainable Community Strategy including consistency every eight years with the Regional Housing Needs Allocation process; and,

WHEREAS, the Association of Bay Areas Governments (ABAG) is required by State law to administer the Regional Housing Needs Allocation program in the Bay Area; and

WHEREAS, ABAG has begun preliminary work on developing the program with the objective of completing the program in August of 2012; and

WHEREAS, State law allows administration of the program to local jurisdictions who create sub-regions for the purposes of distributing housing need allocations among the members of the sub-region; and

WHEREAS, a sub-region is defined as two or more cities in a County or any combination of geographically contiguous local governments; and

WHEREAS, the **City of X {County of San Mateo}** desires to become part of a sub-region in San Mateo County; and

WHEREAS, the City/ County Association of Governments of San Mateo County (C/CAG) will facilitate and provide staff support; and

WHEREAS, each member of a sub-region must adopt a resolution authorizing its inclusion in the sub-region; and

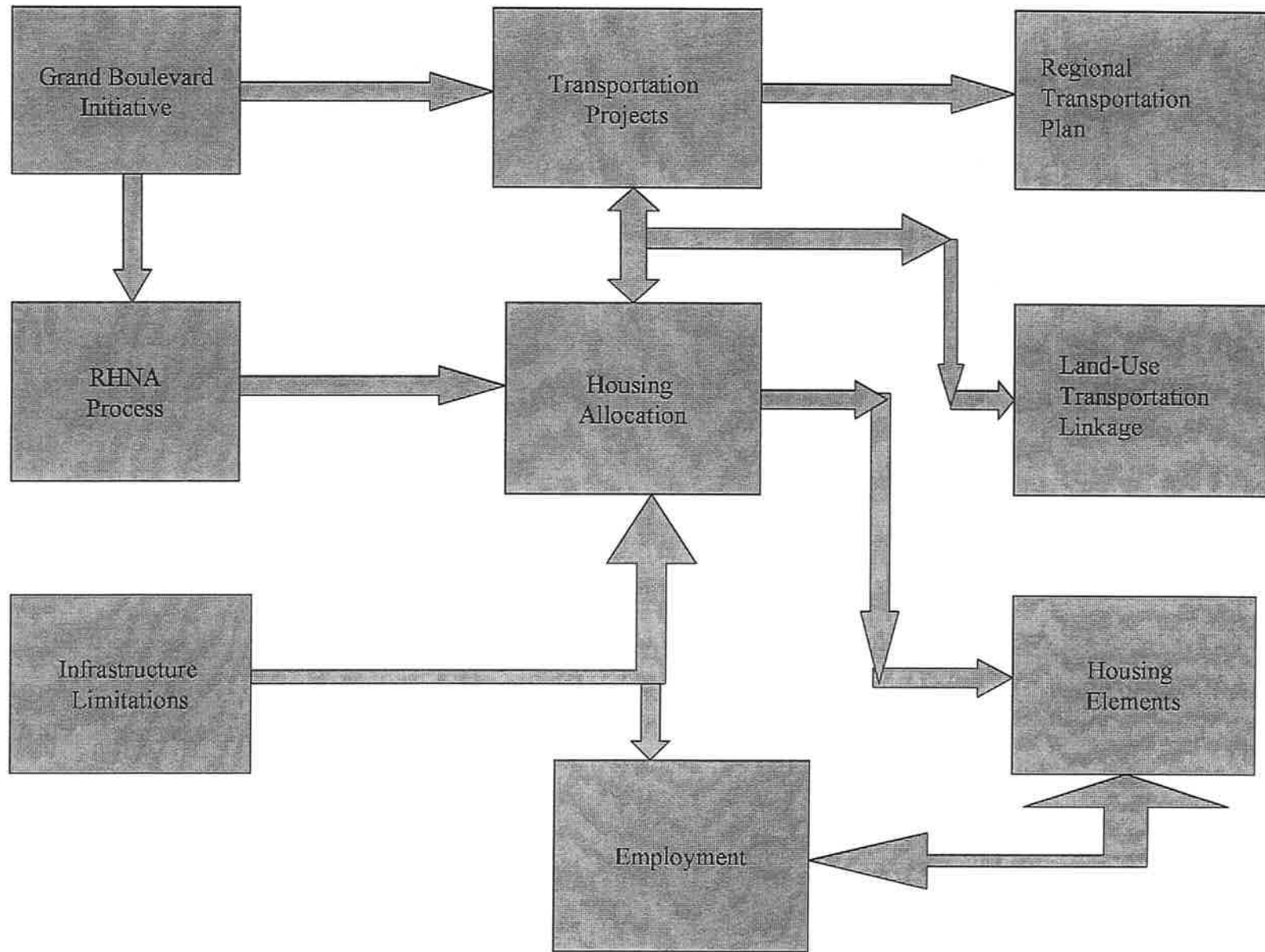
WHEREAS, adopted resolutions must be sent to ABAG by March 16, 2011; and

WHEREAS, ABAG must adopt a resolution approving the sub-region;

NOW, THEREFORE, BE IT RESOLVED that **City X {County of San Mateo}** agrees to participate in the process to establish realistic housing allocations among the sub-region (cities and the County) for use in the next housing element that is due in 2012. Adoption of this resolution indicates the **Council {Board's}** intention to participate in the sub-region process for San Mateo County and to designate the City/ County Association of

Governments of San Mateo County (C/CAG) as the official representative of the San Mateo County sub-region. This resolution is submitted to the Association of Bay Area Governments (ABAG) for inclusion in the Resolution designating the sub-region.

SAN MATEO COUNTY SCS PROCESS



OneBayArea

Sustainable Communities Strategy

LEADERSHIP ROUNDTABLE MEETING San Mateo County

Hosted by C/CAG
San Mateo County Government Center
455 County Center, Room 101, Redwood City

October 12, 2010
6 – 7:30 p.m.

AGENDA

1. **Introduction** (Regional Agency/CMA Elected Official/Supervisor Rose Jacobs Gibson) 5 min.
 - Why we are here
 - What we hope to accomplish at today's meeting

2. **Why should the Sustainable Communities Strategy matter to local elected officials and planning staff?** (ABAG and MTC staff) 10 min.
 - SB 375 requires closer integration of land use and transportation elements. What does this mean?
 - a. Growth allocation/Regional Housing Needs Allocation/PDAs (ABAG)
 - b. Supportive transportation investment strategies (MTC)

3. **How best should we engage staff and elected officials in our county?** (Elected officials and local agency staff) 60 min.
 - a. Is there a structure already in place or should a new one be developed?
 - i. Who should regional agency staff be working with in the county?
 - ii. Should we engage with neighboring counties and/or regions? If so, what would be the appropriate venues?

4. **Next Steps/Meeting Summary** (Regional Agency /Supervisor Rose Jacobs Gibson) 10 min.

**San Mateo County SCS Leadership Roundtable
Tuesday, October 12, 6 p.m.**

**Hosted by City/County Association of Governments - San Mateo County
San Mateo County Government Center
455 County Center, Room 101, Redwood City**

Attendees

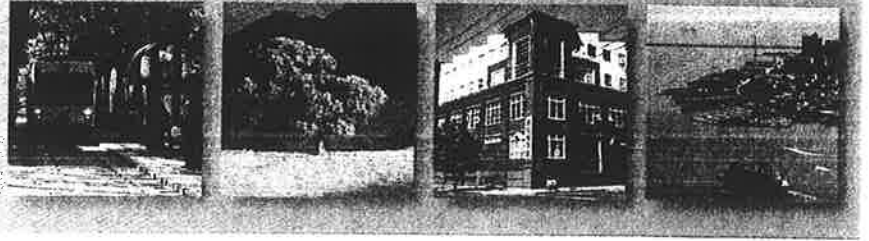
- **Supervisor Rose Jacobs Gibson, San Mateo County, ABAG**
- **Supervisor Adrienne Tissier, San Mateo County, MTC Commissioner**
- **Sue Lempert, MTC Commissioner**
- **Supervisor Carole Groom, ABAG, Air District, C/CAG Vice Chair**
- **Councilmember Richard Garbarino, South San Francisco, ABAG**
- **Councilmember Rosanne Foust, Redwood City, Chair, San Mateo County Transportation Authority**
- **Supervisor Richard Gordon, BCDC**
- **Richard Napier, Executive Director, C/CAG of San Mateo County**

Planning

- **Marian Lee, Planning Director, SamTrans**
- **Mark Sullivan, Housing and Redevelopment Manager, San Bruno**
- **Duane Bay, Housing Director, San Mateo County**
- **Lisa Grote, Community Development Director, City of San Mateo**
- **Al Savay, Community Development Director, San Carlos**
- **Jill Ekas, Planning Manager, Redwood City**
- **Brent Butler, Planning Manager, East Palo Alto**
- **Planning Representative from South San Francisco**
- **Colette Meunier, Planning Director, Colma**
- **Susy Kalkin, South San Francisco**
- **Sandy Wong, Deputy Director, C/CAG**

Agency

- **Steve Heminger, MTC Executive Director**
- **Ezra Rapport, ABAG Executive Director**
- **Patricia Jones, ABAG Assistant Executive Director**
- **Miriam Chion, ABAG Deputy Planning Director**
- **Marisa Raya, ABAG Regional Planner**
- **Joanna Bullock, ABAG Senior Planner**
- **Kathleen Cha, ABAG Senior Communications Officer**



Sustainable Communities Strategy

Overview

The Sustainable Communities Strategy aims to reduce greenhouse gas emissions by integrating planning for transportation and land use and housing. Required by SB 375, a state law approved in 2008, the Sustainable Communities Strategy (SCS) will be developed in close collaboration with local elected officials and community leaders.

Sustainable Communities Strategy Basics

- Metropolitan Planning Organizations (MPOs) in 18 regions across California need to develop a Sustainable Communities Strategy.
- The Strategy must identify specific areas in the nine-county Bay Area to accommodate the entire region's projected population growth, including all income groups, for at least the next 25 years.
- The Strategy must try to achieve targeted reductions in greenhouse gas emissions from cars and light trucks.
- The Strategy will reflect the "Three E" goals of sustainability: Economy, Environment and Equity, by establishing targets or benchmarks for measuring our progress toward achieving these goals.

Development of the SCS

- MTC, as the Bay Area's MPO, and the Association of Bay Area Governments (ABAG), the region's Council of Governments, will develop the SCS in partnership with the Bay Area Air Quality Management District and the Bay Conservation and Development Commission.
- The four regional agencies will team with local governments, county congestion management agencies, public transit agencies, interested

residents, stakeholders and community groups to ensure that all those with an interest in the outcome are actively involved in the Strategy's preparation.

- MTC must adopt the SCS as part of its next Regional Transportation Plan (RTP) for the Bay Area, which is due in 2013. State and federal laws require that everything in the plan must be consistent with the SCS, including local land use plans.
- State law requires that the SCS must also be consistent with the Regional Housing Need Allocation (RHNA). ABAG administers RHNA, which ABAG will adopt at the same time that MTC adopts the RTP. Local governments will then have another 18 months to update their housing elements; related zoning changes must follow within three years.

SCS Benefits

- Since over 40% of the Bay Area's emissions come from cars and light trucks, integrating land uses (jobs, stores, schools, homes, etc.) and encouraging more complete communities will become an important strategy to reduce the Bay Area's auto trips.
- Clustering more homes, jobs and other activities around transit can make it easier to make trips by foot, bicycle or public transit.
- Planning land uses and transportation together can help improve the vitality and quality of life for our communities, while improving public health.

How Do I Get Involved?

- Ongoing public and local government engagement has begun and will continue through 2013. For more information on how you can get involved, go to www.OneBayArea.org.

One Bay Area

Sustainable Communities Strategy

Frequently Asked Questions

What is the Sustainable Communities Strategy?

The Sustainable Communities Strategy (SCS) is an integrated land use and transportation plan that all metropolitan regions in California must complete under Senate Bill 375. In the San Francisco Bay Area this integration includes ABAG's Projections and Regional Housing Needs Allocation (RHNA) and MTC's Regional Transportation Plan (RTP).

What will the SCS do?

State law requires that the SCS accomplish three principal objectives:

1. Identify areas to accommodate all the region's population associated with Bay Area economic growth, including all income groups, for at least the next twenty-five years;
2. Develop a Regional Transportation Plan that meets the needs of the region; and
3. Reduce greenhouse-gas emissions from automobiles and light trucks.

In responding to these three state mandates, the SCS will also need to be responsive to a host of other regional and local quality-of-life concerns.

What size of population will the SCS need to accommodate?

The Bay Area currently has 7.3 million people. Over the next twenty-five years it is expected to grow by about another two million; this additional growth is equivalent to approximately five times the current population of the City of Oakland.

What are the greenhouse-gas reduction targets?

On August 9, 2010, the California Air Resources Board (ARB) staff proposed a seven percent reduction target for 2020 and a fifteen percent reduction target for 2035 for the Bay Area. These targets are based on per capita greenhouse gas emissions from passenger vehicles relative to 2005. Final greenhouse gas (GHG) targets will be adopted by ARB on September 23, 2010.

Who will prepare the SCS?

Within the Bay Area, the law gives joint responsibility for the SCS to the Association of Bay Area Governments (ABAG) and to the Metropolitan Transportation Commission (MTC). The two agencies will work with the Bay Area Air Quality Management District

(the Air District) and the Bay Conservation and Development Commission (BCDC). They will also partner with local governments, county congestion management agencies and a wide range of stakeholders to ensure broad public input in the SCS's preparation.

How will the SCS affect local land-use control?

SB 375 does not alter the authority of city and county governments to make decisions about local land use and development. However, the law does require that the SCS be consistent with the Regional Housing Needs Allocation (RHNA) and therefore affects the next iteration of housing elements in local general plans.

How does the SCS relate to the Regional Transportation Plan (RTP) and RHNA?

Regional Transportation Plans include land use projections. The SCS will be the land use allocation in the next RTP, slated for adoption in March 2013. SB 375 stipulates that the SCS will incorporate an 8-year housing projection and allocation pursuant to RHNA.

Aside from the RHNA requirement, why would local governments want to conform to the SCS?

1. To benefit from incentives that will be available to conforming localities—for example, Transportation for Livable Communities (TLC) funding, Station Area Planning Grants, investments from the Regional Transportation Plan, and assistance in meeting the requirements of the California Environmental Quality Act (CEQA);
2. To improve the quality of life of our neighborhoods by providing cleaner air, improved public health, better mobility, more walkable streets, and homes closer to transit, jobs, and services.

Why the emphasis on automobiles and light trucks?

Transportation is the largest single source of greenhouse gases in California. In the Bay Area, it accounts for 41 percent of our emissions, and over three quarters of these come from personal travel in on-road vehicles. If we are to significantly reduce our contribution to global warming, then we need to reduce the impact of our travel within the region. The SCS aims to reduce emissions by:

- Reducing the separation of land uses (jobs, stores, schools, and homes) and encouraging more complete, mixed-use communities, so people can drive less and increase their walking, biking, and use of transit;
- Clustering more homes, jobs and other activities around transit, so people will be encouraged to take transit rather than drive; and
- Planning land uses and transportation together, so we can manage traffic congestion and vehicle speeds, reducing emissions from excessive idling and other inefficiencies.

Land use development changes very slowly and many places will not change much. How much difference can the SCS really make?

We acknowledge that it will likely be decades before changes in the land use pattern make an appreciable difference to the total emissions from personal vehicles. Improvements in vehicle technology and transportation pricing mechanisms (e.g., parking) are likely to have a greater impact, both in the short and longer term. However, the impact of more efficient vehicles could be significantly reduced if the amount we drive and congestion continue to increase because of inefficient land uses. There is a broad consensus that there isn't just one thing that we should do; we will need to move on all fronts. Changes in technology will have to be accompanied by changes in travel behavior if we have any hope of reducing emissions to the levels required by the middle of this century. If we are to be successful in reconfiguring the region by 2050 or so, we need to start now.

While we implement the long-term land-use changes, is there anything we can do that will have more immediate impact?

Yes. The state law which requires an SCS allows us to use transportation measures and policies. These might include road pricing (new and increased tolls), parking regulations, and incentives to accelerate the adoption of alternative vehicles like electric cars, among others.

The extraordinarily high gas prices in 2008 demonstrated that an increase in the cost of driving had an immediate effect on travel patterns: fewer people drove, while more took transit. However, while transportation pricing policies could be powerful and fast-acting measures, the impact on people's pocketbooks will be politically contentious and difficult to implement. In addition, the equity consequences could be particularly challenging: we do not want to make life more unaffordable for those who are already struggling. If we increase the costs of driving, we need to supply land use and transportation choices so people have a genuine ability to avoid or mitigate those costs.

What are some of the other regional efforts related to the SCS?

The Air District and BCDC are developing policies and regulations that will affect the region's land use pattern and placement of public infrastructure, including transportation.

In its effort to control local and regional air pollution (smog, particulate matter, and airborne toxins), the Air District is considering an indirect source rule (ISR) that regulates the construction and long-term transportation impacts of land development. The ISR may require mitigation or payments in lieu of development that increases automobile travel and vehicle emissions. The Air District also recently adopted new thresholds for the evaluation of development projects under CEQA.

BCDC will be releasing an adaptation plan to prepare for inevitable sea-level rise and storm surges affecting areas on and near the Bay shoreline. This will have implications for the location of future development and perhaps for the relocation of existing development and infrastructure. The SCS needs to consider this adaptation work.

What if the SCS is not able to meet its targets?

If we cannot meet the greenhouse-gas reduction targets in the SCS, then we must prepare an Alternative Planning Strategy (APS) to accompany the SCS. The APS will be structured like the SCS, but it is an unconstrained plan that does not have to be as feasible or achievable as the SCS, since it would not be adopted as part of the RTP. The APS would identify the physical, economic, or political conditions required to meet the regional greenhouse gas targets. The APS may provide some CEQA streamlining to housing or mixed-use development projects which are consistent with certain aspects of its land use pattern.

What type of CEQA assistance might be provided through the SCS or APS?

The CEQA relief to be provided through the SCS or APS could include the following:

1. Residential or mixed use projects that comply with the general use designation, density, building intensity and other policies specified for the project area in the SCS will not be required to deal with growth-inducing impacts or transportation-related project-specific or cumulative impacts on global warming or on the regional transportation network required by CEQA.
2. Transit priority projects, which meet a number of land use, density and location criteria as well as including high-quality transit might be totally exempt from CEQA or might qualify for a streamlined review called a sustainable communities environmental assessment.

The SCS sounds like a big project. Are we starting from scratch?

Thankfully, we are not. For over a decade, the Bay Area has been encouraging more focused and compact growth to help revitalize older communities, develop complete communities, reduce travel time and expense, make better use of the existing transportation system, control the costs of providing new infrastructure, protect resource land and environmental assets, promote affordability, and generally improve the quality of life for all Bay Area residents. Reducing greenhouse-gas emissions just provides another reason to continue and accelerate these ongoing efforts.

Responding to the regional agencies' FOCUS program, over sixty local governments have voluntarily designated over 120 Priority Development Areas (PDAs). Located within existing urbanized areas and served by high-quality public transit, PDAs consume only about three percent of the region's land area but are being planned by their local jurisdictions to house nearly one-half of the region's projected population growth to the year 2035. FOCUS PDAs and associated incentive programs like TLC – which has reached its 10-year anniversary – provide a solid foundation upon which to build the SCS.

How much time do we have to complete the Sustainable Communities Strategy?

According to the State, the Bay Area's SCS is due in March 2013. However, a draft SCS needs to be completed by the beginning of 2012 so it can guide the investments in the transportation plan, to ensure consistency with the eight-year RHNA, and make sure that environmental impact documents are completed in time to allow sufficient public review. We will receive our final greenhouse-gas targets from the California Air Resources Board in September 2010. That leaves less than a year and a half to work with all our partners to actually produce the SCS.

Over the next few months, we will build the necessary analytic tools, strengthen partnerships with local governments and other stakeholders, and work out the information and engagement mechanisms to make the process transparent and worthy of public support.

Who should we contact with questions?

- Doug Kimsey, MTC, (510) 817-5790, dkimsey@mtc.ca.gov
- Ken Kirkey, ABAG, (5410) 464-7955, kennethk@abag.ca.gov
- Henry Hilken, BAAQMD, (415) 749-4642, hhilken@baaqmd.gov
- Joe LaClair, BCDC, (415) 352-3656, joel@bcdca.gov

OneBayArea

SCHEDULE OF MILESTONES FOR THE SUSTAINABLE COMMUNITIES STRATEGY

This schedule documents both past achievements and upcoming deadlines and decision points. This schedule will be posted on OneBayArea.org and will be updated as the Sustainable Communities Strategy unfolds in more detail. This schedule does not include the many sub-regional and stakeholder meetings which continue to occur every week.

Date	Event
September 30, 2008	SB 375 becomes law
September 30, 2009	State-wide RTAC recommends methodology for establishing regional greenhouse-gas targets to CARB
December 16, 2009	All four regional agencies complete adoption of implementation policies
March 10, 2010	Regional public workshop to review RTAC methodology for GHG-target-setting and to assess Bay Area GHG-target options
April 22, 2010	Sustainable Communities Strategy kickoff event: <i>Bay Area 2010: The Future Begins Today</i> , Oakland Marriott Hotel
April 28, 2010	First meeting of Regional Advisory Working Group (local planners and regional stakeholders)
May 12, 2010	CARB workshop on GHG Targets (Sacramento)
May 25, 2010	Second meeting of Regional Advisory Working Group
June 7, 2010	First meeting of Executive Working Group (regional agency executive directors, CMA directors, representative city managers)
June 30, 2010	CARB releases draft regional greenhouse-gas targets
July 6, 2010	Third meeting of Regional Advisory Working Group
August 3, 2010	Fourth meeting of the Regional Advisory Working Group
September 7, 2010	Fifth meeting of the Regional Advisory Working Group
September 10, 2010	MTC Planning Committee to provide final comments on GHG targets
September 22, 2010	MTC to take final action on recommendation to CARB on GHG targets

September 30, 2010	CARB releases final regional greenhouse-gas targets
October 1, 2010	Completion of initial Leadership Roundtable meetings by county
November 4, 2010	Sixth meeting of the Regional Advisory Working Group
November 2010	Regional agencies release method for determining 25-year housing targets
Late 2010	Define/Adopt SCS Performance Targets
December 3, 2010	Seventh meeting of the Regional Advisory Working Group
Late 2010	Define/Adopt SCS Land Use Scenarios
February 2011	County/Corridor group review
Jan – March 2011	Define/Adopt SCS Performance Indicators
May 2011	Define SCS Land Use Scenarios
July 2011	Release Proposed RHNA Method
August 2011	County/Corridor group review
September 2011	Written public comments on SCS “land use” scenario and projections
September 2011	Adopt Final RHNA Methodology
November 2011	Adopt RHNA Draft Allocation
Early 2012	Regional agencies release first draft of SCS
March 2012	County/Corridor group review
September 2012	Adoption of Final RHNA Allocation
Mid- to late-2012	Prepare Draft EIR and Final Draft SCS/RTP
Late 2012	Regional agencies release Final Draft SCS/RTP and Draft EIR for public review
Early 2013	Three formal public hearings
Early 2013	Prepare final SCS, RTP and EIR
March 2013	Regional agencies release SCS, RTP and RHNA
June 2013	CARB certifies SCS
June 2013	HCD Adopts RHNA Allocation

*CARB: California Air Resources Board
 *EIR: Environmental Impact Report
 *GHG: Greenhouse Gas
 *RTAC: Regional Target Advisory Committee
 *RAWG: Regional Advisory Working Group
 *RHNA: Regional Housing Needs Allocation
 *RTP: Regional Transportation Plan

GHG Targets	<input type="checkbox"/>
Meetings and Local Jurisdiction Input	<input type="checkbox"/>
SCS Draft and Adoption	<input checked="" type="checkbox"/>

C/CAG

City/County Association of Governments of San Mateo County

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October 13, 2010

Hon. Tom Kasten, Chairman
C/CAG Board of Directors
555 County Center Fifth Floor
Redwood City, CA 94063

Dear Chairman Kasten:

The purpose of this letter is to request that you, as the C/CAG Chair, write to the County Planning Commission, the Board of Supervisors and the Community Development Director, to request an extension of time for the notice period for the Final Environmental Impact Report (FEIR) for the Big Wave Wellness Center and Office Park, from 20 days to 60 days, based on the information provided below.

At a Special Meeting on September 30, 2010, the C/CAG Airport Land Use Committee (ALUC) received an update from County Planning Staff (Camille Leung, Project Planner) on the current status of the planning and environmental review process for the Big Wave Wellness Center and Office Park proposed on two adjacent parcels across the street from Half Moon Bay Airport. The project was first brought to the attention of the ALUC in April 2009, as an informational item. The ALUC members provided some comments on airport land use compatibility issues to the project sponsor at that meeting. The project sponsor agreed to conduct studies as to the impacts of the proposed construction on wind patterns as they may affect aircraft in flight and noise impacts to residents in the project. Given the extraordinarily close proximity of residential units (900 feet as currently configured) to an active runway and flight pattern, these studies seemed quite logical and necessary. In communications following that meeting, the specifics of the noise studies were agreed.

The project is proffered as "a modern day sanitarium use that would provide housing for 50 low-income developmentally disabled adults." There is testimony in our meeting record from those who would challenge that description. We heard those who claim that because of the "sanitarium" designation, the project was exempt from an otherwise required ALUC review. Due to the exemptions for the "sanitarium" designation, the project only requires use permit approval from the county and several other discretionary permits, including action by the California Coastal Commission. However, as the Chair, I believe it is the charge of the ALUC to review projects with impacts on any airport in this County. Other ALUCs in the State of California consistently review projects where a formal action is not required. The purpose of the ALUC, to my understanding, is to provide advice and recommendations as to airport impacts offered by no other body in the County of San Mateo. Because I have never seen a proposal for housing this close to active runway, I felt that a further review and consideration of the studies that were promised, was warranted, to try to ascertain if they were in fact completed in a manner designed to test these impacts in a reasonable manner.

Airport Land Use Committee

ITEM 9.1

ALUC Chairperson:
Richard Newman
Aviation Representative

ALUC Vice Chairperson:
Ann Keighran, Council Member
City of Burlingame, California

C/CAG Airport Land Use Committee (ALUC) Staff:
David F. Carbone, Transportation Systems Coordinator/Airport Environs
Planning, County of San Mateo Planning and Building Department.

Letter to the Hon. Tom Kasten C/CAG Chairperson, Re: A Request to Extend the Notice Period for the Final Environmental Impact Report (FEIR) for the Big Wave Wellness Center and Office Park

October 13, 2010

Page 2 of 3

In reading the relevant portions of the DEIR, it appears that the wind study was never conducted, but was instead dismissed upon the notion that the hills to the southwest of the runway would "block" the wind. This is very far from the experience of pilots landing at airports with nearby hills. Where a similar condition was allowed at San Carlos, the result is a very dangerous approach area just short of the landing point. The wind often passes through two buildings constructed adjacent to the runway and already being turbulent from the nearby hills, form disturbances to airflow that are a challenge for even experienced pilots.

It appears from comments in the DEIR and those made by the Planning Department, the noise studies it seems, were not conducted in accordance with the promises of the project sponsor, but instead, with minimal samplings on less than the heaviest use days, which Half Moon Bay experiences from time-to-time. The project sponsor has indicated that they would require the developmental disabled "tenants" in the project (they were to be joint owners in the project in total as originally described to us) sign away their rights to complain about airport noise and impacts, via a waiver. We have been told repeatedly "these people are not complainers."

Of course, noise, safety and wind impacts are not exclusive to the dimensions of the runway itself and the proximity of the residential units to end of that runway. Aircraft will be at very low altitudes during take-off and landing procedures, abeam the residential units. Please see the attached location map.

The Committee members asked Ms. Leung about several airport land use compatibility issues previously raised by the Committee to be addressed in the Draft Environmental Impact Report (DEIR), including the effect of the project on wind patterns near the runway threshold and aircraft safety and noise impacts. The questions also addressed the DEIR process and how the site plan and footprint of the project changed, based on the environmental analysis. It was noted many times during our review, that the project now being considered differs substantially from the one circulated in the DEIR. The size, location and orientation of buildings are changed in substantial ways. Ms. Leung explained those changes were due to the discovery of a cultural resource site on the residential portion of the project that needed to be protected from development. Several speakers at the meeting also expressed their concerns about the airport land use compatibility issues related to the project.

Ms. Leung explained the airport land use compatibility issues mentioned above would be addressed in the responses to the relevant comment letters in the FEIR. She noted the FEIR document is scheduled to be released on October 7, 2010. The FEIR public notice period is 20 days and will expire on October 27, 2010, which is the date of the County Planning Commission hearing on the project.

Due to the large volume of the DEIR (over 2,000 pages) and the large number of comment letters received by the County on the content of the DEIR (over 250 letters), we anticipate the FEIR will also be a large document. The Committee members felt strongly that 20 days was not a sufficient amount of time to review the responses in the FEIR. The Committee unanimously moved to request C/CAG, as the Airport Land Use Commission, to request the County to extend the FEIR notice period from 20 days to 60 days. This additional time would allow the Committee members sufficient opportunity to review the comments in the FEIR related to the airport land use compatibility issues raised by the Committee and other interested parties.

**Letter to the Hon. Tom Kasten C/CAG Chairperson, Re: A Request to Extend the Notice
Period for the Final Environmental Impact Report (FEIR) for the Big Wave Wellness Center and
Office Park
October 13, 2010
Page 3 of 3**

I would appreciate knowing if C/CAG will be willing and able to forward these comments to the county as suggested above, together with the postponement request, prior to the proposed meeting date of the Planning Commission. I would ask that you copy the undersigned on any such correspondence, directly to P.O. Box 1934, Burlingame, CA 94011.

Thank you for your consideration and action on this request.

Sincerely,

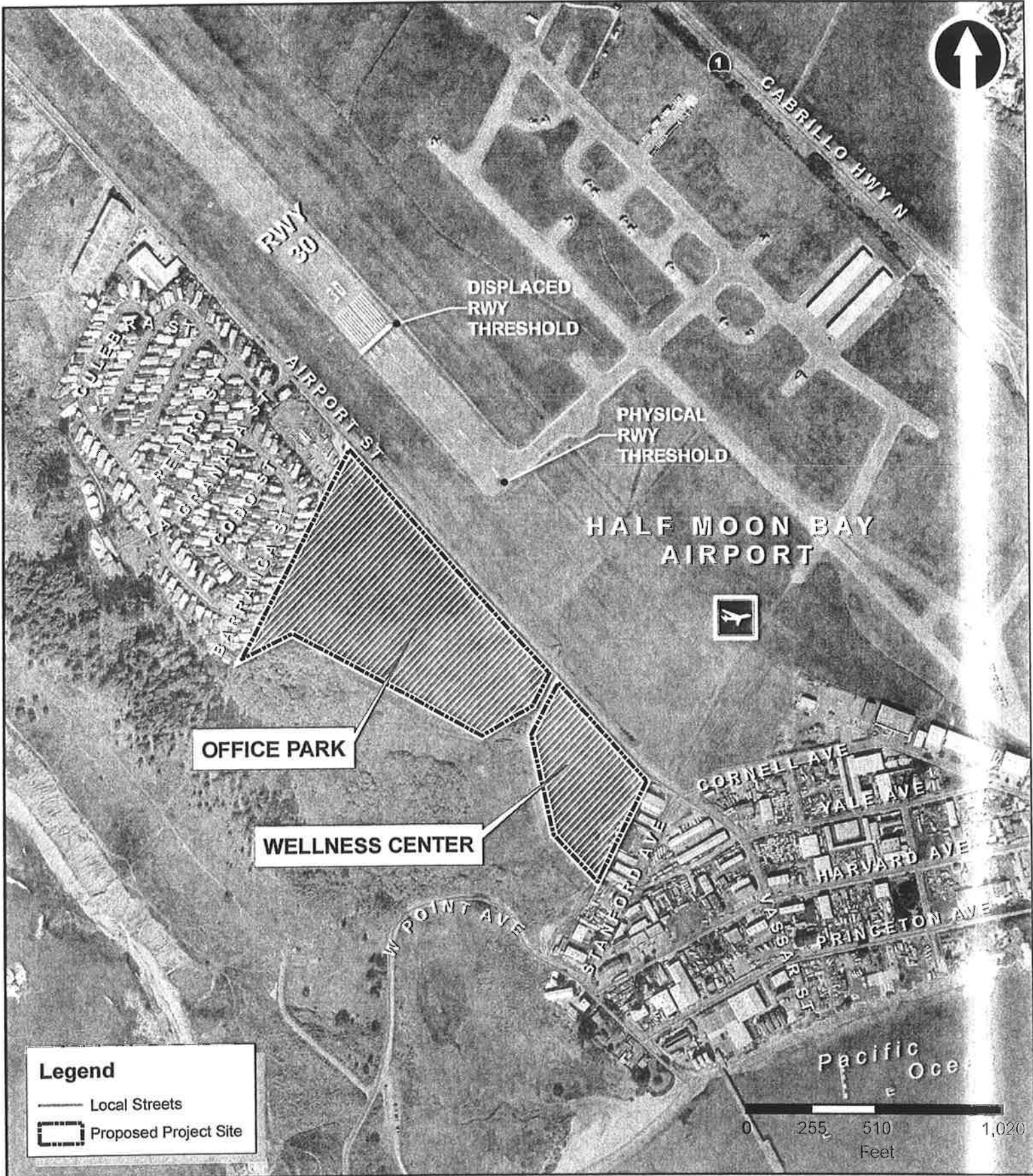


Richard Newman, ALUC Chairperson

RN:DFC:pac - DFCU0742_WPN.DOC
RNEWMANALUCBigWaveLetter-Dfc742_wpn

Attachment: Location Map: Proposed Big Wave Wellness Center and Office Park

cc: ALUC Members. w/attachment
Richard Napier, C/CAG Executive Director, w/attachment
David F. Carbone, C/CAG ALUC Staff, w/attachment
Camille Leung, Project Planner, County of San Mateo, w/attachment



Source: County of San Mateo Planning & Building Department, GIS



Proximity of the Proposed Big Wave Wellness Center and Office Park to Half Moon Bay Airport
September 2010

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October 18, 2010

San Mateo County Planning Commission
ATTN: Mr. Jim Eggemeyer, Community Development Director
San Mateo County Planning and Building Department
455 County Center Second Floor
Redwood City, CA 94063

Dear Mr. Eggemeyer and County Planning Commissioners:

The 21-member City/County Association of Governments of San Mateo County (C/CAG) Board of Directors¹ serves as the state-mandated Airport Land Use Commission for the County. The purpose of this letter is to request the San Mateo County Planning Commission to extend the notice period for the Final Environmental Impact Report (FEIR) for the Big Wave Wellness Center and Office Park, from 20 days to 60 days, based on the information provided below.

At a Special Meeting on September 30, 2010, the C/CAG Airport Land Use Committee (ALUC)² received an update from County Planning Staff (Camille Leung, Project Planner) on the current status of the planning and environmental review process for the proposed Big Wave Wellness Center and Office Park project to be located on two adjacent parcels across the street from Half Moon Bay Airport. The project was first brought to the attention of the ALUC in April 2009, as an informational item. The ALUC members provided some comments on airport land use compatibility issues to the project sponsor at that meeting.

The Committee members asked Ms Leung (Project Planner for San Mateo County) about several airport land use compatibility issues previously raised by the Committee to be addressed in the Draft Environmental Impact Report (DEIR), including the affect of the project on wind patterns near the runway threshold and aircraft safety and noise impacts. The questions also addressed the DEIR process and how the site plan and footprint of the project changed, based on the environmental analysis. Ms. Leung explained those changes (reduction in the size of the residential building footprint and configuration) were due to the discovery of a cultural resource site on the residential portion of the project that needed to be protected from development.

A key component of the project that is causing concern for the Committee and other interested parties is the housing portion of the project, due to its close proximity to the threshold of Runway 30 at Half Moon Bay Airport. Several speakers at the meeting expressed their concerns about the housing component of the project and other airport/land use compatibility issues related to the location of the project near the Airport.

Ms. Leung explained the airport land use compatibility issues of concern to the Committee members would be addressed in the responses to the relevant comment letters in the FEIR. I understand that the FEIR public notice period is 20 days and will expire on October 27, 2010, which is the scheduled date of the County Planning Commission hearing on the project.

¹ The C/CAG Board membership includes a City Council member from each of the 20 cities in the County plus a member of the San Mateo County Board of Supervisors.

² The C/CAG Airport Land Use Committee (ALUC) advises the C/CAG Board on airport/land use compatibility issues in the environs of all three airports located in San Mateo County (Half Moon Bay Airport, San Carlos Airport, **ITEM 9.2**

and San Francisco International Airport).

**Letter to San Mateo County Planning Commission, ATTN: Jim Eggemeyer, San Mateo County Community Development Director, Re: Request to the San Mateo County Planning Commission to Extend the Notice Period for the Final Environmental Impact Report (FEIR) for the Big Wave Wellness Center and Office Park
October 15, 2010**

Page 2 of 2

Due to the large volume of the DEIR (over 2,000 pages) and the large number of comment letters received by the County on the content of the DEIR (over 250 letters), it is fair to anticipate the FEIR will also be a large document. The Committee members felt strongly that 20 days was not a sufficient amount of time to review the responses in the FEIR. The Committee unanimously moved to request C/CAG, as the Airport Land Use Commission, to request the County Planning Commission to extend the FEIR notice period from 20 days to 60 days. This additional time would allow the Committee members sufficient opportunity to review the comments in the FEIR related to the airport land use compatibility issues raised by the Committee and other interested parties.

Thank you for your consideration and support of this request.

Sincerely,

A handwritten signature in cursive script that reads "Richard Napier for JK".

Tom Kasten, C/CAG Board Chairperson

cc: Richard Gordon, President, San Mateo County Board of Supervisors
Richard Napier, C/CAG Executive Director
Richard Newman, Chairperson, C/CAG Airport Land Use Committee (ALUC)
ALUC Members
David F. Carbone, ALUC Staff

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October 27, 2010

John L. Martin, Director
San Francisco International Airport
Box 8097
San Francisco, CA 94128

RE: Chaptering of SB 1333 (Yee)

Dear John:

I am writing to congratulate you on the chaptering of SB 1333 (Yee) Airports: Avigation Easements (now Chapter 329, an act to add Section 21669.5 to the Public Utilities Code). The details of this bill, regarding the timing of the grant of an avigation easement related to the construction of noise-sensitive land uses and the criteria for the termination of the easement, are very important to the affected cities. This action is another example of intergovernmental cooperation between the Airport and its neighboring cities, regarding issues of mutual interest. I would like to especially highlight the assistance of Melba Yee, of your legal staff, for her invaluable assistance and input on this matter.

On behalf of the C/CAG Board of Directors and myself, we sincerely appreciate your on-going support of our airport-related activities. We look forward to continuing our cooperation and collaboration with you and your staff on future airport-related issues.

Sincerely,



Richard Napier
C/CAG Executive Director

cc: Hon. Senator Leeland Yee
C/CAG Board Members
Connie Jackson, City Manager, City of San Bruno
Barry Nagel, City Manager, City of South San Francisco

ITEM 9.3

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The Mercury News

MercuryNews.com

Measure M would add \$10 to vehicle registration fee for San Mateo County drivers

By Bonnie Eslinger
Daily News Staff Writer

Posted: 10/08/2010 07:14:52 PM PDT

Updated: 10/09/2010 05:00:45 AM PDT

If drivers want better roads and less traffic congestion, they should be prepared to pay for it, says Richard Napier, executive director of the City/County Association of Governments of San Mateo County.

And that's where Measure M comes in. If approved Nov. 2, the ballot measure would tack on a \$10 fee when county drivers register their cars with the California Department of Motor Vehicles. Revenue from the extra fee is expected to generate an estimated \$6.7 million a year to cover a myriad of road-related improvement costs.

"The services are dropping, and we're in a financial bind. It's going to be hard to maintain the streets," Napier said. "Shouldn't they have the option to say, 'I don't want the level of service to be dropped?'"

The measure was placed on the ballot by the City/County Association of Governments, or C/CAG, a government agency that tackles countywide issues, including traffic congestion management.

"I think the thing that's really important is this really is a fee – only the users pay the fee," Napier said.

"If you don't own a motor vehicle, you don't pay the fee."

San Mateo County is one of seven Bay Area counties asking voters to approve a \$10 vehicle registration fee next month. The fee was authorized through state legislation written by state Sen. Loni Hancock, D-Oakland, and approved last year. According to the Metropolitan Transportation Commission, the fees would generate a combined \$54 million if

approved.

The measures only need a simple majority of votes to pass.

San Mateo County already charges a \$4 vehicle registration fee that is set to expire Dec. 31, 2012, so if Measure M passes, drivers will pay \$14 in the next 18 months. The new fee would sunset in 25 years.

According to C/CAG documents, the revenue from Measure M must be used for roadway maintenance and repairs, traffic signs and street striping, traffic signal systems, transit operations and shuttles, street sweeping, walk- or bike-to-school events, and water pollution prevention projects such as street-side runoff treatment.

Half of the money would go toward countywide efforts and the other half to individual cities and the county based on a formula that accounts for population and road miles within each jurisdiction, according to C/CAG documents.

Redwood City would receive \$280,747, for example, while Atherton's annual allocation would be \$75,000.

Measure M is opposed by the Silicon Valley Taxpayers' Association, which argues that residents



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ITEM 9.4

The Mercury News

MercuryNews.com

should not have to pay any new fees or taxes during an economic downturn.

A statewide measure, Proposition 21, also would add to vehicle registration costs if approved – \$18 for state parks and beaches.

E-mail Bonnie Eslinger at beslinger@dailynewsgroup.com.



Printed from THE DAILY JOURNAL, dtd. 10/18/2010

Local vehicle fee hike on ballot

October 18, 2010, 03:30 AM By Bill Silverfarb Daily Journal staff

Voters in the county are facing a \$10 vehicle registration fee on the November ballot that will raise \$6.7 million annually for 25 years to fund countywide transportation programs and fix local roads.

With the state facing a \$20 billion deficit and spending less on transportation, the City/County Association of Governments decided to put a measure on the November ballot to impose the fee for vehicles registered in the county.

Currently, the fee for San Mateo County residents is \$4.

Another statewide measure on the November ballot, Proposition 21, would add \$18 to vehicle registration fees to go toward maintaining state parks and beaches.

State funding has diminished for road work and cities are pressured to provide services the state once funded, according to C/CAG.

If the measure passes, about half the money raised will be doled out to cities based on population and road miles. Under the formula, the city of San Mateo would get about \$375,000 annually for road fixes while Foster City would get about \$106,000 annually. Each city would receive at least \$75,000 if Measure M passes.

The other half, about \$3.2 million, would go toward funding transit operations including services for seniors and people with disabilities provided by Caltrain and SamTrans. About 5 percent of the money would go toward administrative cost.

Measure M is being opposed by the Silicon Valley Taxpayers' Association.

"It is a very bad economy. It is a terrible time for a tax increase," said Don Pettengill, a San Mateo resident with the taxpayers' association.

Pettengill insists that C/CAG should cut from its own \$11.3 million budget rather than ask voters to dole out more money to fill potholes.

"The way I see it, this agency does nothing. It is a parasite," Pettengill said about C/CAG.

Federal stimulus money should be used to fill potholes since they are considered shovel-ready projects, Pettengill said.

C/CAG is a county agency charged with addressing transportation and air quality issues, among others, and is comprised of a 21-member board of local elected officials.

Cities can use the money for pavement resurfacing, pothole repair, signs and striping, traffic signals and for funding local shuttles. The money can also be used for street sweeping and storm-inlet cleaning.

Bill Silverfarb can be reached by e-mail: silverfarb@smdailyjournal.com or by phone: (650) 344-5200 ext. 106.

ITEM 9.5