

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. 285

- DATE:** Thursday, January 14, 2016
- TIME:** 6:30 P.M.
- PLACE:** San Mateo County Transit District Office
1250 San Carlos Avenue, Second Floor Auditorium
San Carlos, CA
- PARKING:** Available adjacent to and behind building.
Please note the underground parking garage is no longer open.
- PUBLIC TRANSIT:** SamTrans
Caltrain: San Carlos Station.
Trip Planner: <http://transit.511.org>

- 1.0 CALL TO ORDER/ ROLL CALL
- 2.0 **PLEDGE OF ALLEGIANCE**
- 3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Note: Public comment is limited to two minutes per speaker.
- 4.0 PRESENTATIONS/ ANNOUNCEMENTS
- 5.0 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. 284 dated December 10, 2015 ACTION p. 1

- 5.2 Receive copy of executed agreement(s) executed by the C/CAG Chair or Executive Director consistent with C/CAG Procurement Policy:
 - 5.2.1 Receive a copy of the executed Amendment No. 4 to the agreement with Iteris Inc. for Smart Corridor System Integration Support for a time extension. INFORMATION p. 7
- 5.3 Review and approve the appointments of Justin Murphy from the City of Menlo Park and Peter Vorametsanti from the City of Millbrae to the Congestion Management Technical Advisory Committee (CMP TAC) ACTION p. 10
- 5.4 Review and approve the appointment of Justin Murphy, Director of Public Works, to represent the City of Menlo Park on the Stormwater Committee. ACTION p. 15
- 5.5 Receive a copy of the water quality petition requesting the State Water Resources Control Board review the San Francisco Bay Regional Water Quality Control Board's reissuance of the Municipal Regional Permit. INFORMATION p. 17
- 5.6 Review the attendance reports for the 2015 C/CAG Board and Committees. ACTION p. 34
- 6.0 REGULAR AGENDA
- 7.0 COMMITTEE REPORTS
 - 7.1 Committee Reports (oral reports)
 - 7.2 Chairperson's Report
 - 7.3 Board members Report
- 8.0 EXECUTIVE DIRECTOR'S REPORT
- 9.0 COMMUNICATIONS - Information Only
 - 9.1 Letter from Mary Ann Nihart, Chair, City/County Association of Governments, to All Councilpersons of San Mateo County Cities and Members of the Board of Supervisors, All City/ County Managers, dated 12/10/15. RE: C/CAG Committee Vacancies on Congestion Management & Environmental Quality (CMEQ) Committee, Resource Management and Climate Protection (RMCP) Committee, Bicycle and Pedestrian Advisory (BPAC) Committee and Legislative Committee. p. 44
- 10.0 CLOSED SESSION
 - 10.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
 - Title: Executive Director of C/CAG
 - 10.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Name of case: W. Bradley Electric, Inc., for the benefit of MP Nexlevel of California, Inc., and MP Nexlevel of California, Inc., in its own capacity and as assignee of W. Bradley Electric, Inc. v. County of San Mateo

11.0 RECONVENE OPEN SESSION

11.1 Report on Closed Session.

12.0 Action on Compensation Adjustment for Executive Director. ACTION

13.0 Approval of 2016 Performance Objectives for Executive Director. ACTION

14.0 ADJOURN

Next scheduled meeting February 11, 2016

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 Mima Guilles at 650 599-1406, five working days prior to the meeting date.

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

Executive Director: Sandy Wong 650 599-1409

Administrative Assistant: Mima Guilles 650 599-1406

MEETINGS

January 14, 2016	C/CAG Board - SamTrans 2 nd Floor Auditorium – 6:30 p.m. - Canceled
January 14, 2016	Legislative Committee - SamTrans 2 nd Floor Auditorium – 5:30 p.m.
January 21, 2016	CMP Technical Advisory Committee - SamTrans, 2 nd Floor Auditorium - 1:15 p.m.
January 21, 2016	Stormwater Committee - SamTrans, 2 nd Floor Auditorium - 2:30 p.m.
January 25, 2016	Administrators' Advisory Committee - 555 County Center, 5th Fl, Redwood City – 12:00p.m.
January 25, 2016	CMEQ Committee - San Mateo City Hall - Conference Room C - 3:00 p.m.
February 3, 2016	Water Committee – BAWSCA 1 st Floor Conference Room – 5:15 p.m.

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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BOARD MEETING MINUTES

Meeting No. 284
December 10, 2015

1.0 CALL TO ORDER/ROLL CALL

Chair Mary Ann Nihart called the meeting to order at 6:31 p.m. Roll call was taken.

- Elizabeth Lewis – Atherton
- Terry O’Connell – Brisbane
- Ricardo Ortiz – Burlingame
- Joseph Silva – Colma
- Larry Moody – East Palo Alto
- Larry May – Hillsborough (6:36 p.m.)
- Kirsten Keith – Menlo Park (6:37 p.m.)
- Mary Ann Nihart – Pacifica
- Alicia Aguirre - Redwood City
- Irene O’Connell – San Bruno
- Mark Olbert – San Carlos
- Diana Papan – San Mateo
- Karyl Matsumoto – South San Francisco
- Deborah Gordon - Woodside

Absent:

- Belmont
- Daly City
- Foster City
- Half Moon Bay
- Millbrae
- Portola Valley
- San Mateo County

Others:

- Sandy Wong –C/CAG Executive Director
- Nirit Eriksson – C/CAG Legal Counsel
- Mima Guilles – C/CAG Staff
- Jean Higaki – C/CAG Staff
- Matt Fabry – C/CAG Staff
- John Hoang – C/CAG Staff

Tom Madelena – C/CAG Staff
Jeff Lacap – C/CAG Staff
Eliza Yu – C/CAG Staff
Kim Springer – San Mateo County Energy Watch
Ellen Barton – San Mateo County
Jim Porter – San Mateo County Public Works
Scott Hart – PG&E
Mike Foster – PG&E
Art Kiesel – Foster City
David Braunstein – Belmont
Terry Nagel – Burlingame

3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

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

No public comments.

4.0 PRESENTATIONS/ ANNOUNCEMENTS

4.1 Certificate of Appreciation to Art Kiesel, Mayor of Foster City for his dedicated service to C/CAG

4.2 Certificate of Appreciation to David Braunstein, Mayor of Belmont for his dedicated service to C/CAG

4.3 Certificate of Appreciation to Terry Nagel, Mayor of Burlingame for her dedicated service to C/CAG

5.0 CONSENT AGENDA

Board Member Aguirre MOVED approval of Items 5.1, 5.2, 5.2.1, 5.3, 5.4, 5.5, 5.6, 5.7, and 5.8.
Board Member May SECONDED. **MOTION CARRIED 14-0**

5.1 Approval of the minutes of regular business meeting No. 283 dated November 12, 2015 APPROVED

5.2 Receive copy of executed agreement(s) executed by the C/CAG Chair or Executive Director consistent with C/CAG Procurement Policy:

5.2.1 Receive a copy of an agreement between C/CAG and the Local Government Commission for a Civic Spark Fellow to support the San Mateo County Energy Watch Program, executed by the C/CAG Executive Director consistent with C/CAG Procurement Policy, in an amount of \$12,350.

INFORMATION

5.3 Review and approve the appointment of Douglas Kim to represent the San Mateo County Transit District (SamTrans) and Elizabeth Scanlon to represent the Peninsula Corridor Joint Powers Board (JPB) on the Congestion Management & Environmental Quality (CMEQ) Committee. APPROVED

5.4 Review and approve the appointment of Peter Vorametsanti, Interim Public Works Director, to represent the City of Millbrae on the Stormwater Committee. APPROVED

- 5.5 Review and appointment of Dave Williams as Member, and of Brian Branscomb as Alternate, to the Airport Land Use Committee (ALUC) representing the Half Moon Bay Airport Pilots Association. APPROVED
- 5.6 Review and approval of the joint Call for Projects for the C/CAG and San Mateo County Transportation Authority Shuttle Program for Fiscal Year 2016/2017 & Fiscal Year 2017/2018 APPROVED
- 5.7 Review and approval of Resolution 15-55 authorizing the C/CAG Chair to execute an agreement with Parisi Transportation Consulting to provide services for the development of the San Mateo County Safe Routes to School 5-Year Evaluation Report in an amount not to exceed \$42,495. APPROVED
- 5.8 Funding Summary and Update for the San Mateo County Smart Corridor Project INFORMATION

6.0 REGULAR AGENDA

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

Jean Higaki provided a legislative update. On January 4, 2016 the state legislature will reconvene. It is anticipated that the legislature will address, the State Budget, Cap and Trade appropriation, congestion management planning, and the AB 378 (Mullin) US 101 congestion relief. There is no indication of progress on a transportation funding plan from the special session. The Legislative Committee is planning another Sacramento “lobby day” in March or April of 2016.

- 6.2 Review and approval of the C/CAG Legislative Policies for 2016. APPROVED

The Legislative Committee recommended approval of the C/CAG legislative policies for 2016 as recommended by staff, with a language change to policy item 3.1.c to read “Advocate for an integrated approach to both funding and project types for incorporating stormwater management with statewide and regional infrastructure efforts.”

Board Member O’Connell (San Bruno) MOVED approval of Item 6.2 with changes recommended by the C/CAG Legislative Committee. Board Member Gordon SECONDED. **MOTION CARRIED UNANIMOUSLY 14-0**

- 6.3 Review and approval of the C/CAG Investment Policy for FY 2015-16. APPROVED

Board Member directed staff to research on Footnote B on page 70 relative to its adequacy.

Board Member Olbert MOVED approval of Item 6.3. Board Member O’Connell (Brisbane) SECONDED. **MOTION CARRIED UNANIMOUSLY 14-0**

- 6.4 Review and approval of C/CAG investment recommendations from the Finance Committee and accept the Quarterly Investment Report as of September 30, 2015. APPROVED

Board Member Lewis MOVED approval of Item 6.4. Board Member O'Connell (San Bruno) SECONDED. **MOTION CARRIED UNANIMOUSLY 14-0**

- 6.5 Receive a presentation on key provisions of the adopted Municipal Regional Permit and take action or provide staff direction, as appropriate. APPROVED

Matt Fabry gave an update on Municipal Regional Permit that has now been adopted and moving to a second 5 year term. The revised permit regulate the stormwater discharges from C/CAG member agencies, as well as all of the municipalities in Santa Clara, Alameda, and Contra Costa Counties, and the cities of Vallejo, Fairfield, and Suisan. Key provisions in the revised permit include requirements to reduce trash, mercury, and PCBs (polychlorinated biphenyls) discharging from storm drains and for each municipality to develop a Green Infrastructure Plan. APPROVED

Board Member Keith MOVED approval of Item 6.5 for C/CAG to sign on with another petition to the Municipal Regional Permit 2.1. Board Member O'Connell (San Bruno) SECONDED. **MOTION CARRIED UNANIMOUSLY 14-0**

- 6.6 Conduct public hearing and approval of Resolution 15-53 adopting the Final 2015 Congestion Management Program (CMP) for San Mateo County (Special voting procedures apply) APPROVED

C/CAG Staff Jeff Lacap provided a presentation on the final 2015 CMP and changes made since the draft was approved.

Chair Nihart opened public hearing on the Final 2015 CMP. There was no public comment. Chair Nihart closed the hearing.

Board Member Lewis MOVED approval of Item 6.6. Board Member Aguirre SECONDED. **MOTION CARRIED UNANIMOUSLY 14-0**

- 6.7 San Mateo County Energy Watch:

- 6.7.1 Review and approval of Resolution 15-48 authorizing the C/CAG Chair to execute an agreement between C/CAG and Pacific Gas and Electric Company (PG&E) for the San Mateo County Energy Watch three calendar years 2016-2018 program cycle for an amount of \$2,093,787. APPROVED

Board Member Gordon MOVED approval of Item 6.7.1. Board Member Keith SECONDED. **MOTION CARRIED UNANIMOUSLY 14-0**

- 6.7.2 Review and approval of Resolution 15-49 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo for staff services for the San Mateo County Energy Watch 2016 calendar year for an amount not to exceed \$461,000. APPROVED

Board Member Keith MOVED approval of Item 6.7.2. Board Member Ortiz SECONDED. **MOTION CARRIED UNANIMOUSLY 14-0**

- 6.7.3 Review and approval of Resolution 15-52 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo for support for the Regionally Integrated Climate

Action Planning Suite (RICAPS) project for an amount not to exceed \$40,000 for calendar year 2016. APPROVED

Board Member Keith MOVED approval of Item 6.7.3. Board Member Olbert SECONDED. **MOTION CARRIED UNANIMOUSLY 14-0**

6.7.4 Review and approval of Resolution 15-54 waiving the RFP process and authorizing the C/CAG Chair to execute Amendment No. 2 to the agreement between C/CAG and DNV GL extending the termination date to December 31, 2016 and adding an additional \$145,000 to a new total of \$517,125 for technical assistance to cities for climate action planning. DENIED.

Board Member Keith MOVED to Deny of Item 6.7.4. Board Member Lewis SECONDED. Board Members Lewis, O'Connell (Brisbane), Silva, Gauthier, May, Nihart, Olbert and Matsumoto SUPPORTED the motion. Board Members Aguirre, O'Connell (San Bruno) and Gordon OPPOSED the motion. Board Members Ortiz and Papan ABSTAIN. **MOTION CARRIED 9-3-2.**

6.8 Review and approval of participating in the Highway 101 Pilot Ramp Metering Project APPROVED

C/CAG staff Eliza Yu provided presentation on the proposed Highway 101 pilot ramp metering project.

Board Member Lewis MOVED approval of Item 6.8. Board Member Keith SECONDED. **MOTION CARRIED UNANIMOUSLY 14-0**

7.0 COMMITTEE REPORTS

7.1 Committee Reports (oral reports).

7.2 Chairperson's Report

7.3 Board Member Reports

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 Mima Guilles at 650 599-1406 or mguilles@smcgov.org or download a copy from C/CAG's website – www.ccag.ca.gov.

9.1 Letter from Tom Madalena, Transportation Planning Manager, City/County Association of Governments, to Mayor DeGolia, Town of Atherton, dated 11/18/15. RE: Response to Town of Atherton comment letter on the Airport Land Use Compatibility Plan for the Environs of San Carlos Airport

- 10.0 CLOSED SESSION
- 10.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
 - Title: Executive Director of C/CAG
- 10.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Section 54956.9)
 - Name of case: W. Bradley Electric, Inc., for the benefit of MP Nexlevel of California, Inc., and MP Nexlevel of California, Inc., in its own capacity and as assignee of W. Bradley Electric, Inc. v. County of San Mateo
- 11.0 RECONVENE OPEN SESSION
- 11.1 There was no reportable action taken.
- 12.0 Action on Compensation Adjustment for Executive Director. NO ACTION
- 13.0 Approval of 2016 Performance Objectives for Executive Director. NO ACTION
- 14.0 ADJOURN
 - Meeting adjourned 9:10 p.m.

C/CAG AGENDA REPORT

Date: January 14, 2016

To: City/County Association of Governments Board of Directors

From: Sandy Wong, Executive Director

Subject: Receive a copy of the executed Amendment No. 4 to the agreement with Iteris Inc. for Smart Corridor System Integration Support for a time extension

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

RECOMMENDATION

That the Board receive a copy of the executed Amendment No. 4 to the agreement with Iteris Inc. for Smart Corridor System Integration Support for a time extension.

FISCAL IMPACT

None. This amendment is for time extension only.

SOURCE OF FUNDS

State Transportation Improvement Program (STIP)

BACKGROUND

In April 2013, the Board approved an agreement with Iteris Inc. to provide Smart Corridor System Integration Support to C/CAG, Caltrans, and the project stakeholders for an amount not to exceed \$580,977. System integration support services include technical support for connecting Smart Corridor equipment along with communication infrastructure between each field device, the San Mateo Hub, and Caltrans District 4 Transportation Management Center (TMC). An integrated system enhances data and information dissemination and enables the Caltrans and cities to share data and traffic management operations.

The original contract specified an end date of August 31, 2014. In September 2014, the Board approved Amendment No. 1 to extend the contract to January 31, 2015, allowing for additional time to complete system integration activities. In February 2015, the Board approved Amendment No. 2 extending the contract to June 30, 2015, to account for further construction delay and increasing the contract by \$80,022 for additional services to procure and deploy a video management system for a total contract amount of \$660,999. In June 2015, the Board approved Amendment No. 3 extending the contract time again to December 31, 2015.

Construction of the Smart Corridor is substantially complete and drawing to a close and it was determined that additional time is required to complete the system integration activities to support of Caltrans' efforts to integrate the devices and communications network into a system. Therefore, C/CAG executed Amendment No. 4 to the agreement with Iteris Inc. for a time extension and to terminate upon completion of the project, or June 30, 2016, whichever is earlier.

ATTACHMENTS

1. Executed Amendment No. 4 to the Agreement with Iteris Inc.

**AMENDMENT NO. 4 TO THE AGREEMENT
BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
ITERIS INC.**

WHEREAS, the City/County Association of Governments for San Mateo County (hereinafter referred to as "C/CAG") and Iteris Inc. (hereinafter referred to as "Consultant") are parties to an Agreement originally dated April 17, 2013, for System Integration Support for the Smart Corridor Project (the "Agreement"); and

WHEREAS, the cost of the original Agreement was in an amount of \$580,977 with a completion date of August 31, 2014; and

WHEREAS, Amendment No. 1, executed in September 2014, extended the completion date to January 31, 2015 to account for construction delays; and

WHEREAS, Amendment No. 2, executed in February 2015, extended the completion date to June 30, 2015, to account for additional delays and added \$80,022.22 for extra services to assist Caltrans with the deployment of a video management system resulting in a new total contract amount of \$660,999; and

WHEREAS, Amendment No. 3, executed in June 2015, extended the completion date to December 31, 2015; and

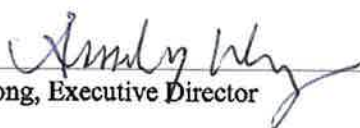
WHEREAS, C/CAG and Consultant have determined that additional time is needed and desire to extend the agreement until completion of all Systems Integration tasks identified in the Agreement; and

WHEREAS, C/CAG and Consultant desire to amend the Agreement as set forth herein.

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

1. The Agreement shall terminate upon completion of Project, or June 30, 2016, whichever is earlier.
2. Except as expressly amended herein, all other provisions of the Agreement shall remain in full force and effect.
3. This amendment shall take effect on January 1, 2016.

City/County Association of Governments
(C/CAG)



Sandy Wong, Executive Director

Date: 1-7-16

Approved as to form:


Legal Counsel for C/CAG

Iteris Inc.


By SCOTT CARLSON
Title: VICE PRESIDENT

Date: 1/7/16

C/CAG AGENDA REPORT

Date: January 14, 2016

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approve the appointment of Justin Murphy from the City of Menlo Park and Peter Vorametsanti from the City of Millbrae to the Congestion Management Program Technical Advisory Committee (CMP TAC)

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

RECOMMENDATION

That the Board review and approve the appointment of Justin Murphy from the City of Menlo Park and Peter Vorametsanti from the City of Millbrae to the Congestion Management Program Technical Advisory Committee (CMP TAC).

FISCAL IMPACT

None

SOURCE OF FUNDS

N/a

BACKGROUND

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

As approved by the C/CAG Board, the maximum number of TAC members is 25 and the total vary depending on vacancies and/or interest from the city staff. Currently there are 21 members with four vacancies. To fill vacant positions, staff typically solicits C/CAG member agencies that are not currently represented on the Committee. Cities/Towns interested in being represented on the TAC are asked to submit a letter of interest to C/CAG for appointment consideration.

C/CAG received letters from the following cities requesting the respective appointments to the CMP TAC:

- Menlo Park – Justin Murphy, Director of Public Works
- Millbrae – Peter Vorametsanti, Director of Public Works

The appointments will replace two members previously representing the same two cities.

ATTACHMENTS

1. Current CMP TAC Roster – 2016
2. Letter from City of Menlo Park
3. Letter from City of Millbrae

Current CMP TAC Roster – 2016

No.	Member	Agency
1	Jim Porter (Co-Chair)	San Mateo County Engineering
2	Joseph Hurley (Co-Chair)	SMCTA / PCJPB / Caltrain
3	Afshin Oskoui	Belmont Engineering
4	Randy Breault	Brisbane Engineering
5	Syed Murtuza	Burlingame Engineering
6	Bill Meeker	Burlingame Planning
7	VACANT	Caltrans
8	Sandy Wong	C/CAG
9	Brad Donohue	Colma Engineering
10	John Fuller	Daly City Engineering
11	Tatum Mothershead	Daly City Planning
12	Paul Willis	Hillsborough Engineering
13	Jeff Moneda	Foster City Engineering
14	Van Ocampo	Pacifica Engineering
15	Jessica Manzi	Redwood City Engineering
16	Jimmy Tan	San Bruno Engineering
17	Jay Walter	San Carlos Engineering
18	Brad Underwood	San Mateo Engineering
19	Brian McMinn	South San Francisco Engineering
20	Billy Gross	South San Francisco Planning
21	Kenneth Folan	MTC

Note: - 14 out of 21 jurisdictions are currently represented (14 Engineers, 3 Planners)
 - One representative each for Caltrans, MTC, SMCTA/JBP/Caltrain, and C/CAG
 - Not currently represented (Atherton, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Portola Valley, Woodside)

City Manager's Office



December 9, 2015

Sandy Wong
C/CAG of San Mateo County
555 County Center, 4th Floor
Redwood City, CA 94063-1665

RE: C/CAG TAC (Technical Advisory Committee) and Storm water Committee Member

Dear Ms. Wong:

The City of Menlo Park is requesting to replace C/CAG TAC and Storm water Committee member Jesse Quirion with Justin Murphy. Mr. Murphy has been appointed as the Director of Public Works effective January 4, 2016. I have listed Justin Murphy's contact information below:

Phone: (650) 330-6725
Email: JICMurphy@menlopark.org

If you have any questions, please contact me at (650) 330-6610.

Sincerely,

Alex D. McIntyre
City Manager

cc: Chip Taylor, Assistant City Manager
Justin Murphy, Assistant Community Development Director



City of Millbrae
621 Magnolia Avenue, Millbrae, CA 94030

ROBERT G. GOTTSCHALK
Mayor

ANNE OLIVA
Vice Mayor

REUBEN D. HOLOBER
Councilman

MARGE COLAPIETRO
Councilwoman

WAYNE J. LEE
Councilman

October 29, 2015

Sandy Wong
City County Association of Governments of San Mateo County
555 County Center, 5th Floor
Redwood City, CA 94063

Subject: Notification of Duly Authorized Representative for the City of Millbrae on the C/CAG Technical Advisory Committee (TAC)

Dear Sandy:

This is to document the person that I am authorizing to represent the City on the C CAG Technical Advisory Committee (TAC).

Authorized Representative: Peter Vorametsanti, Director of Public Works

This notification will remain in effect until it is changed by me or my successor.

Very truly yours,

Marcia Raines
City Manager

cc: Peter Vorametsanti, Director of Public Works

City Council City Manager City Clerk
(650) 259-2334

Building Division/Permits
(650) 259-2330

Community Development
(650) 259-2341

Finance
(650) 259-2350

Fire
(650) 259-2400

Police
(650) 259-2300

Public Works/Engineering
(650) 259-2339

Recreation
(650) 259-2360

C/CAG AGENDA REPORT

Date: January 14, 2016
To: C/CAG Board of Directors
From: Sandy Wong, Executive Director
Subject: Review and approve the appointment of Justin Murphy, Director of Public Works, to represent the City of Menlo Park on the Stormwater Committee

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

RECOMMENDATION

Review and approve the appointment of Justin Murphy, Director of Public Works, to represent the City of Menlo Park on the Stormwater Committee

FISCAL IMPACT

None.

SOURCE OF FUNDS

N/A

BACKGROUND

Due to staff turnover, the City of Menlo Park is recommending a new appointment to C/CAG's Stormwater Committee. The recommended appointee is Justin Murphy, Director of Public Works, as detailed in the attached letter from the City Manager for Menlo Park.

ATTACHMENTS

1. December 9, 2015 Letter to C/CAG from City Manager Alex D. McIntyre (Menlo Park)



December 9, 2015

Sandy Wong
C/CAG of San Mateo County
555 County Center, 4th Floor
Redwood City, CA 94063-1665

RE: C/CAG TAC (Technical Advisory Committee) and Storm water Committee Member

Dear Ms. Wong:

The City of Menlo Park is requesting to replace C/CAG TAC and Storm water Committee member Jesse Quirion with Justin Murphy. Mr. Murphy has been appointed as the Director of Public Works effective January 4, 2016. I have listed Justin Murphy's contact information below:

Phone: (650) 330-6725
Email: JICMurphy@menlopark.org

If you have any questions, please contact me at (650) 330-6610.

Sincerely,

Alex D. McIntyre
City Manager

cc: Chip Taylor, Assistant City Manager
Justin Murphy, Assistant Community Development Director

C/CAG AGENDA REPORT

Date: January 14, 2016

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Receive a copy of the water quality petition requesting the State Water Resources Control Board review the San Francisco Bay Regional Water Quality Control Board's reissuance of the Municipal Regional Permit.

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

RECOMMENDATION

Receive a copy of the water quality petition requesting the State Water Resources Control Board review the San Francisco Bay Regional Water Quality Control Board's reissuance of the Municipal Regional Permit.

FISCAL IMPACT

None at this time.

SOURCE OF FUNDS

NA

BACKGROUND

At the December 8, 2015 C/CAG Board meeting, staff provided a presentation summarizing the major new permit provisions of the reissued Municipal Regional Permit. Staff indicated the Regional Water Quality Control Board had not made any of the important changes requested by permittees and informed the Board that some of the other Countywide Programs were planning to file a petition for the State Water Board to review the Regional Board's action regarding the reissued permit. The C/CAG Board directed staff to explore opportunities for signing on with another Countywide Stormwater Program's petition and to sign on if an appropriate opportunity existed. Staff determined the most feasible option in the short turnaround time before a petition had to be filed (December 19, 2015) was for C/CAG's Countywide Water Pollution Prevention Program to sign on as a co-petitioner with the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) on behalf of C/CAG's member agencies. The SCVURPPP petition addresses procedural concerns with the reissuance process as well as the technical issue of whether Numeric Effluent Limitations for mercury and polychlorinated biphenyls (PCBs) reductions are appropriate instead of Numeric Action Levels. Pursuant to the C/CAG Board direction and in consultation with legal counsel, staff authorized SCVURPPP's legal counsel to

add the Countywide Water Pollution Prevention Program as a co-petitioner. The petition was filed on December 16, 2015. The petition, without attachments, is included as Attachment 1.

C/CAG staff understands petitions were also filed by the San Francisco Baykeeper, the City of San Jose, and permittees in Alameda County.

ATTACHMENTS

1. Water quality petition requesting the State Water Resources Control Board review of the San Francisco Bay Regional Water Quality Control Board's reissuance of the Municipal Regional Permit.

December 16, 2015

Writer's Direct Contact
+1 (415) 268.6294
RFalk@mofocom

By UPS Two-Day Delivery and by Email to waterqualitypetitions@waterboards.ca.gov

State Water Resources Control Board
Office of Chief Counsel
Attn. Adrianna M. Crowl
1001 "I" Street, 22nd Floor
Sacramento, CA 95814

Re: Water Quality Petition requesting State Water Resources Control Board's Review of Region 2's Re-Issuance of Municipal Regional (Stormwater) Permit (NPDES No. CAS612008)

To Whom It May Concern:

Please accept this Petition for Review of the California Regional Water Quality Control Board, San Francisco Bay Region's (Region 2's) November 19, 2015 action in adopting NPDES Permit No. CAS612008, better known as Region 2's reissuance of the San Francisco Bay Municipal Regional Permit for stormwater discharges (MRP 2.0).

MRP 2.0 includes as co-permittees 76 San Francisco Bay area municipalities that collectively serve over 5.5 million Californians. To better coordinate their efforts, 15 of those co-permittees located in the Santa Clara Valley previously entered into an agreement to form the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP).¹ Likewise, to provide coordination and assistance with respect to compliance with their NPDES stormwater permit, another 21 co-permittees previously formed the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), which is administered under the City/County Association of Governments of San Mateo County (C/CAG), a joint powers agency.²

¹ The 15 municipal co-permittee agencies comprising SCVURPPP are: the cities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale; the County of Santa Clara; and the Santa Clara Valley Water District.

² The 21 municipal co-permittee agencies comprising SMCWPPP are: the towns of Atherton, Colma, Hillsborough, Portola Valley, and Woodside; the cities of Belmont, Brisbane, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo, and South San Francisco; and the County of San Mateo.

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This Petition is submitted by SCVURPPP and SMCWPPP on both of their behalves for the benefit of their respective members.³

All information the State Water Resources Control Board (State Board) requires for a water quality petition of this nature is presented below.

1. Name, address, telephone number and e-mail address (if available) of the petitioner:

Names of Petitioners: the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP).

Mailing Addresses:

For SCVURPPP:⁴ c/o Robert Falk, SCVURPPP Legal Counsel, Morrison & Foerster LLP, 425 Market Street, 32nd Floor, San Francisco, CA 94105

For SMCWPPP: c/o Matthew Fabry, PE, Manager, San Mateo Countywide Water Pollution Prevention Program, City/County Association of Governments of San Mateo County, 555 County Center, 5th Floor, Redwood City, CA 94063

Telephones:

For SCVURPPP: 415-268-6294

For SMCWPPP: 650-599-1419

Email Addresses:

For SCVURPPP: RFalk@mofa.com

For SMCWPPP: MFabry@smcgov.org

³ SCVURPPP and SMCWPPP are collectively referred to herein as the "Petitioners." Co-permittees that are members of SCVURPPP or SMCWPPP reserve their rights to file petitions concerning MRP 2.0 on their own behalves. The City of San Jose, California will be filing such a petition, incorporating aspects of this Petition to the extent it determines it efficient to do so.

⁴ Although SCVURPPP requests all communications concerning this Petition be directed to its legal counsel, whose contact information is shown above, its direct mailing address is: Santa Clara Valley Urban Runoff Pollution Prevention Program, 1021 S. Wolfe Rd., Suite 185, Sunnyvale, CA 94086. Its direct telephone number is 408-720-8811.

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2. **The action or inaction of the Regional Water Board being petitioned, including a copy of the action being challenged or any refusal to act, if available.** If a copy of the regional board action is not available, the petitioner must explain why it is not included.

Action Being Challenged: Adoption of MRP 2.0, NPDES Permit No. CAS612008, by Region 2 on November 19, 2015.

The version of MRP 2.0, including its Fact Sheet and other attachments, that was last publicly noticed for adoption by Region 2 and an associated Errata sheet that was released to the public several days in advance of the November 18-19, 2015 adoption hearing, are available for download at:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrpwrittencomments/November/Revised_Tentative_Order_11-10-15_Attachments_A_G.pdf and

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrpwrittencomments/November/Errata_and_Clarifications.pdf).⁵

The following additional documents, which modified the above and were adopted as part of MRP 2.0, present issues raised for review herein include: (1) a “Staff Supplemental” first made available to the public at the hearing location just prior to the beginning of Region 2’s meeting on November 18, 2015 (provided as Attachment 1 hereto), and (2) a “Chair’s Supplemental” which the Chair of Region 2’s Board first revealed and made available to those present at the adoption hearing only after the agenda item in question commenced on November 18, 2015 (provided as Attachment 2 hereto).⁶

Because its effect was, for the first time on the record, to officially characterize the nature of the “numeric performance criteria” for mercury and PCBs load reductions set forth in MRP 2.0 and its Fact Sheet as “numeric effluent limitations (NELs) rather than numeric action levels (NALs), we also include the Region 2 staff’s Response to Comments document concerning these permit provisions (available for download at

⁵ Hard or electronic copy of these documents are not being provided at this time due to the lengthy number of pages/size of the data files involved, but they can be provided under separate cover and/or .pdf upon further request.

⁶ To avoid overwhelming a firewall due to the large number of pages/amount of data involved, all Attachments referenced herein are being provided only with the hard copy of this Petition being sent via UPS delivery. Electronic (.pdf) copies of any of them can also be provided under separate cover upon further request.

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http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrpresponsetocomments/C11-12_Response_to_Comments.pdf).⁷

Collectively, all of the above documents are further referred to herein as “Final MRP 2.0 Order.”⁸

3. The date the Regional Water Board acted, refused to act, or was requested to act:

Hearing conducted on November 18-19, 2015; vote taken on November 19th.

4. A statement of the reasons the action or inaction was inappropriate or improper:

- A. Adoption of Final MRP 2.0 Order emerged from a serially flawed and biased public participation and hearing process that did not comply with the requirements of law.
- B. Region 2’s inclusion of NELs as opposed to NALs for mercury and PCBs load reductions in Final MRP 2.0 Order was the result of the flawed public participation process and inaccurate statements by Region 2 staff and counsel concerning the State Board’s position on the issue. Beyond this, the NELs in question were otherwise not adequately justified on the record and their adoption therefore reflects an abuse of discretion.

5. How the petitioner is aggrieved:

Petitioners and their member agencies (and other MRP 2.0 co-permittees and interested persons) were deprived of the full public participation (e.g., notice, comment, and open meeting observation) rights to which they are entitled by applicable federal and state law. Requirements and, in other cases, official interpretations of requirements, are included in Final MRP 2.0 Order that would not be included if the public participation process resulting in its adoption was not so flawed. Petitioners and other co-permittees were also deprived of a vote on MRP 2.0’s most controversial provisions by a full, fairly

⁷ This document can also be provided in hard copy or .pdf under separate cover upon further request.

⁸ On December 10, 2015, Region 2 posted an announcement making the adopted version of MRP 2.0, as incorporating the errata and language reflecting the Staff Supplemental and Chair’s Supplemental, available at the following link: http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/R2-2015-0049.pdf. This lengthy document will also be provided in hard copy and/or .pdf upon further request. (Other archived documents associated with the development and adoption of MRP 2.0 are also available at http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrp_sw_reissuance.shtml. If necessary, hard or .pdf copies of any of these can be provided on request.)

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constituted, and representative Regional Board. Had flawed public participation and inaccurate Region 2 staff and counsel representations made at the adoption hearing not occurred, the numeric performance criteria for mercury and PCBs load reductions would not have been characterized or be legally enforceable as NELs. Petitioners' member agencies would then have been able to ensure compliance with MRP 2.0 through implementing required initial and follow-up actions on a timely basis, and not be subject to third party lawsuits if mercury and PCBs loading reductions fall short of their non-transparently calculated and speculative marks.

6. The action the petitioner requests the State Water Board to take:

The State Board should conduct further public hearings on MRP 2.0 to provide the proper and fair process and absence of bias to which the Petitioners, other co-permittees, and all members of the public are entitled. As part of this process, and as it did in the construction and industrial general stormwater permits it has adopted, the State Board should convert the numeric performance criteria for mercury and PCBs set forth in Provisions C.11 and C.12 of MRP 2.0 from NELs into NALs with an accompanying set of appropriate exceedance response action requirements (ERAs) if these benchmarks are not met in the first instance.⁹

7. A statement of points and authorities for any legal issues raised in the petition, including citations to documents or the hearing transcript of the regional board hearing if it is available.

A. Adoption of Final MRP 2.0 Order emerged from a serially flawed and biased public participation and hearing process that did not comply with the requirements of law.

Federal and state law entitles regulated entities and other members of the public to certain fundamental public participation rights in regulatory permitting proceedings, including in the NPDES context: adequate notice, a meaningful opportunity to comment based on what has been properly noticed, and a full, fair, and transparent hearing. 33 U.S.C. §§ 1342(a)(1) and 1251(e); 40 C.F.R. § 124.10; Cal. Gov. Code §§ 11120 *et seq.*, 11400 *et seq.*, 11500 *et seq.* and 23 Cal. Code Regs. § 647 *et seq.* Those rights were materially abridged in these Region 2 proceedings, including as follows:

- i. Two members of the Region 2 Board that were not required to recuse themselves from the MRP 2.0 proceedings due to their prior or current employment by two of the

⁹ Indeed, there is even more reason for the State Board to utilize NALs here. Unlike in this Clean Water Act section 402(p)(3) MS4 permit, NPDES stormwater permits for construction and industrial activities *must* address the less flexible requirements of Clean Water Act section 301(b)(1)(C).

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76 municipal co-permittees, nevertheless recused themselves due, at least in part, to erroneous direction one of the individuals received from the Board's legal counsel.¹⁰ Given their municipal experience, these two additional Board members could have brought important diverse perspectives and practical insights into the Region 2 Board's deliberations on MRP 2.0's requirements and influenced the final vote. Their exclusion from the process, when not required by law and as tainted by Board counsel's prior erroneous advice that recusal was legally required, flies in the very face of the rationale for their appointments by the Governor. It in and of itself gives rise to the specter of biased decisions being made thereafter by a less diverse and less representative Regional Board. Indeed, the outcome of several key contested issues relative to MRP 2.0 might have been materially different had these two duly appointed and unconflicted Region 2 Board members participated in the proceedings.

- ii. Due to one of the recusals, the Region 2 Board lost a quorum for the June 10, 2015 public hearing on all aspects of the draft permit other than its trash management requirements.¹¹ Instead, the proceeding continued immediately and was conducted by a subcommittee of the Board that was constituted at the spur of the moment. As such, there was no advance notice to the public that this less representative procedural device might be invoked, and there was no meaningful opportunity to object to it or the potential bias it might create with respect to the remainder of the permitting process.¹²
- iii. Following the June 10, 2015 hearing, two members of this subcommittee apparently exchanged emails with each other concerning the testimony they heard and the report and recommendations they intended to provide to the Region 2 Board and staff with regard to it.¹³ The content of these emails and any related communications between these two subcommittee members and other members of the Region 2 Board have never been disclosed to the public. The third member of the subcommittee, who may have brought a different perspective on the same testimony to the table, did not participate in these communications or otherwise have input into the subcommittee's report and recommendations; nor was she present when the subcommittee's report and recommendations were more officially presented to the Region 2 Board at a

¹⁰ Reporter's Transcript of Proceedings June 10, 2015, Item 8 (RT-June, Attachment 3 hereto) at 6:3-8, 7:9-11; Reporter's Transcript of Proceedings July 8, 2015, Item 6 (RT-July, Attachment 4 hereto) at 6:2-7:14; Email exchange between Region 2 counsel Yuri Won and Robert Falk and Gary Grimm July 6-7, 2015 (See Attachment 5 hereto), discussing Cal. Gov. Code § 82030(b)(2) and <http://ag.ca.gov/publications.coi.pdf> at p.14.

¹¹ RT-June at 7:7-8:1.

¹² *Id.*

¹³ RT-July at 18:8-19:3.

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hearing on July 7, 2015.¹⁴ Despite Board counsel's post-hoc attempt to sanitize the record on what clearly were articulated as the subcommittee's recommendations to the remainder of the Region 2 Board and to Region 2 staff present at the July 7th hearing, the combined effect of this subcommittee effort, the recusals, and the absence of transparency and additional Board member participation at this critical stage of the public participation and hearing process deprived Petitioners and the public of their full rights and cast a dark shadow over the propriety and legitimacy of the permit adoption process's ultimate outcome.

- iv. At the November 18, 2015 permit hearing, members of the public were, *for the very first time*, given notice of and access to copies of the Staff Supplemental and the Chair's Supplemental, both of which modify or effectively modify the terms of the Final MRP 2.0 Order and its compliance requirements.¹⁵ Although the Region 2 staff and counsel took pains at the hearing to try and characterize these Supplementals as mere "clarifications" and "outgrowths," the transcript of the proceedings makes clear that the members of the Region 2 Board understood that the Supplementals represented more, and even the staff appeared to concede at one point that one aspect of the Chair's Supplemental contained new requirements.¹⁶ Moreover, even if these Supplementals really only contained clarifications, at the very minimum, the public should have received notice of them at least 10 days prior to the hearing in order to have a real and meaningful opportunity to review and prepare testimony on their implications.¹⁷
- v. Even more significantly, Region 2 staff did not provide requisite notice to the public that "numeric performance criteria" for mercury and PCBs loading reductions contained in MRP 2.0 were intended as NELs rather than as NALs until they released their Response to Comments document on October 19, 2015 in conjunction with the announcement of permit adoption hearing.¹⁸ Indeed, the ambiguous nature of the

¹⁴ *Id.*

¹⁵ See Attachments 1 and 2 and Reporter's Transcript of Proceedings, November 18, 2015, Item 7 (RT-Nov18, Attachment 6 hereto) at 17:18-21, 51:9-54:20.

¹⁶ Reporter's Transcript of Proceedings, November 19, 2015, Item 7 (RT-Nov19, Attachment 7 hereto) at 115:18-126:14.

¹⁷ See Cal. Gov. Code § 11125.

¹⁸ Response to Comments, available at http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrprepsonsetocmments/C11-12_Response_to_Comments.pdf, p. 4-10. As it appeared nowhere in the May 2016 Tentative Order, Fact Sheet, or associated public comment/hearing announcement, Region 2 staff's attempted explanation about having provided prior notice in various meetings and other informal communications of their *intent* to

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term “numeric performance criteria” in the permit and its fact sheet resulted in extensive testimony at the June 10, 2015 hearing on the non-trash-related aspects of the draft permit and generated an associated formal request for clarification in terms of the NEL vs. NAL distinction in written comments which followed on July 9, 2015.¹⁹ Hence, as a practical matter, the Response to Comments document’s first time insistence that the numeric performance criteria were NELs and not something else effected a material change in the nature of the permit’s requirements and the associated potential third party liability consequences to the co-permittees in the event they are unable to fully comply with them. As such, it should have commanded a revision of the draft permit/Fact Sheet and a re-opening of the written public comment period.

- vi. The final deliberations of the Regional Board members at the adoption hearing on November 19, 2015 concerning their resolution of key contested issues (including concerning the imposition of NELs rather than NALs for mercury and PCBs) occurred in a lengthy, 1 hour and 45 minute closed session that was also insufficiently noticed and which was otherwise unauthorized even in the context of an adjudicative proceeding of this nature.²⁰ This precluded direct observation by, and

have performance criteria serve as “enforceable limits” or a “metrics approach” is irrelevant and did not exclude the possibility of them being NALs in this regard in any event. RT-Nov19 at 128:6-129:22.

¹⁹ See e.g.,

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/agencies/SCVU/RPPP_Legal.pdf)

²⁰ Region 2’s October 19, 2015 Public Notice of Adoption Hearing, available at

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrppublicnotice/MRP_Public_Notice.pdf provided no mention of a potential closed session whatsoever. The Agenda for the November 18-19, 2015 Region 2 Board Meeting, available at

http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2015/November/11_18_15_agenda.pdf , does not provide notice of a closed session in conjunction with its specified item on MRP 2.0 (Item 7). Instead, Agenda Item 11 just contains a boilerplate omnibus reference to a closed session for “Deliberation,” the authority referenced for which is Government Code section 11126(c)(3). There is also a further explanatory note contained in a boilerplate attachment to the Agenda that explains that the Board may adjourn to a closed session at any time during the regular session to, among other things, deliberate, based on the authority provided by “Government Code section 11126(a), (d) and (q).” Putting aside for a moment the question of whether any of these statutory references provide authorization for a closed session in these circumstances, what they clearly do not do is override Government Code section 11125(b)’s independent requirement to provide clear advanced notice to the public of “an item” to be discussed in closed session.

Moreover, in terms of providing authorization for a closed session on the MRP 2.0 adoption item, these references are either inapposite or non-existent. Even Government Code 11126(c)(3) extends only to deliberations on proceedings conducted pursuant to Government Code section 11500 or similar provisions of law. But Section 11500 *et seq.* concerns only proceedings conducted by administrative law judges and, to the extent Government Code section 11400 *et seq.* is considered similar, its general rule is that even an adjudicative hearing “shall be open to public observation” and may only be closed for certain limited purposes, none of

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full accountability to, members of the public, as both the spirit and the letter of the Bagley-Keene Act demand.²¹

- B. Region 2's inclusion of NELs as opposed to NALs for mercury and PCBs load reductions in Final MRP 2.0 Order was the result of the flawed public participation process and inaccurate statements by Region 2 staff and counsel concerning the State Board's position on the issue. Beyond this, the NELs in question were otherwise not adequately justified on the record and their adoption therefore reflects an abuse of discretion.
- i. The above-described flaws in the public participation process leading up to the adoption of Final MRP 2.0 Order assume even greater importance in light of confusing, inaccurate, and sometimes misleading statements Region 2 staff and counsel made to the members of the Region 2 Board following the conclusion of public testimony at the permit adoption hearing.²²

After having confirmed that the requirements in MRP 2.0 were best management practices (BMP) and other required actions-based measures, consistent with their TMDL implementation plans, and that good faith compliance with them would create

which presented themselves here. See Cal. Gov. Code §§ 11425.10(a)(3) and 11425.20(a)(1)-(3). Government Code section 11126(e), which was *not* referenced on the Agenda, also does not apply here since there is no significant exposure to litigation against Region 2 and, in any event, Region 2's counsel did not timely prepare and submit the requisite memorandum detailing the specific reasons and legal authority for closing the session on this basis. See Cal. Gov. Code 11126(e)(1), (e)(2), and (e)(2)(B) and (C)(ii).

Finally, even if the above were not the case, the transcript of the open hearing reveals that the closed session's purpose was not deliberating evidence but rather, ultimately without apparent success, for the Board members to try and craft new permit language to resolve the NEL v. NAL issue in a manner addressing the co-permittees concerns. RT-Nov19 at 158:18-159:13. (Indeed, as has been observed relative to general permits issued in California, the line between adjudicative and quasi-legislative action and associated procedural rules governing the board members blurs in a proceeding to develop a single set of requirements governing a large number of co-permittees, like the 76 present here such that erring on the side of transparency concerning the Region 2 Board members' decision-making is in order relative to this closed session issue.)

²¹ See Cal. Gov. Code § 11120 ("It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed The people insist on remaining informed so that they may retain control over the instruments they have created.")

²² Indeed, as described in more specific detail below, Regional Board counsel contributed to the flawed process and its biased outcome in a manner contrary to law by concurrently serving as an advocate for the staff's favored position on NELs and as a supposedly neutral advisor to the Board members at the permit adoption hearing. *Nightlife Partners, Ltd. v. City of Beverly Hills* (2003) 108 Cal.App.4th 81; *Quintero v. City of Santa Ana* (2003) 114 Cal.App.4th 810. Cf. *Morongo Band of Mission Indians v. State Water Resources Control Bd.* (2009) 45 Cal. 4th 731. (While it is not precedent, see also Los Angeles Superior Court's decision in *County of Los Angeles, et al. v. State Water Resources Control Bd.*, No. BC122724 (2010).)

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a safe harbor for the co-permittees, staff and counsel then left the Board members in a state of confusion by respectively saying that the mercury and PCBs requirements in the permit were not-fully action-based and ultimately acknowledging that failing to meet the numeric criteria would render the co-permittees subject to enforcement and third party lawsuits even if they implemented all required actions.²³

Then, contrary to the State Board's own conclusions and use of them, just before the improper closed session at the adoption hearing, Region 2 staff and counsel also told the Region 2 Board members that NALs would not be effective regulatory mechanisms and suggested that the State Board would see anything other than NELs as insufficiently rigorous.²⁴

Rather than engaging in this distorted advocacy, the Region 2 staff (and counsel to the Region 2 Board in particular), should have presented the Board members with a more objective delineation of the State Board's position on the issue of NALs v. NELs; informed them that the State Board has not precluded the use of NALs as an "ambitious, rigorous, and transparent" alternative to NELs to date; and left the decision on whether to use NELs or NALs in the Region 2 Board members' hands in a far less tainted manner. Indeed, the staff's characterization of NALs as toothless "kick the can" regulatory tools that are meaningless and cannot be enforced conflicts with: (1) the State Board's own use of them,²⁵ (2) the State Board's Expert Panel's express recommendations concerning the use of NALs in *municipal* stormwater permits,²⁶ and (3) the guidance the State Board recently provided on this issue in WQO-2015-0075.

²³ Cf. RT-Nov19 at 12:18-17:12 and 155:9-18 with 145:12-147:5, 151:5-11, and 157:11-158:16.

²⁴ RT-Nov19 at 165:16-166:21, 168:19-169:12, and 172:19-173:11.

²⁵ Storm Water General Permit Order No. 2009-0009-DWQ and Storm Water General Permit Order No. 2014-0057-DWQ.

²⁶ State Water Board Storm Water Panel of Experts, *The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Discharges from Municipal, Industrial and Construction Activities* (June 19, 2006) at p. 8 ("It is not feasible at this time to set enforceable numeric effluent criteria for municipal BMPs and in particular urban discharges. . . . For catchments not treated by a structural or treatment BMP, setting a numeric effluent limit basically is not possible.) After the conclusion of the public testimony portion of the adoption hearing, Region 2 staff asserted that SCVURPPP's characterization of the Expert Panel's conclusions were amounted to gross misrepresentation. RT-Nov19 at 131:12-20. Although there is no evidence to support it in the record and it is sheer speculation at best, they then went on to assert that the Expert Panel's report was outdated and that these experts "were not *thinking* in the context of Effluent Limits . . . which are an enforceable numeric . . . performance measure that will be enforced." RT-Nov19 at 133:1-9 (emphasis supplied.)

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Indeed, in the latter, although the State Board acknowledged that the Los Angeles Regional Board's use of NELs to implement 33 TMDLs in its area was not error given the number and nature of TMDLs involved, it then went on to specifically state: "We emphasize, however, that we are not taking the position that [NELs] are appropriate in all MS4 permits or even with respect to certain TMDLs within an MS4 permit We also decline to urge the regional water boards to use [NELs] in all MS4 permits."²⁷

And with regard to the Region 2 staff's repeated assurances to its Board that the co-permittees concerns with NELs could be sidelined and dealt with later through the exercise of their enforcement discretion, they and counsel should have informed their Board members that the State Board had expressed a different policy preference earlier this year when it stated in WQO-2015-0075: "from a policy perspective, we find that MS4 Permittees that are developing and implementing [alternative compliance measures] should be allowed to come into compliance with . . . interim and final TMDLs through provisions built directly into their permit rather than through enforcement orders" – i.e., enforcement orders that could arise from non-compliance with NELs per se.²⁸

- ii. Beyond these significant process issues, the substantive justification offered by Region 2 staff for treating the numeric performance criteria for PCBs and mercury load reductions as NELs also falls short. First, while they are undoubtedly designed to further implement Region 2's mercury and PCBs TMDLs and represent an increment towards getting to the waste load allocations assigned to stormwater therein, there is nothing concrete in the record revealing how the numeric values of the NELs were actually calculated.²⁹ Instead, Region 2's staff state why they think the load reduction numbers they have identified as NELs for PCBs are feasible to achieve based on the Bay Area's recent performance in terms of new and redevelopment and building demolition and construction.³⁰ But the Region 2 staff's economic forecast (which often proves wrong even when done by actual economists) has no basis in the record and requires no deference given their lack of expertise in the discipline in question. Moreover, a plethora of testimony at the adoption hearing demonstrated that even if the staff's prediction concerning the pace of development

²⁷ WQO-2015-0075 at p. 58-59.

²⁸ *Id.* at 31.

²⁹ Region 2 counsel's last minute effort to try and create a record for their being an adequate substantive basis for the NELs through eliciting a wholly conclusory statement by a staff member is meaningless and improper advocacy, particularly without the "adequate information" to which she summarily refers actually having been delineated in the record and subject to prior public review and comment. *See* RT-Nov19 at 174:21-175:5.

³⁰ RT-Nov18 at 26:6-9.

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and construction ends up being on target, there is still likely to be a significant shortfall in all, or at least many, co-permittees meeting the NELs.³¹

At one point, staff testified at the adoption hearing that the PCB numbers were “based on an updated assessment of controls to reduce PCBs to the maximum extent practicable” and then indicate that their calculation “started with a numerical formula.”³² But, importantly, this formula and these calculations are nowhere to be found in the record, and later in their testimony, the same staff member even indicates that they abandoned the formula-based calculation effort.³³ Their testimony then goes on to explain that they turned to “a number of sources of information” to come up with the 3 kilogram PCBs load reduction requirement, but once again, these sources were not delineated in the permit’s Fact Sheet or elsewhere in the record.³⁴

Indeed, the Region 2 staff member’s further testimony on the issue indicates that the PCBs load reduction numbers in controversy are no more than speculative “guesstimate estimates” that represent the idea of “[h]ere is the number, we think it’s attainable.”³⁵ Ultimately, the staff even expressly conceded that “we know that there’s uncertainty with the basis of our numbers,” while trying to reassure the Region 2 Board members that they could deal with the uncertainty through their future exercise of enforcement discretion.³⁶ (Region 2’s counsel then further conceded to one of the Board members that the numbers were uncertain and that the co-permittees would be in non-compliance if they did not meet them despite their good faith efforts to implement all required actions.³⁷)

- iii. Finally, in the course of the adoption hearing, Region 2 staff revealed that, when all was said and done, their position on NELs was really based on their preference to avoid having to specify additional required actions and then expending the additional effort necessary to oversee and enforce on them if bad actors emerge among the co-

³¹ See e.g., RT-Nov18 at 138:8-142:18 and 158:7-159:22. See also RT-Nov18 at 67:19-68:11; 95:12-16; 104:13-105:8; 112:19-113:11; 117:1-11; 128:24-130:3; 136:1-11; 201:19-205:8; 231:-232:22; 241:1-23; 244:17-245: 15; 248:25-249:4; and 259:9-24.

³² RT-Nov19 at 133:12-22.

³³ *Id.* at 135:22-24.

³⁴ *Id.* at 136:14-16.

³⁵ *Id.* at 137:18-19 and 145:5-6. Relative to some communities that are not likely sources of PCBs, the Region 2 staff’s testimony even went further to characterize the requirements as they might default down to them as “unrealistic.” RT-Nov19 at 152:2-6. See also *id.* at 167:4-18.

³⁶ *Id.* at 148:3-20.

³⁷ *Id.* at 150:18-151:11.

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permittees and refused to meet their implementation obligations.³⁸ Instead, they ultimately admitted that their insistence on NELs reflects their preference to employ a psychology of “coercion.”³⁹ Not only is this an inappropriate basis for calculating the numbers used for the NELs, while they voted to include them based on the mistaken understanding that the State Board would disapprove the permit if it contained NALs instead, the need for undertaking a coercive, rather than cooperative state-local partnership approach vis-à-vis the co-permittees, was not a view that was shared by the members of the Region 2 Board.⁴⁰

8. A statement that copies of the petition have been sent to the Regional Water Board and to the discharger, if different from the petitioner.

Copies of this Petition have been provided to Region 2, the member agencies of SCVURPPP and SMCWPPP, and, through their respective municipal stormwater programs, all other co-permittees to MRP 2.0.

9. A statement that the issues raised in the petition were presented to the regional board before the regional board acted, or an explanation of why the petitioner could not raise those objections before the regional board.

Both SCVURPPP and SMCWPPP actively participated in the public comment and hearing process on MRP 2.0.⁴¹ As demonstrated through the above citations to the record and in Attachments 3-7, all issues raised in this Petition were previously presented to Region 2 prior to its final action in adopting MRP 2.0 on November 19, 2015.⁴²

In closing, Petitioners wish to note that the vast majority of MRP 2.0 was not the subject of significant dispute and is a tribute to an otherwise high level of cooperation between it and its fellow municipal stormwater programs in the San Francisco Bay Area and the Region 2 staff. SCVURPPP and SMCWPPP raise the issues in this Petition to ensure an improved, more

³⁸ See RT-Nov19 at 135:12-17 and 144:24-145:6.

³⁹ RT-Nov 19 at 170:3-172:14.

⁴⁰ RT-Nov19 at 158:18-160:1, 165:6-15, 166:22-168:5, 179:24-182:2, 185:18-187:6, 190:25-192:13, and 194:14-195:6.

⁴¹ See e.g.,

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/agencies/SMCWPPP.pdf,

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/agencies/SCVURPPP.pdf, and

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/agencies/SCVURPPP_Legal.pdf.

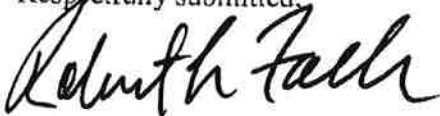
⁴² As to the process issues, see also RT-Nov18 at 252:13-254:14.

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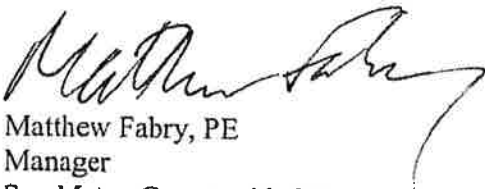
transparent, and publicly legitimate permit will be put in place that avoids the prospect of resource consuming litigation and allows for a high level of cooperation and creative approaches to continue to make meaningful and substantial progress on the highest priority water quality issues in the Bay Area.

Thank you for your consideration.

Respectfully submitted,



Robert L. Falk
Program Legal Counsel
Santa Clara Valley Urban Runoff
Pollution Prevention Program



Matthew Fabry, PE
Manager
San Mateo Countywide Water
Pollution Prevention Program

Attachments

cc: Bruce Wolfe, Executive Officer, Region 2
SCVURPPP Co-Permittees
SMCWPPP Co-Permittees
Alameda, Contra Costa, Vallejo and Fairfield Municipal Stormwater Program Managers

PROOF OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.

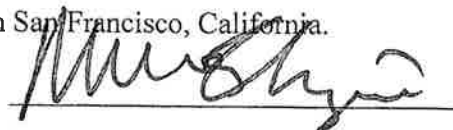
I further declare that on December 16, 2015, I served a copy of the following on the addressees listed below via UPS Two Day delivery by placing a true copies thereof enclosed in sealed envelopes with charges thereon fully prepaid for collection and provision to UPS at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices. I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence and packages for delivery by UPS, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described below will be provided to UPS on the same date that it (they) is (are) placed at Morrison & Foerster LLP for collection and delivery to UPS:

**Water Quality Petition Requesting State Water Resources Control Board's
Review of Region 2's Re-Issuance of Municipal Regional (Stormwater)
Permit, NPDES No. CAS612008 (including Attachments 1-7)**

State Water Resources Control Board
Office of Chief Counsel
Attn. Adrianna M. Crowl
1001 "I" Street, 22nd Floor
Sacramento, CA 95814

Bruce Wolfe, P.E.
Executive Officer
Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Executed this 16th day of December 2015, in San Francisco, California.



Margaret McIlhargie

MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105
Telephone: 415-268-7079
mmcilhargie@mof.com

C/CAG AGENDA REPORT

Date: January 14, 2016

To: City/County Association of Governments Board of Directors

From: Sandy Wong, Executive Director

Subject: Review the attendance reports for the 2015 C/CAG Board and Committees.
(For further information or questions contact Sandy Wong at 599-1409)

RECOMMENDATION

That the C/CAG Board review and accept the attendance reports for the 2015 C/CAG Board and committees.

FISCAL IMPACT

None.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

Periodically throughout the year the C/CAG Board receives reports of the attendance for the Board and its standing committees. There is no attendance requirement for the C/CAG Board because there is one seat designated for every member jurisdiction. However, the C/CAG adopted attendance policy for its standing committees is as follows:

“During any consecutive twelve month period, members will be expected to attend at least 75% of the scheduled meetings and not have more than three consecutive absences. If the number of absences exceed these limits, the seat may be declared vacant by the C/CAG Chair.”

ATTACHMENTS

Calendar year 2015 attendance reports for the following:

- Airport Land Use Committee (ALUC).
- Bicycle and Pedestrian Advisory Committee (BPAC)
- C/CAG Board
- Congestion Management & Environmental Quality (CMEQ)
- Congestion Management Program Technical Advisory Committee (TAC)
- Legislative Committee
- Finance Committee
- Resource Management & Climate Protection Committee (RMCP)
- Stormwater Committee

Airport Land Use Committee (ALUC) Attendance Report - 2015

Agency	Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
City of Brisbane	Terry O'Connell	X		X			X			X			
City of Burlingame	Ricardo Ortiz	X					X			X			
City of Daly City	Raymond Buenaventura												
City of Foster City	Steve Okamoto						X			X			
City of Half Moon Bay	Debbie Ruddock						X						
City of Millbrae	Robert Gottschalk	X		X						X			
City of Redwood City	John Seybert	X					X			X			
City of San Bruno	Ken Ibarra									X			
City of San Carlos	Cameron Johnson	X					N/A			N/A			
City of San Carlos	Ron Collins	N/A					X			X			
County of San Mateo and Aviation Representative	Dave Pine												
City of South San Francisco	Liza Normandy	X								X			
Aviation Representative	Rich Newman	X		X			N/A			N/A			
Half Moon Bay Airport Pilots Association	Adam Kelly	N/A		N/A			N/A			X			

X - Committee Member Attended

N/A - Not on Committee

 No Committee Meeting

Bicycle and Pedestrian Advisory Committee (BPAC) Attendance Report - 2015

Agency	Name	Feb	Mar	May	Aug	Oct
Millbrae	Marge Colapietro	X	X			X
Half Moon Bay	Marina Fraser		X			X
County of San Mateo	Don Horsley	X	X			X
San Bruno	Ken Ibarra					X
South San Francisco	Karyl Matsumoto	X	X			X
Hillsborough	Laurence May	X	resigned			
Foster City	Eric Reed	X	X			
Pacifica	Karen Ervin	X	X			X
Public (East Palo Alto)	Andrew Boone	X	X			
Public (San Carlos)	Julia Dzierwa	X	X			X
Public (County)	Matthew Self	X	X			X
Public (South San Francisco)	Daina Lujan	X	X			X
Public (San Mateo)	Frank Markowitz	X	X			X
Public (County)	Meredith Schneider	X	resigned			
Public (San Bruno)	Jeffrey Tong	X	X			X

X - Committee Member Attended

 No Committee Meeting

City/County Association of Governments (C/CAG) Board Attendance Report - 2015

Agency	Representative/Alternate	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Atherton	Elizabeth Lewis	X	X	X	X	X			X	X	X	X	X
	Cary Wiest						X						
Belmont	David Braunstein	X	X	X	X	X	X		X	X	X	X	
	Charles Stone												
Brisbane	Terry O'Connell	X	X			X	X		X	X		X	X
	Cliff Lentz			X	X								
Burlingame	Terry Nagel (Rep end Dec 2015)	X	X	X	X		X		X	X		X	
	Ricardo Ortiz (Rep start Dec 2015)												X
	Michael Brownrigg (Alt start Dec 2015)												
Colma	Joseph Silva	X	X	X		X	X			X	X		X
	Diana Colvin												
Daly City	David Canepa	X	X	X	X	X	X		X	X	X	X	
	Judith Christensen												
East Palo Alto	Laura Martinez (Rep end Mar 2015)	X	X										
	Lisa Gauthier (Rep start Apr 2015)				X	X	X				X	X	
	Larry Moody								X	X			X
Foster City	Art Kiesel	X	X	X		X	X		X	X	X	X	
	Gary Pollard												
Half Moon Bay	Marina Fraser	X	X	X		X	X		X	X	X	X	
	Rick Kowalczyk												
Hillsborough	Larry May	Jay Benton			X		X		X	X		X	X
	Marie Chuang		X								X		
Menlo Park	Kirsten Keith	X	X	X	X		X			X		X	X
	Catherine Carlton										X		
Millbrae	Anne Oliva												
	Wayne Lee	X											
Pacifica	Mary Ann Nihart	X	X	X	X	X			X	X	X		X
Portola Valley	Maryann Moise Derwin	X	X	X	X	X	X		X	X		X	
	Jeff Aalfs												
Redwood City	Alicia Aguirre	John Seybert	X	X	X	X	John Seybert		X	X	X	X	X
San Bruno	Irene O'Connell	X			X		X		X	X	X	X	X
	Jim Ruane												
San Carlos	Mark Olbert		X	X	X	X			X				X
	Bob Grassilli	X								X	X		
San Mateo	Joe Goethals	X	X	X	X	X	X		X		X	X	
	Jack Matthews (Alt end Dec 2015)												
	Diane Papan (Alt start Dec 2015)												X
San Mateo County	Don Horsley		X	X	X				X	X	X		
	Dave Pine												
South San Francisco	Karyl Matsumoto	X			X	X	X			X		X	X
	Pradeep Gupta		X	X					X				
Woodside	Deborah Gordon	X	X	X	X	X	X		X	X	X	X	X
SMCTA	Terry Nagel	X	X	X	X		X		X	X		X	
SamTrans	Karyl Matsumoto	X			X	X	X			X		X	X

X - Committee Member Attended

■ No Board Meeting

Congestion Management and Environmental Quality Committee (CMEQ) Attendance Report - 2015

Agency	Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Metropolitan Transportation Commission	Alicia Aguirre	X	X						X	X		X	
City of Redwood City	Barbara Pierce	X	X		X				X	X		X	
City of Belmont	Charles Stone	X	X						X	X		X	
Town of Atherton	Elizabeth Lewis	X	X		X					X		X	
City of San Bruno	Irene O'Connell	X					X		X	X		X	
Business Community	Jim Bigelow	X	X		X		X		X	NA		NA	
Business Community	Adina Levin	NA	NA		NA		NA		NA			X	
Environmental Community	Lennie Roberts	X	X				X		X	X		X	
City of Pacifica	Mike O'Neill	X	X		X		X		X			X	
Agencies with Transportation Interests	Onnolee Trapp	X	X		X		X		X	NA		NA	
Agencies with Transportation Interests	Linda Koelling	NA	NA		NA		NA		NA	X		X	
City of South San Francisco	Richard Garbarino	X	X		X		X		X			X	
Public	Steve Dworetzky	X	X		X					X			
City of Millbrae	Wayne Lee	X							X			X	
City of San Mateo	Rick Bonilla	NA	NA		X		X		X			X	
City of Pacifica	John Keener	NA	NA		X		X		X	X		X	

X - Committee Member Attended

N/A - Not on Committee

No Committee Meeting

Congestion Management Program Technical Advisory Committee (TAC) Attendance Report - 2015

Agency	Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
San Mateo County Engineering	Jim Porter (Co-Chair)	X	X		X		X		X			X	
SMCTA / PCJPB / Caltrain	Joseph Hurley (Co-Chair)	X	X		X				X	X		X	
Belmont Engineering	Afshin Oskoui	X	X		X				X	X			
Brisbane Engineering	Randy Breault	X			X		X		X	X			
Burlingame Engineering	Syed Murtuza	X	X		X		X		X	X		X	
Burlingame Planning	Bill Meeker												
Caltrans	VACANT												
C/CAG	Sandy Wong	X	X		X		X		X	X		X	
Colma Engineering	Brad Donohue	X	X		X				X	X		X	
Daly City Engineering	John Fuller		X		X		X		X	X		X	
Daly City Planning	Tatum Mothershead	X	X				X			X			
Half Moon Bay Engineering	Mo Sharma		X		X		X		X	X		N/A	
Hillsborough Engineering	Paul Willis	X	X		X		X		X	X		X	
Foster City Engineering	Jeff Moneda	X			X				X	X		X	
Menlo Park Engineering	Jesse Quirion									N/A		N/A	
Millbrae Engineering	Chip Taylor		X				X					N/A	
Pacifica Engineering	Van Ocampo								X	X		X	
Redwood City Engineering	Jessica Manzi	X					X		X	X		X	
San Bruno Engineering	Jimmy Tan	X	X				X		X				
San Carlos Engineering	Jay Walter	X	X				X		X			X	
San Mateo Engineering	Brad Underwood	X	X		X		X		X	X		X	
San Mateo County Planning	James Hinkamp	X			X		X		N/A	N/A		N/A	
South San Francisco Engineering	Brian McMinn		X		X		X		X	X		X	
South San Francisco Planning	Billy Gross	X			X		X		X	X		X	
Woodside Engineering	Paul Nagengast	X					X					N/A	
MTC	Kenneth Folan												

X - Committee Member Attended

N/A - Not on Committee

No Committee Meeting

Legislative Committee Attendance Report - 2015

Agency	Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
San Bruno	Irene O'Connell								X		X		X
Foster City	Art Kiesel (Leg Vice Chair) - End Dec 2015	X	X	X	X	X	X		X	X	X		N/A
Woodside	Deborah Gordon (Leg Chair)	X	X	X		X			X	X	X		X
Pacifica	Mary Ann Nihart (C/CAG Chair)		X	X	X	X			X	X	X		X
Hillsborough	Laurence May - End Sept. 2015	X							X		N/A		N/A
Pacifica	Karen Ervin	X	X	X	X	X			X	X			X
South San Francisco	Richard Garbarino	X		X	X	X	X		X		X		
Menlo Park	Catherine Carlton	X				X	X				X		
Menlo Park	Kirsten Keith (C/CAG Vice Chair) - End March 2015	X	X		N/A	N/A	N/A		N/A	N/A	N/A		N/A
Redwood City	Alicia Aguirre (C/CAG Vice Chair) - Start March 2015	N/A	N/A	N/A		X				X	X		X

X - Committee Member Attended

N/A - Not on Committee

■ No Committee Meeting

Finance Committee Attendance Report - 2015

Agency	Name	Feb	May	Aug	Nov
Foster City	Art Kiesel - End Dec 2015	X		X	X
Hillsborough	Jay Benton	X	X	X	X
San Carlos	Bob Grassilli	X	X	X	X
Pacifica	Mary Ann Nihart (C/CAG Chair)			X	
Redwood City	Alicia Aguirre (C/CAG Vice Chair) - Start March 2015	N/A			X
Menlo Park	Kirsten Keith (C/CAG Vice Chair) - End March 2015	X	N/A	N/A	N/A
San Carlos (Finance Manager)	Tracy Kwok	X	X	X	X

X - Committee Member Attended

N/A - Not on Committee

Resource Management and Climate Protection Committee Attendance Report - 2015

Agency	Name	Seat	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Woodside	Deborah Gordon	Committee Chair				X			X		X	X		
Portola Valley	Maryann Moise Derwin	Vice-Chair	X		X	X			X		X	X		
Redwood City	Barbara Pierce	Elected Official	X		X				X					
South San Francisco	Pradeep Gupta	Elected Official	X		X	X			X		X	X		
Atherton	Rick DeGolia	Elected Official	X		X	X			X			X		
County of San Mateo	Dave Pine	Elected Official	R		R	X					R	X		
County of San Mateo	Don Horsley	Elected Official	R		R	X			R		R	X		
BAWSCA	Adrienne Carr	Water	X		X	X			X		X	X		
PG&E	Kathy Lavezzo	Utility	X		X						X	X		
Foothill - De Anza College	Robert Cornia	Non-profit	X								X	X		
A+ Japanese Auto	Eric Sevim	Small Business												
Hispanic Chamber	Jorge Jaramillo	Chamber of Commerce												
Sustainable SMC	Beth Bhatnagar	Environmental	X		X	X			X		X	X		

X - Committee Member Attended

R - Represented

 No Committee Meeting

Stormwater Committee Attendance Report - 2015

Agency	Representative	Position	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Atherton	Gordon Siebert	Public Works Director								X				
Belmont	Afshin Oskoui	Public Works Director		X		X				X		X		
Brisbane	Randy Breault	Public Works Director/City Engineer				X		X		X		X		
Burlingame	Syed Murtuza	Public Works Director		X		X		X		X				
Colma	Brad Donohue	Director of Public Works and Planning		X		X				X		X		
Daly City	Patrick Sweetland	Director of Water & Wastewater		O		X		X		O		O		
East Palo Alto	Kamal Fallaha	City Engineer						O		O		O		
Foster City	Jeff Moneda	Public Works Director				X				X				
Half Moon Bay	Mo Sharma	City Engineer				X		X		X				
Hillsborough	Paul Willis	Public Works Director		X		X		X		X		X		
Menlo Park	Vacant	Public Works Director												
Millbrae	Charles Taylor	Public Works Director		X				X						
Pacifica	Van Ocampo	Public Works Director/City Engineer												
Portola Valley	Howard Young	Public Works Director		X						X				
Redwood City	Saber Sarwary	Supervising Civil Engineer		X		X				X		X		
San Bruno	Jimmy Tan	City Engineer		X				X		X		X		
San Carlos	Jay Walter	Public Works Director		X				X		X		X		
San Mateo	Brad Underwood	Public Works Director		X		X		X		X		O		
South San Francisco	Brian McMinn	Public Works Director		X		X		X		X		X		
Woodside	Paul Nagengast	Deputy Town Manager/Town Engineer						X						
San Mateo County	Jim Porter	Public Works Director		X		X		X		X				
Regional Water Quality Control Board	Tom Mumley	Assistant Executive Officer		O										

X - Committee Member Attended

O - Other Jurisdictional Representative Attended

■ No Committee Meeting

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

Date: December 10, 2015

To: All Councilpersons of San Mateo County Cities and Members of the Board of Supervisors
All City/County Managers

From: Mary Ann Nihart, C/CAG Chair

Subject: **C/CAG Committee Vacancies for Elected Officials**

The City/County Association of Governments of San Mateo County (C/CAG) currently has vacancies on four of its standing Committees for elected officials of City Councils and/or the Board of Supervisors. The vacancies are:

- 1 Seat – Congestion Management & Environmental Quality (CMEQ) Committee**
- 1 Seat – Resource Management and Climate Protection (RMCP) Committee**
- 1 Seat – Bicycle and Pedestrian Advisory Committee (BPAC)**
- 2 Seats – Legislative Committee**

Individuals wishing to be considered for appointment to any of these Committees should send a letter of interest to:

Sandy Wong, C/CAG Executive Director
City/County Association of Governments
555 County Center, 5th Floor
Redwood City, CA 94063
or e-mail to slwong@smcgov.org

Individuals must be an elected official on one of the twenty City Councils in San Mateo County or an elected official on the San Mateo County Board of Supervisors. Individuals may send a letter of interest for a specific committee or a letter expressing interest in serving on any of the committees where there are vacancies.

About the committees:

1. **The Congestion Management and Environmental Quality Committee (CMEQ)** provides advice and recommendations to the full C/CAG Board on all matters relating to transportation planning, congestion management, travel demand management, coordination of land use and transportation planning, mobile source air quality programs, energy resources and conservation, and other environmental issues facing the local jurisdictions in San Mateo County. The role of the CMEQ Committee also includes making recommendations to the C/CAG Board on the allocation of funding for specific projects and activities addressing these programmatic areas. The Committee meets on the last Monday of

each month from 3:00 p.m. to 5:00 p.m. in the San Mateo City Hall. There is one vacancy on this committee.

2. **The Resource Management and Climate Protection Committee (RMCP)** provides advice and recommendations to the full C/CAG Board and provides updates to the Congestion Management and Environmental Quality (CMEQ) Committee on matters related to energy, water use and climate action efforts in San Mateo County and develops and promotes actions, programs and resources on the same. The RMCP committee 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 development opportunities. The RMCP meets on the third Wednesday of the month from 2:00 p.m. to 4:00 p.m. in San Mateo. There is one vacancy on this committee.
3. **The Bicycle and Pedestrian Advisory Committee (BPAC)** provides advice and recommendations to the full C/CAG Board on all matters relating to bicycle and pedestrian facilities planning, and selection of projects for state and federal funding. This Committee has approximately six meetings per year. The BPAC meets on the fourth Thursday of the month from 7:00 p.m. to 9:00 p.m. in San Mateo City Hall. There is one vacancy on this Committee.
4. **The Legislative Committee** provides advice and recommendations to the full C/CAG Board on matters dealing with State Legislation, ballot measures, and positions to take on specific bills. The Committee is also the liaison with C/CAG's Lobbyist in Sacramento. The Committee meets at 5:30 p.m. on the second Thursday of the month, immediately before the regular C/CAG Board meeting. The Committee generally cancels its meetings when the State Legislature is in recess. There are two vacancies on this committee.

If you would like to be considered for any of these Committees, please submit your letter of interest by **January 15, 2016**.

If you have any questions about these Committees or this appointment process, please feel free to contact any of the C/CAG Staff as follows:

For CMEQ:	For RMCP:	For BPAC:	For Legislative Committee:
Jeff Lacap	Kim Springer	Tom Madalena	Jean Higaki
650-599-1455	650-599-1412	650-599-1460	650-599-1462
jlacap@smcgov.org	kspringer@smcgov.org	tmadalena@smcgov.org	jhigaki@smcgov.org

Sincerely,



Mary Ann Nihart
C/CAG Chair