

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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

C/CAG BOARD MEETING NOTICE and SAN MATEO COUNTY AIRPORT LAND USE COMMITTEE MEETING NOTICE

Meeting No. 358

Date: Thursday, November 10, 2022

Time: 6:30 P.M.

On September 16, 2021, the Governor signed AB 361, which amended certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings remotely via telephonically or by other electronic means under specified circumstances. Thus, pursuant to Government Code section 54953(e), the C/CAG Board meeting will be conducted via remote conferencing. Members of the public may observe or participate in the meeting remotely via one of the options below.

Join by Webinar:

<https://us02web.zoom.us/j/82252589390?pwd=aFdQYTBwbTVMYmFpUmd4NGw4YVVIZz09>

Webinar ID: 822 5258 9390

Password: 111022

Join by Phone: (669) 900-6833

Persons who wish to address the C/CAG Board on an item to be considered at this meeting, or on items not on this agenda, are asked to submit written comments to mcrume@smcgov.org. Spoken public comments will also be accepted during the meeting through Zoom. Please see instructions for written and spoken public comments at the end of this agenda.

1.0 CALL TO ORDER/ ROLL CALL

2.0 BRIEF OVERVIEW OF TELECONFERENCE MEETING PROCEDURES

3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Note: Public comment is limited to two minutes per speaker. Please refer to the instructions at the end of this agenda for details regarding how to provide public comments during a videoconference meeting.

4.0 PRESENTATIONS/ ANNOUNCEMENTS

- 4.1 Receive an update on the Construction of San Mateo 101 Express Lanes Project. p. 1

5.0 ACTION TO SET AGENDA AND APPROVE CONSENT AGENDA ITEMS

This item is to set the final consent and regular agenda, and to approve the items listed on the consent agenda. All items on the consent agenda are approved by one action. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

- 5.1 Approval of minutes of regular business meeting No. 357 dated October 13, 2022. ACTION p. 3
- 5.2 Review and approval of Resolution 22-92 finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person would present imminent risks to the health or safety of attendees, and that the state of emergency continues to directly impact the ability of members of the Board of Directors and C/CAG legislative bodies to meet safely in person. ACTION p.10
- 5.3 Review and approval of Resolution 22-93 amending the One Bay Area Grant 3 (OBAG 3) County & Local Program to reflect a reallocation of \$300,000 to supplement the C/CAG Program Monitoring and Planning Activities. ACTION p. 15
- 5.4 Review and approval of Resolution 22-94 authorizing the C/CAG Chair to execute a funding agreement with Town of Woodside in an amount up to \$290,848 using Fiscal Year 2022/23 Transportation Fund for Clean Air (TFCA) Program fund for the Glens Path Pedestrian Safety Improvements Phase 3 Project. ACTION p. 20
- 5.5 Review and approval of the appointments of Sam Bautista, Public Works Director from the City of Millbrae, to the C/CAG Congestion Management Program Technical Advisory Committee and Stormwater Committee; and Humza Javed, Public Works Director from the City of East Palo Alto, to the C/CAG Congestion Management Program Technical Advisory Committee. ACTION p. 28
- 5.6 Review and approval of Resolution 22-95 determining that the City of Millbrae Draft Zoning Code and Zoning Map Updates are conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. ACTION p. 34
- 5.7 Review and approval of Resolutions regarding consistency with the policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.
- A. Review and approval of Resolution 22-96 determining that the City of San Bruno's Draft 2023-2031 Housing Element is not consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. ACTION p. 43
- B. Review and approval of Resolution 22-104 determining that the City of San Bruno's General Plan Amendment to recognize the Local Agency Override process that is provided by State law is consistent with the policies of the Comprehensive Airport

Land Use Compatibility Plan for the Environs of San Francisco International Airport.

ACTION p. 43

- 5.8 Review and approval of Resolution 22-97 authorizing the C/CAG Executive Director to execute an agreement with Shaw Yoder Antwih Schmelzer & Lang, Inc. for State Legislative Advocacy Services from January 1, 2023, through December 31, 2025 for an amount not to exceed \$252,000. ACTION p. 52
- 5.9 Review and approval of Resolution 22-98 authorizing the C/CAG Executive Director to execute a Memorandum of Understanding (MOU) between project sponsors and C/CAG in support of an application for the Senate Bill 1 (SB1) competitive Local Partnership Program (LPP). ACTION p. 68
- 5.10 Review and approval of Resolution 22-99 authorizing the C/CAG Chair to execute Amendment No. 9 to the agreement with the Bay Area Water Supply and Conservation Agency for the Rain Barrel and Rain Garden Rebate Program, adding an amount not to exceed \$20,000 for the Fiscal Year 2022-23 for a new total amount not to exceed \$155,000. ACTION p. 74
- 5.11 Review and approval of Resolution 22-100 authorizing the C/CAG Chair to execute Amendment No. 2 to the agreement with County Information Services Department, extending the contract term through June 30, 2024 and modifying the budget to include an additional amount not to exceed \$3,919.64 for Fiscal Years 2022-23 and 2023-24 resulting in a new total contract amount not to exceed \$12,888.88. ACTION p. 80
- 5.12 Review and approval of Resolution 22-101 authorizing the C/CAG Executive Director to execute a grant agreement with Global Philanthropies Partnership, specifying C/CAG as the project lead in developing the Climate Resilience Resources Guide: Part 2. ACTION p. 92
- 5.13 Review and approval of Resolution 22-103, authorizing the C/CAG Executive Director to execute Amendment No. 3 to the Agreement with Gray Bowen Scott for on-call consultant services for Federal and State funded project coordination and grant administration to add \$30,000, for a revised not to exceed contract amount of \$430,000, and to extend the term of the contract to March 31, 2023. ACTION p. 96
- 5.14 Receive a copy of executed Amendment No. 1 to the Fiscal Year 2020/21 Transportation Fund for Clean Air (TFCA) Funding Agreement with City of Daly City for the Daly City Crosswalk Enhancements Project, extending project completion date to October 31, 2023, at no additional cost. INFORMATION p. 100

6.0 REGULAR AGENDA

- 6.1 Review and approval of the appointment of up to two C/CAG Board members to serve on the San Mateo County Express Lanes Joint Powers Authority. ACTION p. 104
- 6.2 Receive a presentation on AB 2449 and Updated Requirements for Brown Act Meetings. INFORMATION p. 109
- 6.3 Receive a presentation on the update of the C/CAG Congestion Relief Plan (CRP),

- 6.4 Review legislative update and, if appropriate, recommend approval of C/CAG legislative policies, priorities, or positions. (A position may be taken on any legislation, including legislation not previously identified in the legislative update. Action is only necessary if recommending approval of a policy, priority, or position.)

POSSIBLE ACTION p.115

7.0 COMMITTEE REPORTS

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

8.0 EXECUTIVE DIRECTOR'S REPORT

9.0 COMMUNICATIONS - Information Only

- 9.1 Written Communication – None.

10.0 CLOSED SESSION

- 10.1 Public Employee Performance Evaluation (Government Code Section 54957).

Title: Executive Director of C/CAG.

11.0 RECONVENE IN OPEN SESSION

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

12.0 ADJOURNMENT

Next scheduled meeting December 8, 2022

PUBLIC NOTICING: All notices of C/CAG regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Court Yard, 555 County Center, Redwood City, CA, and on C/CAG's website at: <http://www.ccag.ca.gov>.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular Board meeting, standing committee meeting, or special meeting are available for public inspection. Those public records that are distributed less than 72 hours prior to a regular Board meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members, of the Board. The Board has designated the City/County Association of Governments of San Mateo County (C/CAG), located at 555 County Center, 5th Floor, Redwood City, CA 94063, for the purpose of making public records available for inspection. Such public records are also available on C/CAG's website at: <http://www.ccag.ca.gov>. Please note that C/CAG's office is temporarily closed to the public; please contact Mima Crume at (650) 599-1406 to arrange for inspection of public records.

PUBLIC PARTICIPATION DURING VIDEOCONFERENCE MEETINGS: Persons with disabilities who require auxiliary aids or services to participate in this meeting should contact Mima Crume at (650) 599-1406, five working days prior to the meeting date.

Written comments should be emailed in advance of the meeting. Please read the following instructions carefully:

1. Your written comment should be emailed to mcrume@smcgov.org.
2. Your email should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda.
3. Members of the public are limited to one comment per agenda item.
4. If your emailed comment is received at least 2 hours prior to the meeting, it will be provided to the C/CAG Board members, made publicly available on the C/CAG website along with the agenda. Emails received less than 2 hours before the meeting will be provided to the C/CAG Board members and included in the administrative record of the meeting as soon as practicable.

Spoken comments will be accepted during the meeting through Zoom. Please read the following instructions carefully:

1. The C/CAG Board meeting may be accessed through Zoom at the online location indicated at the top of this agenda.
2. You may download the Zoom client or connect to the meeting using an internet browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
3. You will be asked to enter an email address and name. We request that you identify yourself by your name as this will be visible online and will be used to notify you that it is your turn to speak.
4. When the C/CAG Clerk or Chair call for the item on which you wish to speak, click on "raise hand." The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called on to speak.
5. When called, please limit your remarks to the time allotted.

If you have any questions about this agenda, please contact C/CAG staff:

Executive Director: Sean Charpentier (650) 599-1409

Clerk of the Board: Mima Crume (650) 599-1406

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Receive an update on the Construction of San Mateo 101 Express Lanes Project.
(For further information contact Van Dominic Ocampo at vocampo@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors receive a presentation and update on the construction of San Mateo 101 Express Lanes Project. No Board action is required.

FISCAL IMPACT

This is an information item only. There is no fiscal impact related to receiving the information.

SOURCE OF FUNDS

N/A

BACKGROUND

This San Mateo 101 Express Lanes Project (Project) will create 44 miles (22 miles in each direction) of new express lanes along the US 101 between the San Mateo - Santa Clara County Line and Interstate 380 (I-380) in South San Francisco. The Project goal is to reduce congestion, increase person throughput and improve travel time reliability for motorists on US 101 by incentivizing the use of public transit, carpools, and other shared-ride options. It will still allow access to solo motorists for the full toll price, while carpools of two persons and clean air vehicles will be charged a reduced toll.

The full Project is being constructed in three phases: the Construction Capital phase, the Toll System Integration phase, and the Highway Landscaping phase. Both the Construction Capital and Toll System Integration phases were divided into two segments; the southern segment from the San Mateo/Santa Clara County Line to Whipple Avenue in Redwood City, and the northern segment from Whipple Avenue to Interstate-380 in South San Francisco.

On February 11, 2022, toll operations began on San Mateo's southern segment together with VTA's segment. Construction of the capital improvement on the northern segment is now at 98% complete with only 95% of the construction time elapsed. Work priority for the northern segment has now shifted towards the completion of installation of the Toll Facility and performing the necessary testing in preparation for toll operation commencement in early 2023.

On October 31, 2022, Caltrans completed the removal of the channelizers and barricades in the southbound direction and opened the Express Lanes to High Occupancy Vehicles having three or more occupants (HOV 3+ only). Weather dependent, it is anticipated that by the week of November 7, 2022 the northbound direction will also be open in the HOV3+ mode as well. Having vehicles on the Express Lanes is essential during the testing period, which will be conducted during the months of December and January.

With the completion of the Construction Capital phase, Caltrans' focus is on constructing the Landscaping Phase to fully complete the over-all project. Caltrans is done with the design of the Landscaping Phase and is hoping to solicit bids by early next year.

Due to the magnitude of the project's footprint, cost and impacts to the traveling public and neighboring community, the Board has requested periodic updates on the project's progress and community outreach efforts.

ATTACHMENT

1. San Mateo 101 Express Lanes Project Update PowerPoint Presentation, provided on-line at: <http://ccag.ca.gov/board-of-directors/>

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C/CAG BOARD MEETING and SAN MATEO COUNTY AIRPORT LAND USE COMMITTEE NOTICE

MINUTES

Meeting No. 357
October 13, 2022

On September 16, 2021, the Governor signed AB 361, which amended certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings remotely via telephonically or by other electronic means under specified circumstances. Thus, pursuant to Government Code section 54953(e), the C/CAG Board meeting will be conducted via remote conferencing. Members of the public may observe or participate in the meeting remotely via one of the options below.

1.0 CALL TO ORDER/ ROLL CALL

Chair Davina Hurt called the meeting to order at 6:30p.m. Roll call was taken.

Atherton	– Elizabeth Lewis
Belmont	– Davina Hurt
Brisbane	– Karen Cunningham
Daly City	– Pamela DiGiovanni
Half Moon Bay	– Debbie Ruddock
Hillsborough	– Marie Chaung (arrive 6:46 p.m.)
Menlo Park	– Cecilia Taylor
Millbrae	– Gina Papan
Pacifica	– Sue Beckmeyer (arrive 7:32 p.m.)
Redwood City	– Alicia Aguirre
San Bruno	– Michael Salazar
San Mateo	– Diane Papan
San Mateo County	– David Canepa
South San Francisco	– Flor Nicolas
Woodside	– Dick Brown
SMCTA (Non-Voting)	– Rico E. Medina

Absent:

Burlingame
Colma
East Palo Alto

Foster City
Portola Valley
San Carlos
SMCTD (Non-Voting)

Others:

Sean Charpentier	– C/CAG Executive Director
Mima Crume	– C/CAG Clerk of the Board
Melissa Andrikopolous	– C/CAG Legal Counsel
Kaki Cheung	– C/CAG Staff
Van Ocampo	– C/CAG Staff
Jeff Lacap	– C/CAG Staff
Reid Bogert	– C/CAG Staff
Susy Kalkin	– C/CAG Staff
Kim Wever	– C/CAG Staff
Kim Springer	– C/CAG Staff
Eva Gaye	– C/CAG Staff
Audrey Shiramiza	– C/CAG Staff
Chris Lepe	– Mariposa Planning
Laura Feinstein	– Spur

Other members of the public attended.

2.0 BRIEF OVERVIEW OF TELECONFERENCE MEETING PROCEDURES

Clerk Crume gave an overview of the teleconference meeting procedures.

3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Note: Public comment is limited to two minutes per speaker. Please refer to the instructions at the end of this agenda for details regarding how to provide public comments during a videoconference meeting.

4.0 PRESENTATIONS/ ANNOUNCEMENTS

4.1 Presentation by Laura Feinstein, Sustainability and Resilience Policy Director with SPUR, on regional efforts to improve climate resiliency and achieve carbon neutrality.

The C/CAG Chair introduced Laura Feinstein, Sustainability and Resiliency Policy Director for SPUR, who delivered a presentation on regional efforts to improve climate resiliency and achieve carbon neutrality. Ms. Feinstein discussed the well-known climate risks to our region and specifically San Mateo County, and the various sources of emissions, the sources of which are mostly driven by choices made by homes and businesses every day. She also presented the time lime to meet carbon neutrality; only 23 years to 2045, and suggestions on how to reduce emissions, from SPUR’s report called Fossil-Free Bay Area.

Board members commented on the need for greater participation from SPUR in San Mateo County, possible existing progress at reducing GHG emissions related to all the EVs were seeing on the road, the existence of PCE, and the need for addressing equity and the affordability gap in the transition.

5.0 ACTION TO SET AGENDA AND APPROVE CONSENT AGENDA ITEMS

This item is to set the final consent and regular agenda, and to approve the items listed on the consent agenda. All items on the consent agenda are approved by one action. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

- 5.1 Approval of minutes of the special board business meeting No. 356 dated September 15, 2022. APPROVED
- 5.2 Review and approval of Resolution 22-84 finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person would present imminent risks to the health or safety of attendees, and that the state of emergency continues to directly impact the ability of members of the Board of Directors and C/CAG legislative bodies to meet safely in person. APPROVED
- 5.3 Review and approval of Resolution 22-85 determining that the proposed amendments to the City of Redwood City's Downtown Precise Plan (DTPP) and General Plan to establish a new Transit District subarea within the DTPP are conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport. APPROVED
- 5.4 Review and approval of Resolution 22-86 determining that Project Nomar, a two-building office/life science campus at 1699 and 1701 Old Bayshore Highway, Burlingame, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. APPROVED
- 5.5 Review and approval of Resolution 22-87 authorizing the C/CAG Chair to execute Amendment No. 3 to the agreement with Placeworks to update the Daly City and Southeast San Mateo County Community Based Transportation Plans to add \$10,000, for a revised not to exceed contract amount of \$221,466, and to extend the term of the contract to January 31, 2023. APPROVED
- 5.6 Review and approval of Resolution 22-88 authorizing the C/CAG Chair to execute Amendment No. 2 to the Fiscal Year 2020/21 Transportation Fund for Clean Air (TFCA) Funding Agreement with City of Half Moon Bay for the Main Street Traffic Calming project, extending project completion date to October 31, 2023, at no additional cost. APPROVED
- 5.7 Review and approval of the appointment of Humza Javed, Public Works Director for the City of East Palo Alto, to serve on C/CAG's Committee. APPROVED
- 5.8 Receive a final report on C/CAG efforts and outcomes of the 2022 Legislative Session. INFORMATION
- 5.9 Receive copy of agreement(s) executed by the C/CAG Chair or Executive Director consistent with C/CAG Procurement Policy:
 - 5.9.1 Receive a copy of executed Amendment No. 1 to the Funding Agreement with Alta Planning + Design for the preparation of San Mateo County Shared Micromobility Feasibility Study and Implementation Plan, extending project

completion date to December 31, 2022, at no additional cost. INFORMATION

- 5.9.2 Receive a copy of executed Amendment No. 1 to the Fiscal Year 2020/21 Transportation Fund for Clean Air (TFCA) Funding Agreement with City of Belmont for the Ralston Ave. Adaptive Signalization System project, extending project completion date to December 31, 2022, at no additional cost.

INFORMATION

- 5.10 Receive a copy of a Resolution of the Millbrae City Council giving notice to the C/CAG Board, as the San Mateo County Airport Land Use Commission (ALUC), of its intent to consider an override of the ALUC determination that the proposed Amendments to the Millbrae Station Area Specific Plan related to "Biosafety Level 2" uses within portions of the Transit Oriented Development Zone located east of El Camino Real, west of the railroad corridor and north of Millbrae Avenue, are not consistent with the safety policies of the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

INFORMATION

Board Member Taylor MOVED to approve the consent agenda items 5.1 through 5.10. Board Member Cunningham SECONDED. Roll call was taken. **MOTION CARRIED 14-0-0**

6.0 REGULAR AGENDA

- 6.1 Update on C/CAG Equity Assessment and Framework Development Project progress.

INFORMATION

C/CAG Executive Director, Sen Charpentier, introduced Item 6.1, staff Kim Springer, and Principal at Mariposa Planning Solutions, Chis Lepe, C/CAG's consultant on the C/CAG Equity Assessment and Framework Development Project. Kim Springer reminded the Board of the scope of work for the Project and then handed off the presentation to Mr. Lepe, who shared progress and where the Project is in its timeline. He also shared the various engagement with stakeholder completed to date and the various documents drafted or completed to date. Mr. Lepe shifted to some of the existing and new documents and tools for identifying and defining Equity Priority Communities (EPCs). Finally, Mr. Lepe moved specifically to the Equity Definition document with an explanation of how it was developed and asked the Board for input and feedback. In addition, he launched a discussion about geographic equity, the concept of how this Project would affect distribution of C/CAG funds and invited questions and comments.

Staff and the consultant also provided feedback on the process of the work, to date. Mr. Lepe contributed that there was a tremendous amount of information available for the Historic Perspective work. Board members commented on the work completed and the Equity Definition document, including: thoughts on how to "divide the pie" in terms of a shift towards funding more in EPCs, considerations for looking at C/CAG historically in terms of funding distribution to communities of need, how to evaluate future investments, the potential for co-leading and participatory budgeting, and potential for an Equity working group.

- 6.2 Conduct a Public Hearing to review proposed amendments to the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport related to overflight notification and avigation easement policies; and approve Resolution 22-90 adopting the

amendments. (*Special Voting Procedures apply*)

(*Public hearing opened on September 15, 2022, and continued to October 13, 2022*)

APPROVED

Board Member Chuang MOVED to approve item 6.2. Board Member Nagales
SECONDED.

A Special Voting Procedure was taken by roll call. **MOTION CARRIED 15-0-0.**
Results: 15 Agencies approving. This represents 71% of the Agencies representing 83%
of the population.

Ayes:

Atherton - Elizabeth Lewis
Belmont - Davina Hurt
Brisbane - Karen Cunningham
Daly City - Pamela DiGiovanni
Half Moon Bay - Debbie Ruddock
Hillsborough - Marie Chuang
Menlo Park - Cecile Taylor
Millbrae - Gina Papan
Pacifica - Sue Beckmeyer
Redwood City - Alicia Aguirre
San Bruno - Michael Salazar
San Mateo - Diane Papan
South San Francisco - Flor Nicolas
Woodside - Dick Brown
San Mateo County - David Canepa

Noes:

Absent:

Burlingame
Colma
East Palo Alto
Foster City
Portola Valley
San Carlos

- 6.3 Receive a Presentation on the Recruitment process for up to two Board of Director's seats
on the San Mateo County Express Lane Joint Powers Authority. INFORMATION

The Board received a presentation on the Recruitment process for up to two Board of
Director's seats on the San Mateo County Express Lane Joint Powers Authority.
Currently, Rico Medina from San Bruno is the Chair of the SMCEL-JPA, and Alicia
Aguirre from Redwood City is the Vice Chair of the SMCEL-JPA. MaryAnn Moise
Derwin is not seeking reelection to the Town of Portola Valley Council. Diane Papan is a
candidate for the California State Assembly District 21 seat. New Assembly members are
sworn in on December 5th. The C/CAG Board of Directors will have to appoint up to two
C/CAG Board members to the SMCEL-JPA Board of Directors. A letter of interest must
be submitted no later than the close of business on Wednesday, November 2, 2022, via
email to Executive Director Sean Charpentier.

- 6.4 Review and provide input on the Draft San Mateo County Shared Micromobility
Feasibility Study and Implementation Plan. INFORMATION

The Board received a presentation on the Draft San Mateo County Shared Micromobility
Feasibility Study and Implementation Plan. The study identified five potential pilot
locations based on the criteria of 1) equity focus areas, 2) proximity to transit, 3)

proximity to barriers, and 4) estimated micromobility demand. One of the identified locations, Millbrae/Burlingame, is implementing its own micromobility program. The study recommends establishing a governance committee comprised of staff from the participating pilot jurisdictions, the program manager and any other key stakeholders as needed. If the Board is interested in exploring the pilot, staff will return with more details on estimated costs, estimated funding sources, and an updated schedule.

7.0 COMMITTEE REPORTS

7.1 Committee Reports (oral reports)

None.

7.2 Chairperson's Report

Chair Hurt announced that a check was received from Assembly Member Mullen for \$760K for the first stage of a buffer bike lane project along the El Camino Real between Millbrae and San Bruno, about 3.7 miles. In attendance were Assembly Member Mullin, Vice Chair Ortiz, Board Member Papan, Mayor Medina, Board Member Salazar, Councilmember Tom Hamilton. California opened their very first Clean Air Center in the Bayview Hunters Point Library and they're looking at this as a model for how folks can get reprieve from future wildfires or poor air quality and hoping to replicate this in San Mateo County. Closed session will not take place but she has informed the Board a performance review of our Executive director is underway. A survey will be sent on Friday no later than Monday from City Manager, Jeremy Dennis of Portola Valley. It will be an online performance evaluation. There is a subcommittee of Ortiz, Chuang, Aguirre, Dennis and herself. Once they receive the responses to the survey, they will review and will be back to talk about the details of the analysis and the next stages of the performance evaluation review.

7.3 Board Members Report/Communication

Board Member Papan (Millbrae)/ MTC Commissioner reported that Therese McMillan is departing and MTC will be searching for a new Executive Director. MTC passed a budget for a \$6M website and it's directly related to housing. A discussion was also held on about \$110M extra for Caltrain to carry them over the limit. We're getting \$300M in funding, another \$110M would let them really complete the process without taking out further debt. Hoping to get that tranche of money because this is the one project that is so close to being finished.

8.0 EXECUTIVE DIRECTOR'S REPORT

Sean Charpentier reported that we are beginning to prepare for returning to in-person meetings. We're able to have fully remote meetings as long as there is a state of emergency. We're preparing to move back to in-person meetings beginning January 2023 and currently scheduled to do a test run at the Sam Trans Auditorium to test their streaming equipment. Pre-COVID the C/CAG Board did not stream its meetings and want to make sure that the SamTrans auditorium will have the audio and visual to support a board this size. In terms of the committees, we are working to explore the use of the Owl technology. A mobile technology that videos/records and captures the audio. There are concerns about committee participation or the ability to reach quorum once we return

to in-person meetings and we are starting to discuss the potential of finding someone to sponsor potential legislation that would allow wholly advisory committee meetings where their vote is advisory only to continue to meet remotely. Sean will send out the legislation to the board. This topic will be agendaized for the next November board meeting for a deeper discussion. In addition, last month the MTC approved a new transit-oriented communities' policy and will be working with our jurisdictions to make sure that they have the time and the resources if changes are necessary. Sean has added that MTC has been working on a major projects advancement policy and through partnership with our member agencies, the TA and our MTC Commissioners, the San Mateo County with major projects or projects that cost more than \$250M was able to insert and keep many of our key marquee projects in that policy, including highway 101/84 interchange, 92/101 direct connector, multiple of our grade separations and transit projects. In addition, on the regional front, C/CAG has been working with our partner at the TA to continue to advance a couple of our major projects through SB1 funding and the Caltrans and the MTC have agreed to sponsor applications for 92/101 area improvements and multimodal project, where we will be applying for \$40M and the 101/84 Port of Redwood City interchange, where we'll there be applying for \$25M under the trade corridor improvement program.

Board Papan (Millbrae)/ MTC Commissioner added that there was money in the current budget for grade separations. She has asked Sean and they have been working with Senator Becker. It would be great to get some of our jurisdictions together in order to approach these in a universal manner.

9.0 COMMUNICATIONS - Information Only

9.1 Written Communication – None.

10.0 CLOSED SESSION – No closed session.

10.1 Public Employee Performance Evaluation (Government Code Section 54957).

Title: Executive Director of C/CAG.

11.0 RECONVENE IN OPEN SESSION – Did not reconvene in an open session.

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

12.0 ADJOURNMENT – 8:34 p.m.

The Chair closed the meeting with a public transportation quote – “You can’t understand a city without using its public transportation system.”

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-92 finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person would present imminent risks to the health or safety of attendees, and that the state of emergency continues to directly impact the ability of members of the Board of Directors and C/CAG legislative bodies to meet safely in person.

(For further information, contact Melissa Andrikopoulos at mandrikopoulos@smcgov.org)

RECOMMENDATION

Approval of Resolution 22-92 finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person for meetings of the C/CAG Board of Directors and all other C/CAG legislative bodies would present imminent risks to the health or safety of attendees, and that the state of emergency continues to directly impact the ability of members of the Board of Directors and C/CAG legislative bodies to meet safely in person.

FISCAL IMPACT

There is no fiscal impact.

SOURCE OF FUNDS

Not applicable

BACKGROUND

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act. The original Executive Order provided that all provisions of the Brown Act that required the physical presence of members or other personnel as a condition of participation or as a quorum for a public meeting were waived for public health reasons. If these waivers fully sunset on October 1, 2021, legislative bodies subject to the Brown Act would have to contend with a sudden return to full compliance with in-person meeting requirements as they existed prior to March 2020, including the requirement for full physical public access to all teleconference locations from which board members were participating.

On September 16, 2021, the Governor signed AB 361, a bill that formalizes and modifies the teleconference procedures implemented by California public agencies in response to the Governor's Executive Orders addressing Brown Act compliance during the COVID-19 emergency. AB 361 allows a local agency legislative body to continue to use teleconferencing under the same basic rules as provided

in the Executive Orders when certain circumstances occur or when certain findings have been made and adopted by the legislative body.

AB 361 provides that Brown Act legislative bodies must return to in-person meetings on October 1, 2021, unless they choose to continue with fully teleconferenced meetings because a specific declaration of a state or local health emergency is appropriately made. AB 361 allows legislative bodies to continue to conduct virtual meetings as long as there is a gubernatorially-proclaimed public emergency in combination with (1) local health official recommendations for social distancing or (2) adopted findings that meeting in person would present an imminent risk to health or safety. AB 361 is effective immediately as urgency legislation and will sunset on January 1, 2024.

AB 361 also requires that, if the state of emergency remains active for more than 30 days, the legislative body must make findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. Specifically, the legislative body must find that the need for teleconferencing persists due to risks posed by the ongoing state of emergency. Effectively, this means that local agencies must either agendaize a Brown Act meeting once every thirty days to make these findings, or, if a local agency has not made such findings within the prior 30 days, the local agency must re-adopt the initial findings if it wishes to conduct a remote meeting.

Public agencies that wish to continue with the option for remote meetings due to the COVID-19 emergency have and are continuing to make the required AB 361 findings. The San Mateo County Board of Supervisors approved a similar resolution at its September 28, 2021 meeting, and has continued to renew the findings since then.

At its October 14, 2021 meeting, the C/CAG Board adopted Resolution 21-79, making the findings necessary to continue remote meetings for both the C/CAG Board and standing C/CAG Committees for 30 days; the Board has subsequently adopted similar resolutions making findings to continue remote meetings.

DISCUSSION

The County's high vaccination rate successfully implemented local health measures (such as indoor masking), and best practices by the public (such as voluntary social distancing) have proven effective, in combination, at controlling the local spread of COVID-19.

However, reducing the circumstances under which people come into close contact remains a vital component of the County's COVID-19 response strategy. While local agency public meetings are an essential government function, the last 18 months have demonstrated that conducting such meetings virtually is feasible.

Public meetings pose high risks for COVID-19 spread for several reasons. These meetings bring together people from throughout a geographic region, increasing the opportunity for COVID-19 transmission. Further, the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, cough and sneeze etiquette, or other safety measures. Moreover, some of the safety measures used by private businesses to control these risks may be less effective for public agencies.

These factors combine to make in-person public meetings imminently risky to health and safety.

We recommend that the Board avail itself of the provisions of AB 361 allowing continuation of remote meetings by adopting findings to the effect that conducting in-person meetings would present an imminent risk to the health and safety of attendees and that the state of emergency continues to directly impact the ability of members to meet safely in person. A resolution to that effect, and directing staff to take such other necessary or appropriate actions to implement the intent and purposes of the resolution, is attached hereto.

ATTACHMENT

1. Resolution 22-92

RESOLUTION 22-92

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY, MEETING IN PERSON FOR MEETINGS OF THE C/CAG BOARD OF DIRECTORS AND ALL OTHER C/CAG LEGISLATIVE BODIES WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES, AND THAT THE STATE OF EMERGENCY CONTINUES TO DIRECTLY IMPACT THE ABILITY OF MEMBERS OF THE BOARD OF DIRECTORS AND C/CAG LEGISLATIVE BODIES TO MEET SAFELY IN PERSON.

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

WHEREAS, on March 4, 2020, pursuant to California Government Code section 8550, *et seq.*, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus, and subsequently, the San Mateo County Board of Supervisors declared a local emergency related to COVID-19, and the proclamation by the Governor and declaration by the Board of Supervisors remain in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions in the California Open Meeting law, Government Code section 54950 *et seq.* (the “Brown Act”), related to teleconferencing by local agency legislative bodies, provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended provisions of Executive Order N-29-20 that waive otherwise-applicable Brown Act requirements related to remote/teleconference meetings by local agency legislative bodies through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 into law, and AB 361 provides that a local agency legislative body subject to the Brown Act may continue to meet without complying with the otherwise-applicable requirements in the Brown Act related to remote/teleconference meetings by local agency legislative bodies, provided that a state of emergency has been declared and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and provided that the legislative body makes such findings at least every thirty (30) days during the term of the declared emergency; and

WHEREAS, the C/CAG Board of Directors concludes that there is a continuing threat of COVID-19 to the community, and that Board meetings have characteristics that give rise to risks to health and safety of meeting participants (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to participate fully in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings); and

WHEREAS, the C/CAG Board of Directors has an important governmental interest in protecting the health and safety of those who participate in its meetings; and

WHEREAS, on October 14, 2021, the C/CAG Board of Directors approved Resolution 21-79

making the findings necessary to continue holding remote meetings of the C/CAG Board of Directors and all other C/CAG legislative bodies; and

WHEREAS, at subsequent meetings, the C/CAG Board of Directors adopted resolutions making the findings necessary to continue remote meetings for both the C/CAG Board of Directors and all other C/CAG legislative bodies; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the C/CAG Board of Directors deems it necessary to find that meeting in person would present imminent risks to the health or safety of attendees, and that the COVID-19 state of emergency continues to directly impact the ability of members of the Board of Directors and all other C/CAG legislative bodies to meet safely in person, and thus intends to continue to invoke the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that

1. The recitals set forth above are true and correct.
2. The C/CAG Board of Directors has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19.
3. The C/CAG Board of Directors finds that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of members of the Board of Directors and all other C/CAG legislative bodies to meet safely in person.
4. The C/CAG Board of Directors further finds that holding meetings of the C/CAG Board Directors and all other C/CAG legislative bodies in person would present imminent risks to the health or safety of attendees.
5. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, C/CAG Executive Director

Subject: Review and approval of Resolution 22-93 amending the One Bay Area Grant 3 (OBAG 3) County & Local Program to reflect a reallocation of \$300,000 to supplement the C/CAG Program Monitoring and Planning Activities.

(For further information or questions, contact Jeff Lacap at jlacap@smcgov.org)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 22-93 amending the One Bay Area Grant 3 (OBAG 3) County & Local Program to reflect a reallocation of \$300,000 to supplement the C/CAG Program Monitoring and Planning Activities.

FISCAL IMPACT

Other than staff time, there is not any direct fiscal impact to C/CAG at this time. Upon MTC approval, the OBAG 3 County & Local Program funds will be allocated to C/CAG directly.

SOURCE OF FUNDS

Federal funds are allocated by MTC through the OBAG 3 Program. Those federal funds include Congestion Mitigation and Air Quality (CMAQ) funds and Surface Transportation Program (STP) funds.

BACKGROUND

One Bay Area Grant (OBAG) 3

The One Bay Area Grant (OBAG) program is the policy and programming framework for investing federal Surface Transportation Block Grant Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ), and other fund programs throughout the San Francisco Bay Area.

On January 26, 2022, MTC adopted Resolution 4505 outlining and approving the OBAG Cycle 3 (OBAG 3) Grant Program. A total of \$750 million will be available in the region, with a 50/50 funding split between the Regional and County & Local Programs. This funding will be available over a four-year horizon, from FY 2022-23 through FY 2025-26. MTC will directly administer the Regional Program and C/CAG, as the County Transportation Agency (CTA) for San Mateo County, will assist MTC in administering the County & Local Program.

C/CAG Program Monitoring and Planning Activities

MTC is a regional transportation planning agency established pursuant to California Government Code 66500. MTC is the designated Metropolitan Transportation Organization (MPO) for the San Francisco Bay Region. MTC provides funding to County Transportation Agencies (CTA) such as C/CAG to assist in planning, programming, transportation, transit, land use, or other projects relevant to MTC or its statutory purposes.

As part of the OBAG 3 County & Local Program, CTA Program Monitoring and Planning Activities provides staff support at the county level for programming, monitoring and outreach activities delegated by MTC to the CTAs. These include but are not limited to development of the Regional Transportation Plan, development of PDA Growth strategies, Congestion Management Plan (CMP) updates, Countywide Transportation Planning, developing calls for projects, and assistance with the programming and delivery of federal aid projects.

At the April 14th, 2022 C/CAG Board meeting, the C/CAG Guidelines and process for the One Bay Area Grant Cycle 3 (OBAG 3) County & Local Program was approved that included the following set-asides:

- Countywide Safe Routes to School
 - \$2,120,000 directed to continue partnership with San Mateo County Office of Education (SMCOE) to implement on-going Safe Routes to School Program.
- Countywide Local Roadway Safety Plan (LRSP):
 - \$300,000 directed to complete a countywide LRSP to meet OBAG 3 eligibility for all jurisdictions.
- C/CAG Program Monitoring and Planning Activities
 - \$2,000,000 directed to supplement the base amount programmed for C/CAG's transportation planning, programming, and monitoring activities.

The supplemental amount added to the base amount provided by MTC for Program Monitoring and Planning Activities keeps a consistent funding level for planning and outreach from the previous cycles. This would result in \$5.45 million over the four-year horizon, from FY 2022-23 through FY 2025-26.

On September 28, 2022, the MTC Commission approved revisions to the OBAG 3 framework, which includes programming \$103 million in OBAG 3 Regional Program funds. As part of programming revisions, C/CAG was awarded \$400,000 in Regional Program funds to complete a Countywide Local Roadway Safety Plan (LRSP). As a result, there is \$300,000 in San Mateo County & Local Program funds required to be reallocated.

Recommendation

Recently, MTC has adopted a new Transit-Oriented Communities (TOC) Policy designed to boost the overall housing supply and increase residential densities in transit-rich areas throughout the Bay Area. As part of the implementation plan, C/CAG staff will need to coordinate with local jurisdictions to update Priority Development Area Planning Documents to be compliant with the TOC policy. Also, MTC staff has begun to update its guidelines for developing County Transportation Plans (CTP) to better align with the goals and timelines set forth in Plan Bay Area 2050. MTC is requiring CTAs to begin updating its respective CTPs beginning in 2025.

With these additional regional transportation planning coordination efforts by C/CAG staff are anticipated within the four-year horizon of the OBAG 3 County & Local Program, staff recommends reallocating the balance of \$300,00 in County & Local Programs to supplement C/CAG Program Monitoring and Activities. This would result in an updated amount of \$5.75 million over the four-year horizon, from FY 2022-23 through FY 2025-26.

Staff requests that the C/CAG Board review and approve Resolution 22-93 amending the One Bay Area Grant 3 (OBAG 3) County & Local Program to reflect a reallocation of \$300,000 to supplement the C/CAG Program Monitoring and Planning Activities.

ATTACHMENTS

1. Resolution 22-93

RESOLUTION 22-93

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY TO AMEND THE ONE BAY AREA GRANT 3 (OBAG 3) COUNTY & LOCAL PROGRAM TO REFLECT A REALLOCATION OF \$300,000 TO SUPPLEMENT THE C/CAG PROGRAM MONITORING AND PLANNING ACTIVITIES

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

WHEREAS, the Metropolitan Transportation Commission (MTC) is a regional transportation planning agency established pursuant to California Government Code 66500. MTC is the designated Metropolitan Transportation Organization (MPO) for the San Francisco Bay Region; and

WHEREAS, MTC adopted Resolution No. 4505 outlining the One Bay Area 3 (OBAG 3) County & Local Program's policies and procedures to be used in the selection of projects to be funded with Surface Transportation Planning (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds; and

WHEREAS, MTC provides funding to County Transportation Agencies (CTA) such as C/CAG to assist in planning, programming, transportation, transit, land use, or other projects relevant to MTC or its statutory purposes; and

WHEREAS, as part of the OBAG 3 County & Local Program, CTA Program Monitoring and Planning Activities provides staff support at the county level for programming, monitoring and outreach activities delegated by MTC to the CTAs; and

WHEREAS, at the April 14th, 2022 C/CAG Board meeting, the C/CAG Guidelines and process for the One Bay Area Grant Cycle 3 (OBAG 3) County & Local Program was approved that included the following set-aside of \$2,000,000 directed to supplement the base amount programmed for C/CAG's transportation planning, programming, and monitoring activities and \$300,000 directed to complete a countywide Local Roadway Safety Plan (LRSP) to meet OBAG 3 eligibility for all jurisdictions; and

WHEREAS, the supplemental amount added to the base amount provided by MTC for Program Monitoring and Planning Activities keeps a consistent funding level for planning and outreach from the previous cycles; and

WHEREAS, on September 28, 2022, the MTC Commission approved revisions to the OBAG 3 framework, which includes programming \$103 million in OBAG 3 Regional Program funds. As part of programming revisions, C/CAG was awarded \$400,000 in Regional Program funds to complete a Countywide Local Roadway Safety Plan (LRSP); and

WHEREAS, there is \$300,000 in San Mateo County & Local Program funds required to be reallocated; and

WHEREAS, additional regional transportation planning coordination efforts by C/CAG staff are anticipated within the four-year horizon of the OBAG 3 County & Local Program, staff

recommends reallocating the balance of \$300,00 in County & Local Programs to supplement C/CAG Program Monitoring and Activities; and

WHEREAS, C/CAG is submitting the amendment for the San Mateo OBAG 3 County & Local Program to reflect the reallocation to the MTC for funding from the OBAG 3 County & Local Program.

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County to amend the One Bay Area Grant 3 (OBAG 3) County & Local Program to reflect a reallocation of \$300,000 to supplement the C/CAG Program Monitoring and Planning Activities and authorize the C/CAG Executive Director to negotiate with the MTC to make minor modifications as necessary.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-94 authorizing the C/CAG Chair to execute a funding agreement with Town of Woodside in an amount up to \$290,848 using Fiscal Year 2022/23 Transportation Fund for Clean Air (TFCA) Program fund for the Glens Path Pedestrian Safety Improvements Phase 3 Project.

(For further information, contact Kim Wever at kwever@smcgov.org)

RECOMMENDATION

That the C/CAG Board reviews and approves Resolution 22-94 authorizing the C/CAG Chair to execute a funding agreement with Town of Woodside in an amount up to \$290,848 using Fiscal Year 2022/23 Transportation Fund for Clean Air (TFCA) Program fund for the Glens Path Pedestrian Safety Improvements Phase 3 Project.

FISCAL IMPACT

The total available TFCA County Program Manager Funds is \$290,848 for Fiscal Year 2023.

SOURCE OF FUNDS

The Bay Area Air Quality Management District (BAAQMD) is authorized under Health and Safety Code Section 44223 and 44225 to levy a fee on motor vehicles. Funds generated by the fee are referred to as the TFCA funds. These funds are used to implement projects that reduce air pollution from motor vehicles. Health and Safety Code Section 44241(d) stipulates that forty percent (40%) of funds generated within a county where the fee is in effect shall be allocated by the BAAQMD to one or more public agencies designated to receive the funds. In San Mateo County, C/CAG is the TFCA grant Program Manager.

BACKGROUND

In Fiscal Year 2022-2023, the Air District allocated a total of \$1.1M to C/CAG for the implementation of projects that reduce air pollution from motor vehicles. In February 2022, the Committee recommended approval of funding to Commute.org for the countywide trip reduction program and BART Shuttle program. An amount of \$290,848 remains in the Fiscal Year 2022-2023 TFCA funding cycle as "Other Projects to be determined". Staff originally planned to allocate this funding to active transportation and first last mile solutions such as shared micromobility program. However, Air District recently informed C/CAG that this amount needs to be programmed by November 4, 2022. The shared micromobility program needs additional time to incorporate feedback from C/CAG Committees and Board, as well as the participating jurisdictions.

A summary of the approved Fiscal Year 2022/23 TFCA County Program Manager Expenditure Plan is shown below:

	Estimated FY 2022/23 TFCA Funds
Administration	\$68,456
Commute.org - Countywide Voluntary Trip Reduction	\$600,000
Commute.org - BART Shuttle	\$136,000
Other Projects to be determined	\$290,848
Total	<u>\$1,095,304</u>

Recommendation

To ensure the timely obligation and use of funds, C/CAG staff proposes to direct this limited amount to the next highest scoring small project from the recent One Bay Area Grant (OBAG 3) Call for Projects. *Attachment 1* is the draft project nomination list for the One Bay Area Grant 3 (OBAG 3) County & Local Program. As shown in the table, the next highest scoring small project is Phase 3 of the Town of Woodside’s Glens Path Pedestrian Safety Improvements. The Town requested a total of \$536,000. In consultation with Town staff, the Town is open to accepting a smaller grant amount and will supplement funds from other sources. *Attachment 2* is an excerpt of the Town’s OBAG 3 application, which includes the Project Information, Project Cost & Funding, and Project Area Map. The project meets the Air District’s required cost-effectiveness ratio. The Technical Advisory Committee (TAC) and the Congestion Management and Environmental Quality (CMEQ) Committee both reviewed and recommended approval at their October meetings.

Staff requests that the Board reviews and approves Resolution 22-94 authorizing the C/CAG Chair to execute a funding agreement with Town of Woodside in an amount up to \$290,848 using Fiscal Year 2022/23 Transportation Fund for Clean Air (TFCA) Program fund for the Glens Path Pedestrian Safety Improvements Phase 3 Project. The Air District understands that the Board meeting is scheduled on November 10th, and agreed to a final project list submittal after the C/CAG Board meeting and action.

ATTACHMENT

1. Resolution 22-94
2. Draft Project Nomination List for the One Bay Area Grant 3 (OBAG 3) County & Local Program
3. Town of Woodside’s OBAG 3 Application: Project Information, Project Cost & Funding, and Project Area Map Sections

RESOLUTION 22-94

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG CHAIR TO EXECUTE A FUNDING AGREEMENT WITH TOWN OF WOODSIDE IN AN AMOUNT UP TO \$290,848 UNDER THE FISCAL YEAR 2022/23 TRANSPORTATION FUND FOR CLEAN AIR (TFCA) PROGRAM FOR THE GLENS PATH PEDESTRIAN SAFETY IMPROVEMENTS PHASE 3 PROJECT

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

WHEREAS, the Board of Directors of the City/County Association of Governments, at its March 10, 2022 meeting, approved certain projects and programs for funding through San Mateo County’s local share of Transportation Fund for Clean Air (TFCA) revenues, including “other projects to be determined”; and

WHEREAS, to ensure the timely obligation and use of funds, C/CAG proposed to direct this limited amount to the next highest scoring small project from the recent One Bay Area Grant (OBAG 3) Call for Projects. The next highest scoring small project is Phase 3 of the Town of Woodside’s Glens Path Pedestrian Safety Improvements; and

WHEREAS, the Town of Woodside is recommended to receive up to \$290,848 of TFCA Funds for the Glens Path Pedestrian Safety Improvements Phase 3 project, and

WHEREAS, the Board of Directors approved the project scopes and specific recommended grant amounts for the aforementioned project; and

WHEREAS, it is necessary for C/CAG to enter into funding agreement with the individual agencies receiving TFCA project funding, setting forth the responsibilities of each party.

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 enter into an agreement with Town of Woodside for up to \$290,848 of Fiscal Year 2022/23 Transportation Fund for Clean Air (TFCA) Program funds for the Glens Path Pedestrian Safety Improvements Phase 3 project. Be it further resolved that the Executive Director is authorized to negotiate final terms of the agreement prior to execution by the Chair, subject to legal counsel approval as to form.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

Draft Project Nomination List for the One Bay Area Grant 3 (OBAG 3) County & Local Program

Application ID	Sponsor Name	Project Name	OBAG3 Funds Requested	Option 1 (Baseline)		Option 2		Option 3 (NEW Staff Recommendation)		Total Score	Safe Routes to School (within 1/2 Mile)
				OBAG 3 Recommended Funding Allocations	Measure M Recommended Funding Allocations	OBAG 3 Recommended Funding Allocations	Measure M Recommended Funding Allocations	OBAG 3 Recommended Funding Allocations	Measure M Recommended Funding Allocations		
12	San Mateo County	Bay Road Complete Street Rehabilitation Project	\$ 3,806,790	\$ 3,806,790		\$ 3,806,790		\$ 3,806,790		115.6	Yes
9	City of South San Francisco	School Street/Spruce Avenue and Hillside Boulevard Safety and Access Improvement Project	\$ 3,127,385	\$ 3,127,385		\$ 3,127,385		\$ 3,127,385		113.9	Yes
16	City of Redwood City	Roosevelt Avenue Traffic Calming Project	\$ 3,400,000	\$ 3,400,000		\$ 3,400,000		\$ 3,400,000		111.2	Yes
19	City of San Mateo	US 101/Peninsula Avenue Interchange Improvements Project	\$ 5,000,000	\$ 5,000,000		\$ 1,000,000		\$ 1,000,000		111.2	Yes
20	San Mateo County Transportation Authority	19th Avenue/Fashion Island Boulevard Complete Street Class IV Bikeway	\$ 3,375,000	\$ 3,375,000		\$ 3,375,000		\$ 3,375,000		109.6	Yes
25	Town of Colma	El Camino Real Complete Street Project from Mission Road to City of South San Francisco (Segment B)	\$ 4,640,000	\$ 4,640,000		\$ 4,640,000		\$ 4,640,000		105.6	Yes
13	City of Menlo Park	Middle Avenue Caltrain Pedestrian and Bicycle Undercrossing	\$ 5,000,000	\$ 5,000,000		\$ 5,000,000		\$ 5,000,000		105.0	No
24	City of Burlingame	Rollins Road Bicycle and Pedestrian Improvement Project	\$ 3,100,000	\$ 3,900,000		\$ 3,900,000		\$ 3,100,000		104.3	Yes
23	City of Redwood City	101/Woodside UPRR Bikeway Project	\$ 4,800,000							104.3	Yes
26	City of Redwood City	Broadway Bicycle and Pedestrian Vision Zero Project	\$ 3,054,300							103.1	Yes
1	City of Burlingame	California Drive Bicycle and Pedestrian Improvement Project	\$ 2,000,000							101.3	Yes
17	Town of Atherton	Adelante Selby Spanish Immersion School Safe Route to Schools Project	\$ 3,115,024			\$ 3,115,024		\$ 3,115,024		100.8	Yes
15	City of Menlo Park	El Camino Real Pedestrian Crossing Improvements	\$ 2,000,000							100.3	Yes
18	San Mateo County Transit District (SamTrans)	Express Bus Mobility Hub	\$ 5,000,000							99.6	Yes
8	BART	Next Generation Fare Gates Project at Northern San Mateo County BART Stations	\$ 4,457,455							99.1	No
5	City of Pacifica	Sharp Park Priority Development Area Pedestrian Improvement	\$ 2,360,000	\$ 384,825	\$ 900,000	\$ 1,269,801	\$ 900,000	\$ 1,269,801	\$ 900,000	98.8	Yes
7	BART	Next Generation Fare Gates Project at Central San Mateo County	\$ 4,791,764							97.9	No
10	City of Half Moon Bay	Kelly Avenue Complete Street Project	\$ 5,000,000							96.9	Yes
28*	City of Millbrae	Micro-Mobility Hub Phase 2 and Electric Vehicle Shuttle Program servicing riders to and from Multi-Modal BART/Caltrain/HSR Station, Affordable Housing, Job Centers and Schools	\$ 880,000					\$ 800,000		95.0	Yes
27	City of Daly City	Bayshore and Woodrow Wilson Safe Routes to School Project	\$ 4,550,000							89.9	Yes
3	City of San Carlos	Holly Street/US-101 Pedestrian and Bicyclist Overcrossing	\$ 5,000,000							87.3	No
11	East Palo Alto	Runnymede Street between Pulgas Avenue and the Bay Trail within the City of East Palo Alto.	\$ 2,010,000							82.0	Yes
6*	Town of Woodside	The Glens Path - Pedestrian Safety Improvements – Phase 3	\$ 536,000							80.0	No
4	City of Pacifica	Rosita Road from Adobe Drive to Oddstad Boulevard, Pacifica, CA	\$ 1,781,600							77.8	Yes
21*	City of Belmont	City of Belmont Pedestrian and Bike Improvements	\$ 1,000,000							77.3	Yes
14	City of Foster City	Street Rehabilitation – Edgewater (FY 24-25)	\$ 1,200,000							75.8	Yes
22*	City of Foster City	Foster City Safe Routes to School Improvements	\$ 504,000							72.1	Yes
2	City of San Carlos	Safe Routes to School Improvement Project	\$ 1,100,000							68.6	Yes
29*	Town of Hillsborough	Hillsborough Street Resurfacing Project	\$ 1,000,000							67.2	Yes
			\$ 87,589,318	\$ 32,634,000	\$ 900,000	\$ 32,634,000	\$ 900,000	\$ 32,634,000	\$ 900,000		

* Small Project

**Town of Woodside's OBAG 3 Application:
Project Information, Project Cost & Funding, and Project Area Map Sections**

1. Project Information	
Project Name:	The Glens Path - Pedestrian Safety Improvements – Phase 3
Project Sponsor:	Town of Woodside
Sponsor Single Point of Contact:	Sean Rose
	(650)851-6790x114
	srose@woodsidetown.org
Project Location <i>(include map of project location and use map here as the base layer):</i>	The project is part of a multi-phased project in The Glens neighborhood on Glenwood Avenue and Hillside Drive. Phase 3 is located between 243 Glenwood Avenue and 332 Glenwood Avenue in the Town of Woodside.
Safe Routes to School	<p>Indicate if project is located within ½ mile of a school:</p> <p><input type="checkbox"/> Located within ½ mile of a school</p> <p>Describe how the project supports the Safe Routes to School Program and include project location maps.</p> <p>Town Staff, the Woodside Elementary School PTA, and local residents have all identified Glenwood Avenue (in the Glens neighborhood) as a hazardous pedestrian route for access to Cañada Road, Woodside Elementary School, and other destinations. This project would provide a safe pathway for families to access regional destinations as well as intra-neighborhood travel.</p>
Brief Project Description (Limit to 500 words)	<p>Glenwood Avenue is the main road that services The Glens neighborhood. The neighborhood consists of approximately 170 single family homes. Many of the homes are occupied by young families, as these are the most affordable homes within the Town. The existing road is narrow, less than 16-feet in width in many areas, and without shoulders. The speed limit in this neighborhood is 20 mph. The terrain is steep on most of the route, with intermittent roadside ditches to carry stormwater.</p> <p>In order to create a safe pedestrian route for residents, the Town has constructed Phase 1 of this multi-phase project on Hillside Drive and is planning to construct Phase 2 of the project in 2023 from Cañada Road to 243 Glenwood Avenue. These two phases constructed or will construct curbs and 4' wide asphalt concrete paths on one side of the roadway to provide an accessible route for residents. The projects also included driveway reconstruction, minor landscaping, fence reconstruction, drainage improvements, and retaining walls in order to accommodate the path.</p> <p>The Phase 3 Project will include these same features to achieve the 4-foot wide path. The project length is approximately 850 linear feet and affect 7 residential driveways.</p>

<p>Project Justification/Need (Please limit to 500 words or less):</p>	<p>There is a steadfast demand from the Glens residents for this project. For over a decade, residents have been vocal about the dangerous conditions as discussed further in the "Community Support" section of this application.</p> <p>The current roadway is narrow and winding; at some locations it is difficult for vehicles to bypass each other. In many locations the total pavement width is 16-feet. Recent speed surveys have supported the posted 20 mph speed limits in the neighborhood. The project will not widen the roadway.</p> <p>Although the narrow roadways keep vehicular speeds low, the road does not provide consistent safe refuge areas for families to traverse the neighborhood. There are currently no provisions for ADA accessibility through the neighborhood; making the area inaccessible to many physically disabled individuals.</p> <p>This neighborhood is relatively affordable in comparison to other areas in the Town, which makes this neighborhood attractive to young families, emphasizing the need for implement safe pedestrian facilities.</p>
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Project Cost & Funding

OBAG 3 Grant Request:

Total Grant Request	\$536,000
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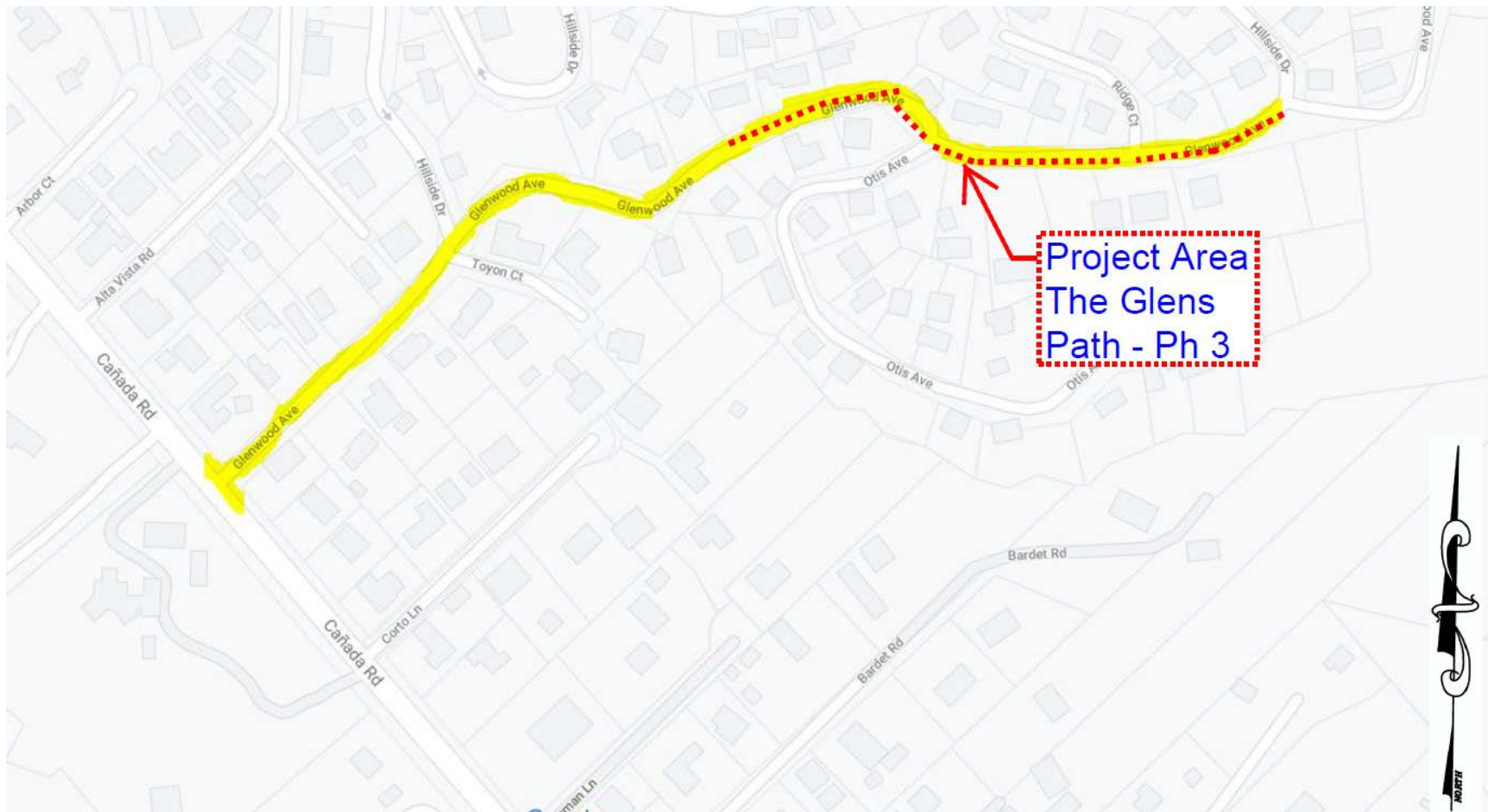
Note: Projects eligible for OBAG 3 cannot be a design only project. Project funds may cover some design cost, but project must include a fully funded construction phase.

Project Cost & Schedule:

Project Phases	Total Cost	Secured Funds		Unsecured Funds		Schedule (Start dates: Planned, Actual)
		Amount	Fund Sources	OBAG 3 Grant Request	Remaining Funding Needed	
Planning/ Conceptual	0	0	<i>n/a</i>	0	0	<i>n/a</i>
Environmental Studies (PA&ED)	30,000	6,000	<i>General Fund, 20% Match</i>	24,000	0	Jan/2023
Design Engineering (PS&E)	130,000	130,000	<i>General Fund, 100%</i>	0	0	May/2022
Right-of-way	0	0	<i>n/a</i>	0	0	<i>n/a</i>
Construction Engineering	90,000	18,000	<i>General Fund, 20% Match</i>	72,000	0	June/2024
Construction	550,000	110,000	<i>General Fund, 20% Match</i>	440,000	0	June/2024
Total	\$800,000	\$264,000		\$536,000	\$0	

Project Investment by Mode:

Mode	Share of project investment	Share of project investment within C/CAG Equity Focus Area (EFA)
Auto	0%	0%
Transit	0%	0%
Bicycle/Pedestrian	100%	100%
Other	0%	0%
Total	100%	0%



Project Area Map
The Glens Path Pedestrian Safety Improvements Phase 3

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of the appointments of Sam Bautista, Public Works Director from the City of Millbrae, to the C/CAG Congestion Management Program Technical Advisory Committee and Stormwater Committee; and Humza Javed, Public Works Director from the City of East Palo Alto, to the C/CAG Congestion Management Program Technical Advisory Committee.

(For further information contact Kim Wever at kwever@smcgov.org)

RECOMMENDATION

That the C/CAG Board review and approve appointments of Sam Bautista, Public Works Director from the City of Millbrae, to the C/CAG Congestion Management Program Technical Advisory Committee and Stormwater Committee; and Humza Javed, Public Works Director from the City of East Palo Alto, to the C/CAG Congestion Management Program Technical Advisory Committee.

FISCAL IMPACT

None.

BACKGROUND

Due to staffing changes, the City of Millbrae is recommending a new appointment to C/CAG's Congestion Management Program Technical Advisory Committee (TAC) and Stormwater Committee. The recommended appointee, as detailed in the attached letter (Attachment 2), is Sam Bautista, Public Works Director. Mr. Bautista is replacing former TAC appointee Jane Kao, Senior Civil Engineer and former Stormwater Committee appointee Andrew Yang, Senior Civil Engineer.

Additionally, the City of East Palo Alto is recommending a new appointment to C/CAG's Congestion Management Program Technical Advisory Committee (TAC). The recommended appointee, as detailed in the attached letter (Attachment 3), is Humza Javed, Public Works Director, replacing a vacant seat for the City of East Palo Alto. The Board approved appointment of Humza Javed, Public Works Director for the City of East Palo Alto, to serve on C/CAG's Stormwater Committee at the October meeting.

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

The TAC is comprised of staff planners and engineers, who provide professional recommendations to the Congestion Management and Environmental Quality Committee and C/CAG Board regarding transportation and air quality issues. Attachment 1 shows the current rosters for both the Technical Advisory Committee and Stormwater Committee.

ATTACHMENTS

1. Current Stormwater Committee Roster and Current Congestion Management Program Technical Advisory Committee Roster
2. Letter recommending appointing Sam Bautista to the TAC and Stormwater from Tom C. Williams, City Manager
3. Letter recommending appointing Humza Javed to the TAC from Patrick Heisinger, Interim City Manager

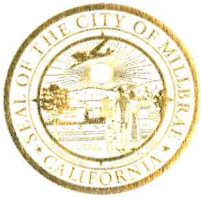
ATTACHMENT 1

Current Stormwater Committee Roster – 2022

Municipality/Agency	Representative
Atherton	Robert Ovadia (Vice Chair)
Belmont	Peter Brown
Brisbane	Randy Breault (Chair)
Burlingame	Syed Murtuza
Colma	Brad Donohue
Daly City	Richard Chiu
East Palo Alto	Humza Javed
Foster City	Louis Sun
Half Moon Bay	Maziar Bozorginia
Hillsborough	Paul Willis
Menlo Park	Nikki Nagaya
Millbrae	Sam Bautista (pending)
Pacifica	Lisa Petersen
Portola Valley	Howard Young
Redwood City	Saber Sarwary
San Bruno	Matthew Lee
San Carlos	Steven Machida
San Mateo	Azalea Mitch
South San Francisco	Eunejune Kim
Woodside	Sean Rose
San Mateo County	Ann Stillman
Regional Water Quality Control Board	Dr. Tom Mumley

Current Congestion Management Program Technical Advisory Committee Roster – 2022

Agency	Representative
San Mateo County Engineering	Ann Stillman (Co-Chair)
SMCTA / PCJPB / Caltrain	Heba El-Guindy
Atherton Engineering	Robert Ovadia
Belmont Engineering	Peter Brown
Brisbane Engineering	Randy Breault
Burlingame Engineering	Syed Murtuza
C/CAG	Sean Charpentier
Colma Engineering	Brad Donohue
Daly City Engineering	Richard Chiu
Daly City Planning	Tatum Mothershead
East Palo Alto Engineering	Humza Javed (pending)
Foster City Engineering	Louis Sun
Half Moon Bay Engineering	Maziar Bozorginia
Hillsborough Engineering	Paul Willis
Menlo Park Engineering	Nikki Nagaya
Millbrae Engineering	Sam Bautista (pending)
Pacifica Engineering	Lisa Petersen
Portola Valley Engineering	Vacant
Redwood City Engineering	Jessica Manzi
San Bruno Engineering	Matthew Lee
San Carlos Engineering	Steven Machida
San Mateo Engineering	Azalea Mitch
South San Francisco Engineering	Eunejune Kim
South San Francisco Planning	Billy Gross
Woodside Engineering	Sean Rose
MTC	James Choe
Caltrans	Nidal Tuqan



City of Millbrae
621 Magnolia Avenue, Millbrae, CA 94030

ANNE OLIVA
Mayor

GINA PAPAN
Vice Mayor

ANDERS FUNG
Councilmember

REUBEN D. HOLOBER
Councilmember

ANN SCHNEIDER
Councilmember

October 13, 2022

Sean Charpentier
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 Stormwater Subcommittee & Technical Advisory Committee (TAC)

Dear Mr. Charpentier,

This is to document the person that I am authorizing the following individual to represent the City of Millbrae on the C/CAG Stormwater Subcommittee & Technical Advisory Committee (TAC):

Authorized Representative: Sam Bautista, Director of Public Works

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

Very truly yours,

Thomas C. Williams
City Manager

Cc: Sam Bautista, Director of Public Works



OFFICE OF THE CITY MANAGER

October 21, 2022

Sean Charpentier
Executive Director
City/County Association of Governments of San Mateo County
555 County Center, 5th floor
Redwood City, CA 94063

Subject: Representation for the City of East Palo Alto on the C/CAG Technical Advisory Committee

Dear Mr. Charpentier;

This is to document the person that I am authorizing to represent the City of East Palo Alto the C/CAG Technical Advisory Committee (TAC).

Authorized Representative: Humza Javed, Director of Public Works - City of East Palo Alto.

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

Thank you

Patrick Heisinger

Patrick Heisinger
Interim City Manager

*City of East Palo Alto
EPA Government Center
2415 University Avenue
East Palo Alto, CA 94303-1164*

*Telephone Number: (650) 853-3116
Confidential Fax Number: (650) 853-3111*

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-95 determining that the Millbrae Zoning Code and Zoning Map Updates are conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

(For further information please contact Susy Kalkin at kkalkin@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors, acting as the San Mateo County Airport Land Use Commission, approve Resolution 22-95 determining that the Millbrae Zoning Code and Zoning Map Updates are consistent with the applicable airport/land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP), subject to the following conditions:

- *Prior to adoption, the Millbrae Zoning Code Update shall be amended to incorporate the following revisions:*
 - Amend Article XIV Open Space District, to require compliance with Article XVI, Airport Land Use Compatibility Plan Consistency
 - Amend Article XVII MSASP District Section 10.05.1760 to reference Airport Land Use Compatibility Plan Consistency (rather than Airport Noise Evaluation), and include requirement to comply with the provisions of Article XVI (“Airport Land Use Compatibility Plan Consistency”)
 - Amend Article XVI Airport Land Use Compatibility Plan Consistency as follows:
 - Section D. Safety Compatibility Evaluation – Replace “Exhibit IV-8” with “Exhibit IV-7.”
 - Section E.1 (Airspace Protection Evaluation, Notice of Proposed Construction or Alteration) – Replace “Exhibit IV-11” with “Exhibit IV-12”.
 - Section E.2 (Airspace Protection Evaluation, Maximum Compatible Building Height) – Revise to include the following statement in the third paragraph at the end of the first sentence: “and for purposes of airspace evaluation, the terms “above mean sea level (AMSL)” and “above the NAVD88 origin” should be considered synonymous. If...”

- Section E.3.c (Airspace Protection Evaluation, Other Flight Hazards) – Revise to read “...in command of *an* aircraft in flight”
- Section E.3 (Airspace Protection Evaluation, Other Flight Hazards) – Add subsection (e) with the following language: “Land uses that, as a regular byproduct of their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above 200 feet above the ground shall be considered as potentially interfering with the control of aircraft in flight.”

BACKGROUND

Earlier this summer, the ALUC reviewed the Millbrae 2040 General Plan Update and the Millbrae Downtown and El Camino Real Specific Plan for consistency with the SFO ALUCP, and both documents were found to be conditionally consistent. Millbrae has now prepared an update to its Zoning Code and Zoning Map to incorporate new development standards and regulations to implement the General Plan vision and to codify the Specific Plan.

The entire community of Millbrae is located within Airport Influence Area B (AIA B), the “Project Referral” area, for San Francisco International Airport. California Public Utilities Code Section 21676(b) requires that, prior to adoption, a local agency must refer land use policy documents affecting property within AIA B, including general plans, zoning ordinances and/or any affected specific plan to the ALUC for a determination of consistency with the applicable Airport Land Use Compatibility Plan (ALUCP). In accordance with these requirements, the City of Millbrae has referred the Zoning Code and Zoning Map updates to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP.

DISCUSSION

ALUCP Consistency Evaluation

The SFO ALUCP includes policies regarding establishment of an Airport Influence Area, with related real estate disclosure requirements and Airport Land Use Commission review authority; noise compatibility policies and criteria; safety policies and criteria; and airspace protection policies. The consistency analysis for a zoning code focuses on how the document will serve to prevent future development of land uses that would conflict with these airport land use compatibility policies.

Zoning Code Update

The Zoning Code, which provides development standards and review procedures, needs to identify the steps that will be taken during project review to ensure ALUCP criteria are considered. The general approach in this Zoning Code Update has been to add the following language to each zoning district requiring that projects comply with the provisions of a new zoning code section, Article XVI, Airport Land Use Compatibility Plan Consistency.

Airport Land Use Compatibility Plan Consistency

All projects must comply with the requirements of the Airport Land Use Compatibility Plan,

including Airport Real Estate Disclosure Notices, Airport Noise Evaluation and Mitigation, Avigation Easement, Safety Compatibility Evaluation, and Airspace Protection Evaluation, as detailed in Article XVI (“Airport Land Use Compatibility Plan Consistency”).

(It is noted that this language is included in all of the standard zoning districts aside from the Open Space district, and a condition is identified below to address that omission. It is further noted that while this language is not specifically included in the two specific plan districts, the El Camino Real and Downtown Specific Plan District (ECRDTSP), and the Millbrae Station Area Specific Plan Districts (MSASP), similar language is included in the Specific Plan documents, and the zoning code references compliance with the development standards and requirements of these Specific Plans.)

Article XVI conveys the general requirements of the SFO ALUCP policies and requirements, as shown in Attachment 3, including the following:

- A. Airport Real Estate Disclosure Notices – Requires all applicable projects to comply with the real estate disclosure requirements outlined in SFO ALUCP Policy IP-1.
- B. Airport Noise Evaluation and Mitigation – Requires evaluation of potential noise impacts of projects located within the CNEL 65 dB contour, as mapped in the ALUCP, and mitigation to achieve CNEL 45 dB interior or lower, consistent with SFO ALUCP Policies NP 2 & NP 3.
- C. Avigation Easement – Requires grant of an avigation easement to the City/County of San Francisco as a condition of developing any land use considered to be conditionally compatible per the SFO ALUCP Table IV-I, consistent with SFO ALUCP Noise Policy NP-3.
- D. Residential Uses within the 70 dB Contour – acknowledges requirement to comply with SFO ALUCP Noise Policy NP-4 stipulating that residential uses should not typically be allow in these high noise areas.
- E. Safety Compatibility Evaluation – Requires that all uses comply with the Safety Compatibility Policies of the ALUCP, consistent with SFO ALUCP Safety Policy SP 1 & 2.
- F. Airspace Projection Evaluation –
 1. Requires applicants to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA for any proposed new structure and/or alterations to existing structures that would exceed the FAA notification heights consistent with SFO ALUCP Policy AP-1.
 2. Restricts maximum building heights to the maximum height limits permissible under FAA regulations and the SFO ALUCP Critical Aeronautical Surfaces requirements, consistent with SFO ALUCP Policy AP-3.
 3. Other Flight Hazards – Consistent with SFO ALUCP Policy AP-4, for projects located with AIA B, calls for evaluation of land use characteristics to assure they are not hazards to air navigation, including sources of glare; distracting lights; sources of dust, smoke, steam, electric or electronic interference; wildlife attractants (especially flocks of birds), etc.

Recommended Modifications

In general, the proposed zoning code changes largely address ALUCP compatibility concerns, however a few modifications are recommended as follow:

- Amend Article XIV, Open Space District, to require compliance with Article XVI, Airport Land Use Compatibility Plan Consistency

- Amend Article XVII. MSASP District Section 10.05.1760 to reference Airport Land Use Compatibility Plan Consistency (rather than Airport Noise Evaluation), and include requirement to comply with the provisions of Article XVI (“Airport Land Use Compatibility Plan Consistency”)
- Amend Article XVI, Article XVI. Airport Land Use Compatibility Plan Consistency as follows:
 - Section D. Safety Compatibility Evaluation – Replace “Exhibit IV-8” with “Exhibit IV-7.”
 - Section E.1 (Airspace Protection Evaluation, Notice of Proposed Construction or Alteration) – Replace “Exhibit IV-11” with “Exhibit IV-12”.
 - Section E.2 (Airspace Protection Evaluation, Maximum Compatible Building Height) – Revise to include the following statement in the third paragraph at the end of the first sentence: “and for purposes of airspace evaluation, the terms “above mean sea level (AMSL)” and “above the NAVD88 origin” should be considered synonymous. If...”
 - Section E.3.c (Airspace Protection Evaluation, Other Flight Hazards) – Revise to read “...in command of *an* aircraft in flight”
 - Section E.3 (Airspace Protection Evaluation, Other Flight Hazards) – Add subsection (e) with the following language: “Land uses that, as a regular byproduct of their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above 200 feet above the ground shall be considered as potentially interfering with the control of aircraft in flight.”

Zoning Map Changes

The Zoning Map, Attachment 4, identifies parcels that are proposed to be rezoned. Also included is a table that lists each parcel and clarifies the proposed changes.

Noise Compatibility

The CNEL 65 dB aircraft noise contour defines the threshold for airport noise impacts established in the SFO ALUCP. None of the parcels proposed to be rezoned fall within this contour, so the rezonings would be compatible with the SFO ALUCP noise compatibility policies.

Safety Compatibility

Two parcels proposed for rezoning lie within a Safety Compatibility Zone. 400 Murchinson lies within Safety Zone 2, the Inner Approach/Departure Zone, and 817 Murchinson lies partly within Safety Zone 2 and partly within Safety Zone 4, the Outer Approach/Departure Zone. Both sites are developed school sites (Mills High School and Spring Valley Elementary School) and are being rezoned from R-1, Single Family Residential, to PF, Public Facilities. Per SFO ALUCP Table IV-2,

Safety Compatibility Criteria, children's schools are not compatible within Safety Zone 2. However, no development permits are being sought, and the safety compatibility criteria would only apply to prospective projects. As indicated in the earlier zoning discussion above, the Millbrae Zoning Code would require new projects to comply with the provisions of the ALUCP, so the rezoning would not conflict with the SFO ALUCP Safety policies.

Airspace Protection

The SFO ALUCP airspace policies establish maximum heights for the compatibility of new structures. The policies also stipulate the need for compliance with federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures.

The proposed Zoning Code amendments would codify the policies and requirements of the SFO ALUCP and apply them to future development within all zone districts. Therefore, the proposed rezonings would not conflict with the SFO ALUCP Airspace Protection policies and criteria.

Airport Land Use Committee Meeting

The Airport Land Use Committee considered this item at its meeting on October 27, 2022, and unanimously recommended the project be found consistent with the policies of the SFO ALUCP subject to the modifications discussed above.

ATTACHMENTS

1. Resolution 22-95

The following attachments are available to download on the C/CAG website (See November 2022 "Additional Agenda Materials") at: <https://ccag.ca.gov/committees/board-of-directors-2/>

2. ALUCP application & related materials
3. Draft Millbrae Zoning Code Article XVI, Airport Land Use Compatibility Consistency
4. Zoning Map
5. Comment letter from SFO Planning and Environmental Affairs dated August 9, 2022
6. Draft Millbrae Zoning Code Amendments

RESOLUTION 22-95

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, ACTING AS THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION, DETERMINING THAT THE MILLBRAE ZONING CODE AND ZONING MAP UPDATES ARE CONDITIONALLY CONSISTENT WITH THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT.

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission (ALUC), that,

WHEREAS, the City of Millbrae, which is located entirely within Airport Influence Area B (the “Project Referral Area” for San Francisco International Airport (SFO)), has prepared an update to its Zoning Code and Zoning Map to incorporate new development standards and regulations to implement the vision outlined in its recently adopted General Plan; and

WHEREAS, California Public Utilities Code Section 21676 requires that, prior to adoption, a local agency must refer land use policy documents affecting property within AIA B, including general plans, zoning ordinances and/or any affected specific plan to the ALUC for a determination of consistency with the applicable Airport Land Use Compatibility Plan (ALUCP); and

WHEREAS, the City of Millbrae has referred its Zoning Code and Zoning Map updates to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP; and

WHEREAS, the SFO ALUCP includes policies regarding establishment of an Airport Influence Area, with related real estate disclosure requirements and Airport Land Use Commission review authority; noise compatibility policies and criteria; safety policies and criteria; and airspace protection policies; and

WHEREAS, in accordance with the guidance provided in the ALUCP, factors included in the Zoning Code consistency determination include whether the document describes the compatibility criteria to be applied to individual development applications; describes how the local agency will ensure that applicable compatibility criteria are incorporated into site-specific development projects; and identifies procedures for review and approval of development projects; and

WHEREAS, Millbrae’s Zoning Code update includes a new section, Article XVI (“Airport Land Use Compatibility Plan Consistency”), referenced in each zoning district, which includes the following requirements that, subject to minor modifications identified in Exhibit A, attached, comprehensively incorporate the requirements of the SFO ALUCP, as described below:

- A. Airport Real Estate Disclosure Notices – Requires all applicable projects to comply with the real estate disclosure requirements outlined in SFO ALUCP Policy IP-1.
- B. Airport Noise Evaluation and Mitigation – Requires evaluation of potential noise impacts of projects located within the CNEL 65 dB contour, as mapped in the ALUCP, and mitigation to achieve CNEL 45 dB interior or lower, consistent with SFO ALUCP Policies NP 2 & NP 3.
- C. Avigation Easement – Requires grant of an avigation easement to the City/County of San Francisco as a condition of developing any land use considered to be conditionally compatible

- per the SFO ALUCP Table IV-I, consistent with SFO ALUCP Noise Policy NP-3.
- D. Residential Uses within the 70 dB Contour – acknowledges the requirement to comply with SFO ALUCP Noise Policy NP-4 stipulating that residential uses should not typically be allowed in these high noise areas.
 - E. Safety Compatibility Evaluation – Requires that all uses comply with the Safety Compatibility Policies of the ALUCP, consistent with SFO ALUCP Safety Policy SP 1 & 2.
 - F. Airspace Projection Evaluation –
 - 1. Requires applicants to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA for any proposed new structure and/or alterations to existing structures that would exceed the FAA notification heights consistent with SFO ALUCP Policy AP-1.
 - 2. Restricts maximum building heights to the maximum height limits permissible under FAA regulations and the SFO ALUCP Critical Aeronautical Surfaces requirements, consistent with SFO ALUCP Policy AP-3.
 - 3. Other Flight Hazards – Consistent with SFO ALUCP Policy AP-4, for projects located within AIA B, calls for evaluation of land use characteristics to assure they are not hazards to air navigation, including sources of glare; distracting lights; sources of dust, smoke, steam, electric or electronic interference; wildlife attractants (especially flocks of birds), etc.; and

WHEREAS, three airport/land use compatibility factors are addressed in the SFO ALUCP that relate to the proposed Zoning Map update. These include policies for: (a) noise compatibility, (b) safety compatibility, and (c) airspace compatibility, as discussed below:

- a. Noise Compatibility - The CNEL 65 dB aircraft noise contour defines the threshold for airport noise impacts established in the SFO ALUCP. None of the parcels proposed to be rezoned fall within this contour, so the rezonings would be compatible with the SFO ALUCP noise compatibility policies;
- b. Safety Compatibility - The SFO ALUCP includes safety zones and related land use compatibility policies and criteria. Two parcels proposed for rezoning lie within a Safety Compatibility Zone. 400 Murchinson lies within Safety Zone 2, the Inner Approach/Departure Zone, and 817 Murchinson lies partly within Safety Zone 2 and partly within Safety Zone 4, the Outer Approach/Departure Zone. Both sites are developed school sites (Mills High School and Spring Valley Elementary School) and are being rezoned from R-1, Single Family Residential, to PF, Public Facilities. Per SFO ALUCP Table IV-2, Safety Compatibility Criteria, children's schools are not compatible within Safety Zone 2. However, no development permits are being sought, and the safety compatibility criteria would only apply to prospective projects. The Millbrae Zoning Code would require new projects to comply with the provisions of the ALUCP, so the rezoning would not conflict with the SFO ALUCP Safety policies.
- c. Airspace Compatibility - The SFO ALUCP airspace policies establish maximum heights for the compatibility of new structures. The policies also stipulate the need for compliance with federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures. The proposed Zoning Code amendments would codify the policies and requirements of the SFO ALUCP and apply them to future development within all zone districts. Therefore, the proposed rezonings would not conflict with the SFO ALUCP Airspace Protection policies and criteria.

WHEREAS, at its meeting on October 27, 2022, based on the factors listed above and subject to inclusion of the modifications identified in Exhibit A, the Airport Land Use Committee recommended that the C/CAG Board of Directors, acting as the Airport Land Use Commission, determine that the Zoning Code and Zoning Map updates are consistent with the SFO ALUCP; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments for San Mateo County, acting as the San Mateo County Airport Land Use Commission, that subject to the conditions contained in Exhibit A, attached, the Millbrae Zoning Code and Zoning Map updates are determined to be consistent with the applicable airport land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

Resolution 22-78 – Conditions of Consistency Determination:

1. *Prior to adoption, the Millbrae Zoning Code Update shall be amended to incorporate the following revisions:*
 - a. Amend Article XIV Open Space District, to require compliance with Article XVI, Airport Land Use Compatibility Plan Consistency
 - b. Amend Article XVII MSASP District Section 10.05.1760 to reference Airport Land Use Compatibility Plan Consistency (rather than Airport Noise Evaluation), and include requirement to comply with the provisions of Article XVI (“Airport Land Use Compatibility Plan Consistency”)
 - c. Amend Article XVI Airport Land Use Compatibility Plan Consistency as follows:
 - 1) Section D. Safety Compatibility Evaluation – Replace “Exhibit IV-8” with “Exhibit IV-7.”
 - 2) Section E.1 (Airspace Protection Evaluation, Notice of Proposed Construction or Alteration) – Replace “Exhibit IV-11” with “Exhibit IV-12”.
 - 3) Section E.2 (Airspace Protection Evaluation, Maximum Compatible Building Height) – Revise to include the following statement in the third paragraph at the end of the first sentence: “and for purposes of airspace evaluation, the terms “above mean sea level (AMSL)” and “above the NAVD88 origin” should be considered synonymous. If...”
 - 4) Section E.3.c (Airspace Protection Evaluation, Other Flight Hazards) – Revise to read “...in command of *an* aircraft in flight”
 - 5) Section E.3 (Airspace Protection Evaluation, Other Flight Hazards) – Add subsection (e) with the following language: “Land uses that, as a regular byproduct of their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above 200 feet above the ground shall be considered as potentially interfering with the control of aircraft in flight.”

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolutions regarding consistency with the policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

- A. Review and approval of Resolution 22-96 determining that the City of San Bruno's Draft 2023-2031 Housing Element is not consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.
- B. Review and approval of Resolution 22-104 determining that the City of San Bruno's General Plan Amendment to recognize the Local Agency Override process that is provided by State law is consistent with the policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

(For further information please contact Susy Kalkin at kkalkin@smcgov.org)

RECOMMENDATION

- A. That the C/CAG Board of Directors, acting as the San Mateo County Airport Land Use Commission, approve Resolution 22-96 determining that the City of San Bruno's Draft 2023-2031 Housing Element is not consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.
- B. That the C/CAG Board of Directors, acting as the San Mateo County Airport Land Use Commission, adopt Resolution 22-104 determining that the City of San Bruno's General Plan Amendment to recognize the Local Agency Override process that is provided by State law is consistent with the policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

BACKGROUND

Project Description

The City of San Bruno has referred its Draft Housing Element and a related General Plan Amendment to C/CAG acting as the Airport Land Use Commission, for a determination of consistency with relevant airport / land use compatibility criteria in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). These land use policies are subject to Airport Land Use Committee / Board review, pursuant to California Public Utilities Code (PUC) Section 21676(b).

The Draft Housing Element identifies goals, policies, and programs to address existing and projected housing needs and includes a list of housing opportunity sites. The Regional Housing Needs Allocation (RHNA) is the share of the Regional Housing Needs Determination assigned to each jurisdiction by the Association of Bay Area Governments (ABAG). In December 2021, ABAG adopted a Final RHNA Methodology, which was approved by the California Department of Housing and Community Development in January 2022. The proposed RHNA for San Bruno is 3,165 units.

The Draft Housing Element includes an inventory of 23 housing opportunity sites identified for development or redevelopment of mixed-use or residential projects that would be counted towards the San Bruno’s RHNA obligation. **Attachment 2a** shows the proposed housing opportunity sites.

San Bruno’s application notes that one housing opportunity site [Site 14, the Shops at Tanforan (the Tanforan Site)] lies within the Community Noise Equivalent Level (CNEL) 70-75 decibel (dB) noise exposure contour range where housing development would be incompatible per SFO ALUCP Table IV-1, *Noise/Land Use Compatibility Criteria*.

San Bruno’s application also includes a General Plan Amendment to recognize the Local Agency Override process that is provided by State law, whereby a local agency may override an Airport Land Use Commission determination. The proposed amendment language is shown below:

General Plan Policy	Existing Language	Proposed Amendment
Health and Safety Policy HS-40:	Prohibit new residential development within the 70+ Airport CNEL areas, as dictated by Airport Land Use Commission infill criteria.	Prohibit new residential development within the 70+ Airport CNEL areas, as dictated by Airport Land Use Commission infill criteria-, <u>unless, on a project-by-project basis, a proposed residential development is approved through the Local Agency Override process consistent with the Public Utilities Code Section 21675.1(d).</u>

Thus, San Bruno anticipates that the ALUC will make a determination of inconsistency with the SFO ALUCP.

DISCUSSION

I. SFO ALUCP Consistency Evaluation – Draft Housing Element

Three airport / land use compatibility factors are addressed in the SFO ALUCP that relate to the proposed general plan housing element amendment. These include policies for: (a) noise compatibility, (b) safety compatibility, and (c) airspace compatibility. The following sections address each factor.

(a) Noise Compatibility

Attachment 2a shows the proposed housing opportunity sites in relation to the CNEL 65, 70, and 75 dB aircraft noise exposure contours for SFO.

Pursuant to SFO ALUCP, Table IV-1, *Noise/Land Use Compatibility Land Use Criteria*, residential land uses are conditionally compatible in the CNEL 65-70 dB noise exposure contour range and are acceptable if sound insulation is provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower and if an avigation easement is granted to the City and County of San Francisco as operator of SFO. Five housing opportunity sites, Sites 7, 15, 18, 20, and 21, are in the CNEL 65-70 dB noise exposure contour range established in the SFO ALUCP. The noise compatibility conditions of the SFO ALUCP would apply to the affected sites at the time of construction permitting.

As further outlined in SFO ALUCP Table IV-1, with a limited exception, residential land use is not compatible in the CNEL 70-75 dB noise exposure contour range. The exception applies to existing lots of record zoned for residential use as of the effective date of the SFO ALUCP (November 8, 2012). In such cases, new residences must be sound-insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources, and the property owner must grant an avigation easement to the City and County of San Francisco prior to issuance of a building permit for the proposed building.

Two housing opportunity sites, Sites 14 and 19, are in the CNEL 70-75 dB noise exposure contour range. The application notes that Site 14, the Tanforan Site, is intended to accommodate at least 1,000 housing units. Additionally, up to 60 housing units are designated for Site 19, currently occupied by the San Bruno Pet Hospital. Site 14 is presently zoned P-D (Planned Development) and designated in the City's General Plan for regional commercial use. Site 19 is zoned C-N (Neighborhood Commercial) and designated in the General Plan for multi-use.

The Draft Housing Element, with respect to Sites 14 and 19, is inconsistent with the SFO ALUCP noise policies.

(b) Safety Compatibility

The SFO ALUCP includes safety zones and related land use compatibility policies and criteria. **Attachment 2b** shows the City's proposed housing opportunity sites in relation to the safety compatibility zones. Two housing opportunity sites, Sites 15 and 21, are in Safety Zone 3 (Inner Turning Zone) and one housing opportunity site, Site 14 (the Tanforan Site), is in Safety Zone 4 (Outer Approach / Departure Zone). Per SFO ALUCP Table IV-2, *Safety Compatibility Criteria*, housing is a compatible use in Safety Zone 3 and Safety Zone 4. Therefore, the Draft Housing Element is consistent with the SFO ALUCP safety policies.

(c) Airspace Compatibility

The SFO ALUCP airspace policies establish maximum heights for the compatibility of new structures. The policies also stipulate the need for compliance with federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures.

Because the Draft Housing Element is a policy document and not a specific development proposal, the airspace compatibility policies of the SFO ALUCP do not directly apply. Consistency with the airspace compatibility policies would be required for future development proposals stemming from the Draft Housing Element. It is however noted that the application materials depict the housing sites only in relation to the FAA Part 77 Airspace, where that alone is not the controlling factor for Airspace Compatibility. SFO ALUCP Airspace Policy AP-3 states that in order to be consistent, the maximum height of a structure must be the lower of (1) the height shown on the critical aeronautical surfaces map (Exhibits IV-17 & IV 18), or (2) the maximum height determined by the FAA not to be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

II. SFO ALUCP Consistency Evaluation – General Plan Amendment

As indicated in the project description, a General Plan Policy Amendment is proposed to specifically recognize the “Local Agency Override” provision of state law [PUC Section 21675.1 (d)] which provides a process for jurisdictions to override an airport land use commission disapproval of a proposed land use policy or development action. As drafted, the policy is consistent with the provisions of the SFO ALUCP Section 3.3.3, which directly acknowledges and describes the override process.

III. Requirements for Override of Determination of Inconsistency with ALUCP

PUC Section 21675.1(d) provides that local agencies may override airport land use commission determinations. The override process has three steps:

1. The local agency must hold a public hearing on the proposed override action;
2. The local agency’s governing body must make specific findings that the proposed local action is consistent with the purposes of the airport land use commission statutes;
3. The local agency’s governing body must approve the override action by a two-thirds vote; the override action must include adoption of the specific findings identified in Step 2, above.

A local agency override of an airport land use commission determination of inconsistency has two consequences:

1. The proposed land use action may proceed, subject to local agency review and permitting processes, as if it had been found consistent with the SFO ALUCP by the Board.
2. If a city or county overrides a decision of the airport land use commission relating to a publicly owned airport that is not operated by that city or county, the agency operating the airport “shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency’s decision to override the commission’s action or recommendation.”

IV. Mitigation in Case of City of San Bruno Override

If the City overrides the Board determination of inconsistency with the SFO ALUCP, it is recommended that the City of San Bruno require compliance with the following language in Table IV-1, Noise/Land Use Compatibility Criteria, footnote (a), of the SFO ALUCP:

Use must be sound insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources. The property owners shall grant an aviation easement to the City and County of San Francisco prior to issuance of a building permit for the proposed building or structure.

V. Comment Letter - SFO

SFO Planning and Environmental Affairs staff provided comments on the draft Housing Element, included as **Attachment 3**. They specifically express deep concern about potential housing development on the Tanforan site, noting many airport departure procedures are designed to ascend over the Tanforan site, and residents would experience extreme and persistent noise from aircraft departures. Among other concerns noted, the following are highlighted:

- All residential developments within 70 dBA CNEL contour are determined to be incompatible (i.e. entirety of Tanforan site);
- Redevelopment of the Tanforan site to include high-density residential units would undermine decades of scientifically informed land use planning and millions of dollars expended to safeguard public health and safety;
- The Airport has spent hundreds of millions of dollars on insulating incompatible land uses. However, any future residences at the Tanforan site will not be eligible for Federal Aviation Administration/SFO grants for sound insulation or the subsequent repair or re-installation of insulation materials when they fail over time.
- The proposed redevelopment would result in the densest population per square mile under the departure flight path near a major international airport;
- Heights of buildings at the Tanforan site would need to be between 55 and 90 feet above ground level to be compatible with the Airspace Compatibility Policies of the SFO ALUCP.

VI. Airport Land Use Committee Meeting

The Airport Land Use Committee considered this item at its meeting on October 27, 2022, and unanimously recommended that the City of San Bruno Draft 2023-2031 Housing Element be found inconsistent with the noise compatibility policies of the SFO ALUCP. The issue of whether the General Plan Amendment is consistent with the ALUCP was inadvertently not separately discussed by the Committee, but the supporting rationale is presented above in this report.

ATTACHMENTS

1. Resolution 22-96 (Draft Housing Element)
2. Resolution 22-104 (General Plan Amendment)

The following attachments are available to download on the C/CAG website at:

<https://ccag.ca.gov/committees/board-of-directors-2/>

3. Application Materials
 - a. Housing Opportunity Sites and SFO ALUCP Noise Exposure Contours
 - b. Housing Opportunity Sites and SFO ALUCP Safety Zones
4. SFO Comment letter to Michael Smith, San Bruno Sr. Planner, dated September 30, 2022

Link to San Bruno Housing Element - <https://www.sanbruno.ca.gov/568/2023-2031-Housing-Element-Update>

RESOLUTION 22-96

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, ACTING AS THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION, DETERMINING THAT THE CITY OF SAN BRUNO DRAFT 2023-2031 HOUSING ELEMENT IS NOT CONSISTENT WITH THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT.

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission, that,

WHEREAS, in accordance with the requirements of California Public Utilities Code Section 21676(b) a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan; and

WHEREAS, the City of San Bruno has referred its Draft Housing Element to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with the relevant airport/land use compatibility criteria in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP); and

WHEREAS, the Draft Housing Element identifies goals, policies, and programs to address San Bruno's Regional Housing Needs Allocation (RHNA), and includes a list of housing opportunity sites; and

WHEREAS, the Draft Housing Element includes an inventory of 23 housing opportunity sites identified for development or redevelopment of mixed-use or residential projects that would be counted towards the San Bruno's RHNA obligation; and

WHEREAS, three airport/land use compatibility factors are addressed in the SFO ALUCP that relate to the proposed general plan housing element amendment. These include policies for: (a) noise compatibility, (b) safety compatibility, and (c) airspace compatibility, as discussed below:

- a. Noise Compatibility - Pursuant to SFO ALUCP, Table IV-1, Noise/Land Use Compatibility Land Use Criteria, residential land uses are conditionally compatible in the CNEL 65-70 dB noise exposure contour range and are acceptable if sound insulation is provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower and if an aviation easement is granted to the City and County of San Francisco as operator of SFO. Five housing opportunity sites, Sites 7, 15, 18, 20, and 21, are located within the CNEL 65-70 dB contour. The noise compatibility conditions of the SFO ALUCP would apply to the affected sites at the time of construction permitting.

As further outlined in SFO ALUCP Table IV-1, with a limited exception, residential land use is not compatible in the CNEL 70-75 dB noise exposure contour range. The exception applies to existing lots of record zoned for residential use as of the effective date of the SFO ALUCP (November 8, 2012). In such cases, new residences must be sound insulated to

achieve an indoor noise level of CNEL 45 dB or less from exterior sources, and the property owner must grant an avigation easement to the City and County of San Francisco prior to issuance of a building permit for the proposed building.

Two housing opportunity sites, Sites 14 and 19, are in the CNEL 70-75 dB noise exposure contour range. Site 14 is presently zoned P-D (Planned Development) and designated in the City's General Plan for regional commercial use, and Site 19 is zoned C-N (Neighborhood Commercial) and designated in the General Plan for multi-use.

The Draft Housing Element, with respect to Sites 14 and 19, is inconsistent with the SFO ALUCP noise policies.

- b. Safety Compatibility - The SFO ALUCP includes safety zones and related land use compatibility policies and criteria. Two housing opportunity sites, Sites 15 and 21, are in Safety Zone 3 (Inner Turning Zone) and one housing opportunity site, Site 14 (the Tanforan Site), is in Safety Zone 4 (Outer Approach / Departure Zone). Per SFO ALUCP Table IV-2, *Safety Compatibility Criteria*, housing is a compatible use in Safety Zone 3 and Safety Zone 4. Therefore, the Draft Housing Element is consistent with the SFO ALUCP safety policies
- c. Airspace Compatibility - The SFO ALUCP airspace policies establish maximum heights for the compatibility of new structures. The policies also stipulate the need for compliance with federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures.

Because the Draft Housing Element is a policy document and not a specific development proposal, the airspace compatibility policies of the SFO ALUCP do not directly apply. Consistency with the airspace compatibility policies would be required for future development proposals stemming from the Draft Housing Element.

WHEREAS, at its October 27, 2022 meeting, based on the factors listed above, the Airport Land Use Committee unanimously recommended that the C/CAG Board of Directors, acting as the Airport Land Use Commission, determine that the City of San Bruno Draft 2023-2031 Housing Element be found inconsistent with the noise compatibility policies of the SFO ALUCP; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments for San Mateo County, acting as the San Mateo County Airport Land Use Commission, that the City of San Bruno Draft 2023-2031 Housing Element is not consistent with the Noise Compatibility policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

RESOLUTION 22-104

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, ACTING AS THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION, DETERMINING THAT THE CITY OF SAN BRUNO'S GENERAL PLAN AMENDMENT TO RECOGNIZE THE LOCAL AGENCY OVERRIDE PROCESS THAT IS PROVIDED BY STATE LAW IS CONSISTENT WITH THE POLICIES OF THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT.

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission, that,

WHEREAS, California Government Code Section 65302.3 states that a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan (ALUCP); and

WHEREAS, the City of Bruno has proposed an amendment to its General Plan to recognize the Local Agency Override process that is provided by State law, and has referred this Amendment to the C/CAG Board, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP; and

WHEREAS, the General Plan Amendment specifically addresses the "Local Agency Override" provision of state law [PUC Section 21675.1 (d)] which provides a process for jurisdictions to override an airport land use commission disapproval of a proposed land use policy or development action, and is consistent with the provisions of the SFO ALUCP Section 3.3.3, which directly acknowledges and describes the override process; and

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments for San Mateo County, acting as the San Mateo County Airport Land Use Commission, that the City of San Bruno's General Plan Amendment is determined to be consistent with the applicable airport land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: November 10, 2022

To: C/CAG Board of Directors

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-97 authorizing the C/CAG Executive Director to execute an agreement with Shaw Yoder Antwih Schmelzer & Lang, Inc. for State Legislative Advocacy Services from January 1, 2023 through December 31, 2025 for an amount not to exceed \$252,000.

(For further information or response to questions, contact Kim Springer kspringer@smcgov.org)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 22-97 authorizing the C/CAG Executive Director to execute an agreement with Shaw Yoder Antwih Schmelzer & Lang, Inc. for State Legislative Advocacy Services from January 1, 2023 through December 31, 2025 for an amount not to exceed \$252,000.

FISCAL IMPACT

The cost of the state legislative advocacy services will be \$7,000 per month for a total not-to-exceed of \$252,000 for the 2023, 2024, and 2025 legislative sessions.

SOURCE OF FUNDS

Funds for state legislative advocacy services are programmed into the C/CAG budget, equally split between Congestion Relief and NPDES funds.

BACKGROUND

C/CAG's current Legislative Advocacy contract with Shaw Yoder Antwih Schmelzer & Lange, Inc. expires on December 31, 2022. On August 15, 2022, C/CAG staff issued a Request for Proposals for state legislative advocacy services for the 2023 through 2025 Legislative Sessions, with an option to extend services for two additional sessions: 2026 and 2027, with Board approval. The purpose of the RFP was to retain a part-time consultant to 1) monitor and review new pending legislation, policies, and regulations, 2) advocate C/CAG's interests with the California Legislature and its members and other parties as appropriate, and 3) support the Legislative Committee. Proposals to the RFP were due on Friday, September 9, 2022. Two proposals were received: one from Shaw Yoder Antwih Schmelzer & Lange, Inc., and one from Corbin and Kaiser.

Staff reviewed the proposals for completeness and established an evaluation panel that included C/CAG staff, Reid Bogert and Kim Springer, and TA staff, Jessica Epstein. After careful review of the proposal and interviews conducted on October 18, 2022, scoring of the proposals weighed strongly towards the Shaw Yoder Antwih Schmelzer & Lange proposal. The selected consultant

scored strongly on breadth of experience common to C/CAG's programs, staff capacity, and familiarity with the San Mateo County delegation.

Staff recommends the C/CAG Board approve Resolution 22-97 authorizing the C/CAG Executive Director to execute an Agreement with Shaw Yoder Antwih Schmelzer & Lang, Inc. for State Legislative Advocacy Services from January 1, 2023 through December 31, 2025 for an amount not to exceed \$252,000. Both the RFP and Agreement do allow for C/CAG to extend the term of the agreement two additional years, with C/CAG Board approval. Resolution 22-97, the draft Agreement, and the State Advocacy Services RFP documents are provided as attachments to this staff report.

ATTACHMENT

1. Resolution 22-97
2. Draft Agreement between C/CAG and Shaw Yoder Antwih Schmelzer & Lange

The following attachment is available to download on the C/CAG website at:

<https://ccag.ca.gov/committees/board-of-directors-2/>

3. State Advocacy Services RFP

RESOLUTION 22-97

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH SHAW YODER ANTWIH SCHMELZER & LANGE, INC. FOR STATE LEGISLATIVE ADVOCACY SERVICE FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2025 FOR AN AMOUNT NOT TO EXCEED \$252,000

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

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

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

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

WHEREAS, on August 15, 2022, C/CAG staff issued a Request for Proposals for state legislative advocacy services, and

WHEREAS, through a competitive process, Shaw Yoder Antwih Schmeltzer & Lange, Inc. was selected as the most qualified candidate to provide legislative advocacy services, and

NOW THEREFORE BE IT RESOLVED, that the C/CAG Executive Director is hereby authorized to execute an agreement with Shaw Yoder Antwih Schmeltzer & Lange, Inc. for state legislative advocacy service from January 1, 2023 through December 31, 2025 for an amount not to exceed \$252,000. Be it further resolved that the C/CAG Executive Director is authorized to negotiate the final terms of said agreements prior to execution by the C/CAG Executive Director, subject to approval as to form by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

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

This Agreement entered into this **tenth** day of **November, 2022**, by and between the CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, a joint powers agency whose members include the County of San Mateo and the twenty incorporated cities and towns within San Mateo County, hereinafter called “C/CAG,” and SHAW YODER ANTWIH SCHMELZER & LANGE, INC., hereinafter called “Consultant.”

WHEREAS, C/CAG, is the Congestion Management Agency for San Mateo County, working on various programs, including transportation, stormwater, housing, energy, and climate; and

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

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

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

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

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

WHEREAS, the total amount available to Consultant under this Agreement is not to exceed \$252,000; and

WHEREAS, by adoption of Resolution 22-97 by the C/CAG Board of Directors has approved this Agreement to provide the Services for the 2023 through 2025 legislative sessions and authorizes the C/CAG Executive Director to execute said Agreement, and further authorizes the C/CAG Executive Director to negotiate final terms, subject to legal counsel review prior to execution by the Executive Director.

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

1. **Services to be provided by Consultant.** Consultant shall provide the Services consistent with Exhibit B as well as services described in the attached “Proposal for Legislative Advocacy Services for the City/ County Association of Governments of San Mateo County”, herein incorporated by reference and issued under this Agreement. Specific tasks that may be performed under this Agreement are limited to Consultant’s areas of expertise in and with advocacy.
2. **Payments.** In consideration of the Services rendered with all terms, conditions, and specifications as set forth herein, in Exhibit A and Exhibit B, C/CAG shall pay the Consultant pursuant to this section. The total amount of such payment shall not exceed two hundred fifty-two thousand dollars (\$252,000), \$7,000 per month for Services provided during the Contract Term set forth below. Payments shall be made to Consultant monthly based on an invoice submitted by Consultant that has been reviewed and approved by the project manager in accordance with Exhibit A and Exhibit B. C/CAG shall have the right to receive, upon request, documentation substantiating charges billed to C/CAG.
3. **Relationship of the Parties.** It is understood that Consultant is an Independent Consultant, and this Agreement is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of Independent Consultant.
4. **Non-Assignability.** Consultant shall not assign this Agreement or any portion thereof to a third party, or subcontract with a third party, without the prior written consent of the C/CAG Executive Director. Any such assignment or subcontract without the C/CAG Executive Director’s prior written consent shall give C/CAG the right to automatically and immediately terminate this Agreement without penalty or advance notice.
5. **Contract Term/Termination.** This Agreement shall be in effect as of January 1, 2023 and shall terminate on December 31, 2025; provided, however, the C/CAG Chairperson may terminate this Agreement at any time for any reason by providing 30 days’ notice to Consultant. Termination will be effective on the date specified in the notice. In the event of termination under this paragraph, Consultant shall be paid for all services provided to the date of termination, subject to availability of funding. Such payment shall be that prorated portion of the full payment determined by comparing the work actually completed to the work required by the Agreement.
6. **Hold Harmless/ Indemnity.**
 - a. *General.* Consultant shall indemnify and save harmless C/CAG and its officers, agents, employees, and servants from all claims, suits, or actions of every name, kind, and description resulting from this Agreement, the performance of any work or services required of Consultant under this Agreement, or payments made pursuant to this Agreement brought for, or on account of, any of the following:
 - (A) injuries to or death of any person, including Consultant or its

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

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

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

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

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

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

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

7. **Insurance.**

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

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

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

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

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

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

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

9. **Non-discrimination.** Consultant and any subconsultants performing the services on

behalf of Consultant shall not discriminate or permit discrimination against any person or group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.

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

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

15. **Governing Law.** This Agreement shall be governed by the laws of the State of California, without regard to its choice of law rules, and any suit or action initiated by either party shall be brought in the County of San Mateo, California.
16. **Notices.** All notices hereby required under this agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid and addressed as follows:

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

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

Shaw Yoder Antwih Schmelzer & Lange, Inc..
1415 L Street, Suite 1000
Sacramento, CA 95814
Attention: Matt Robinson

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

Shaw Yoder Antwih Schmelzer & Lange, Inc. (Consultant)

By _____
Date _____

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

By _____
Sean Charpentier
C/CAG Executive Director
Date _____

C/CAG Legal Counsel

By _____
Melissa Andrikopoulos, C/CAG Counsel

Exhibit A

CONSULTANT BILLING RATES

Cost of Services

The Consultant will provide the services outlined in Exhibit B Scope of Work to C/CAG as well as services described in the attached “Proposal for Legislative Advocacy Services for the City/County Association of Governments of San Mateo County” at \$7,000 per month for a total amount not to exceed \$252,000 for the 2023, 2024 and 2025 legislative sessions. The Agreement includes an option to extend the contract for the 2026 and 2027 legislative sessions, under the same Agreement terms and at the rate of \$7,000 per month, subject to approval by the C/CAG Board and execution of an amendment by the Parties.

Exhibit B

SCOPE OF WORK

Background

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

Congestion Management Program

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

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

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

Storm Water Management (NPDES)

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

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

Airport Land Use

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

Energy Efficiency and Climate Action

C/CAG implements programs related to energy efficiency and climate action through several activities. C/CAG has an ongoing local government partnership with Pacific Gas and Electric Company called the San Mateo County Energy Watch (SMCEW), which provides access to public goods funds under the auspices of the CPUC. The program refers customer sites to parties that will perform energy efficiency audits, installation and rebate incentives, and project implementation coordination to municipalities, special districts, businesses, and schools, in San Mateo County. C/CAG strives to leverage funds through grant opportunities to provide technical assistance for development and adoption of climate plans for the cities in San Mateo County, and is in the process of collaborating on a countywide carbon neutrality action plan.

Scope of Work

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

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

administrative bodies.

5. Report and Respond

- a. Attend semi-monthly meetings and provide regular updates summarizing the activities under the Consultant's contract with C/CAG.
- b. Appear before the C/CAG Board and/or Legislative Committee to provide an overview and summary of current and future activities or to report on a particular item of concern to C/CAG.
- c. Respond to C/CAG's requests for information about pending State legislation, regulations, or policies.
- d. Provide online portal access to updated information on legislation tracked on behalf of C/CAG, that also notes interactions with state bodies or legislative delegate stakeholders, and highlights bills for which C/CAG has taken or delivered letters of position.

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-98 authorizing the C/CAG Executive Director to execute a Memorandum of Understanding (MOU) between the project sponsors and C/CAG in support of an application for the Senate Bill 1 (SB1) competitive Local Partnership Program (LPP)

(For further information or questions, contact Jeff Lacap at jlacap@smcgov.org)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 22-98 authorizing the C/CAG Executive Director to execute a Memorandum of Understandings (MOU) between project sponsors and C/CAG in support of an application for the Senate Bill 1 (SB1) competitive Local Partnership Program (LPP).

FISCAL IMPACT

Other than staff time, there is not any direct fiscal impact to C/CAG at this time. Upon CTC approval, the SB 1 LPP funds will be allocated to project sponsors directly.

SOURCE OF FUNDS

Funding will come from the Senate Bill (SB1) competitive Local Partnership Program (LPP).

BACKGROUNDLocal Partnership Program (LPP)

The Local Partnership Program (LPP) is a funding program created by the Road Repair and Accountability Act of 2017, or Senate Bill (SB) 1. The objective of the Local Partnership Program is to provide funding to counties, districts and regional transportation agencies in which voters have approved fees, tolls, or taxes dedicated solely to transportation improvements or that have imposed fees, including uniform developer fees, dedicated solely to transportation improvements. Program funds will be distributed through a 50% statewide competitive component and a 50% formula component

The Local Partnership Program continuously appropriates two hundred million dollars (\$200,000,000) annually to be allocated by the California Transportation Commission (CTC) to the eligible local or regional transportation agencies. The CTC issued a Notice of Funding Availability (NOFA) for the Local Partnership Program (LPP) in September 2022.

The eligibility criteria for potential projects to be funded through Local Partnership Program (LPP) must meet the following goals and funding restrictions listed in 2022 LPP guidelines:

- Project is generally an improvement to the state highway system (congestion, safety, or

operational), transit infrastructure or vehicle purchase, or local roadway multimodal/ complete streets improvements (safety, pedestrian/bicycle, or operational);

- Project can only request construction funding and will be ready to start construction by December 30, 2025;
- Project must have required environmental clearance (CEQA and NEPA, if federalized) completed by program adoption date on June 28, 2023 (or latest December 28, 2023) and demonstrate that negative environmental and community impacts will be avoided or mitigated;
- Project can request \$1-25 million for construction funding only and must be fully funded; and
- Project has secured minimum 1:1 matching funds (50% minimum match required)

C/CAG and the San Mateo County Transportation Authority (SMCTA) is an eligible applicant for CTC Local Partnership Competitive Program funding and can submit applications from project sponsors in San Mateo County on their behalf. This is a highly competitive grant program and if more than one application is submitted from San Mateo County, the SMCTA and C/CAG are each required by the CTC to prioritize submissions. While C/CAG and the SMCTA can sponsor the applications, the applicant is responsible for submitting the applications and all project management and financial commitments associated with the project.

Screening and Prioritization Process

To assist in the prioritization process, the SMCTA and C/CAG prepared an intake form for interested jurisdictions to use to determine the eligibility of potential project nominations and to submit project information for evaluation and prioritization by TA and C/CAG staff. Staff received 7 letters of interest by the September 14, 2022 deadline.

C/CAG and TA staff have scored project intake forms including the general information, CTC screening criteria, Climate Action Plan for Transportation Infrastructure (CAPTI) alignment, and the SMCTA Call for Projects quantitative metrics. The scores were averaged, and the rankings are provided in Table 1 below. C/CAG staff met with the project sponsors to describe the scoring, the process, and the types of projects that have been historically funded through the LPP Competitive Program. C/CAG also committed to sponsoring any or all the applications from the applicants. Several prospective applicants decided not to proceed with the application LPP application process.

The following projects will be moving forward with an application:

- #1 SMCTA Priority: 101/92 Interchange Improvements, Class IV Bikeway, Mobility Hub (Applicant: SMCTA/ C/CAG; Sponsor SMCTA)
- #1 C/CAG Priority: Hillside Blvd Improvements Phase II (Applicant: Town of Colma, Sponsor C/CAG)
- #2 C/CAG Priority: Citywide Street Reconstruction (Applicant: City of San Mateo. Sponsor C/CAG)

The table below provides more detail on the scoring.

Table 1: Project Intake Scoring

Applicant	Project Name	Primary CAPTI Aligned Project Elements	Total Score by Rank	NOTES
SMCTA/C/CAG	101/92 Interchange Improvements, Class IV Bikeway, Mobility Hub	Congestion, Ped/Bike, Transit	46.5	SMCTA Priority #1.
San Carlos	Holly St Interchange & Ped/Bike Overcrossing	Congestion, Ped/Bike	31.5	Decided not to proceed
Colma	Hillside Blvd Improvements Phase II	Ped/Bike, Street Resurfacing	28.0	C/CAG Priority #1
Foster City	Edgewater Bikeway & Street Rehabilitation	Ped/Bike, Street Resurfacing	25.8	Decided not to proceed
Belmont	Alameda de Las Pulgas Corridor Improvements	Congestion, Ped/Bike	22.8	Decided not to proceed
San Mateo	Citywide Street Reconstruction	Street Resurfacing	22.8	C/CAG Priority #2
Hillsborough	Street Resurfacing Project	Street Resurfacing	18.5	Decided not to proceed

The timeline of the LPP Competitive Program is as follows:

- Screening Released: August 31, 2022
- Screening Due: September 14, 2022
- SMCTA & C/CAG Announce Supported Nominations: September 28, 2022
- All Draft Nomination Materials due to SMCTA & C/CAG: November 9, 2022
- SMCTA & C/CAG Submit Nominations to CTC: November 23, 2022
- Final Nominations due to CTC: November 29, 2022

Memorandum of Understanding

The Town of Colma and the City of San Mateo are not eligible applicants and is requesting C/CAG to apply for funding on their behalf. The attached Draft MOU with project sponsors to be executed documents the roles and responsibilities of each participating agency.

The Draft MOU has been reviewed by staff and C/CAG legal counsel and is available on-line. It is also recommended that the C/CAG Executive Director be authorized to negotiate final terms, subject to the C/CAG legal counsel approval, and prior to execution by the C/CAG Executive Director.

Recommendation

Staff requests that the C/CAG Board review and approve Resolution 22-98 authorizing the C/CAG Executive Director to execute a Memorandum of Understandings (MOU) between project sponsors and C/CAG in support of an application for the Senate Bill 1 (SB1) competitive Local Partnership Program (LPP).

ATTACHMENTS

1. Resolution 22-98
2. Draft Memorandum of Understandings (MOU) between project sponsors and C/CAG in support of an application for the Senate Bill 1 (SB1) competitive Local Partnership Program (LPP). *(The document is available for download at the C/CAG website at: <http://ccag.ca.gov/committees/board-of-directors/>)*

RESOLUTION 22-98

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY
ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG)
AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO EXECUTE A
MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN PROJECT SPONSORS
AND C/CAG IN SUPPORT OF AN APPLICATION FOR THE SENATE BILL 1 (SB1)
COMPETITIVE LOCAL PARTNERSHIP PROGRAM (LPP)**

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

WHEREAS, the Local Partnership Program (LPP) is a funding program created by the Road Repair and Accountability Act of 2017, or Senate Bill (SB) 1; and

WHEREAS, the objective of the Local Partnership Program is to provide funding to counties, districts and regional transportation agencies in which voters have approved fees, tolls, or taxes dedicated solely to transportation improvements or that have imposed fees, including uniform developer fees, dedicated solely to transportation improvements; and

WHEREAS, The Local Partnership Program continuously appropriates two hundred million dollars (\$200,000,000) annually to be allocated by the California Transportation Commission (CTC) to the above-mentioned eligible local or regional transportation agencies; and

WHEREAS, The CTC issued a Notice of Funding Availability (NOFA) for the Local Partnership Program (LPP) in September 2022; and

WHEREAS, C/CAG and the San Mateo County Transportation Authority (SMCTA) is an eligible applicant for CTC Local Partnership Competitive Program funding and can submit applications from project sponsors in San Mateo County on their behalf; and

WHEREAS, to assist in the prioritization process, the SMCTA and C/CAG prepared an intake form for interested jurisdictions to use to determine the eligibility of potential project nominations and to submit project information for evaluation and prioritization by TA and C/CAG staff; and

WHEREAS, Staff received 7 letters of interest by the September 14th, 2022 deadline; and

WHEREAS, C/CAG and TA have scored project intake forms including the general information, CTC screening criteria, Climate Action Plan for Transportation Infrastructure (CAPTI) alignment, and the SMCTA Call for Projects quantitative metrics. The scores were averaged and the rankings will be used to prioritize projects as shown in the attached table; and

WHEREAS, the following projects will be moving forward with an application: 101/92 Interchange Improvements, Class IV Bikeway, Mobility Hub (Applicant: SMCTA/ C/CAG), Hillside Blvd Improvements Phase II (Applicant: Town of Colma), and Citywide Street Reconstruction (Applicant: City of San Mateo); and

WHEREAS, SMCTA and C/CAG have agreed that the SMCTA will be submitting the 101/92 Interchange Improvements, Class IV Bikeway, Mobility Hub project as their top priority and C/CAG will be submitting the projects from the Town of Colma and City of San Mateo; and

WHEREAS, C/CAG is required by the CTC to prioritize submissions and based on the intake process rankings, C/CAG will be prioritizing the Hillside Blvd Improvements Phase II submitted by the Town of Colma; and

WHEREAS, it is the sole responsibility of the project sponsors to put the application materials together; and

WHEREAS, a Memorandum of Understanding with the Town of Colma and City of San Mateo is required to document the roles and responsibilities of each participating agency; and

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 Executive Director is authorized to execute a Memorandum of Understanding (MOU) between the project sponsors and C/CAG in support of an application for the Senate Bill 1 (SB1) competitive Local Partnership Program (LPP), and to further authorize the C/CAG Executive Director to negotiate final terms of the MOU, subject to approval as to form by C/CAG legal counsel, prior to execution.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-99 authorizing the C/CAG Chair to execute Amendment No. 9 to the agreement with the Bay Area Water Supply and Conservation Agency for the Rain Barrel and Rain Garden Rebate Program, adding an amount not to exceed \$20,000 for the Fiscal Year 2022-23 for a new total amount not to exceed \$155,000.

(For further information or questions contact Reid Bogert at rbogert@smcgov.org)

RECOMMENDATION

That the C/CAG Board review and approval of Resolution 22-99 authorizing the C/CAG Chair to execute Amendment No. 9 to the agreement with the Bay Area Water Supply and Conservation Agency for the Rain Barrel and Rain Garden Rebate Program, adding an amount not to exceed \$20,000 for the Fiscal Year 2022-23 for a new total amount not to exceed \$155,000.

FISCAL IMPACT

Additional not to exceed amount of \$20,000 for Fiscal Year 2022-23, for a new total amount not to exceed of \$155,000.

SOURCE OF FUNDS

NPDES Fund.

BACKGROUND

Pursuant to Resolution 14-36, C/CAG collaborates with the Bay Area Water Supply and Conservation Agency (BAWSCA) to implement a rain barrel rebate program in San Mateo County since Fiscal Year 2014-15. Rain barrels capture stormwater runoff from roofs that can then be used to water landscaping or gardens. Capturing stormwater in this fashion has multiple benefits: reducing the amount of runoff and pollutants from individual properties that reach municipal storm drain systems, reducing potable water usage for outdoor irrigation needs, and educating the public regarding the importance of managing stormwater as a resource.

C/CAG provided \$25,000 annually to BAWSCA for the first three fiscal years since the pilot program began, for a total of \$75,000. Due to lower rebate numbers starting in Fiscal Year 2016-17 coinciding with the end of the multi-year drought, C/CAG and BAWSCA continued to implement the program through Fiscal Year 2020-21 without C/CAG adding any additional funds to the agreement.

Pursuant to Resolution 20-27 C/CAG and BAWSCA revised the program terms to pilot additional

rebate amounts and categories for larger rain barrels and cisterns and an incentive on rain garden installations as part of BAWSCA's Lawn Be Gone! turf replacement rebate program. The intention of expanding the rebate program was to further incentivize additional green stormwater management practices for residential and commercial properties to support C/CAG's Countywide Stormwater Program's (the Program) public education and green infrastructure implementation goals, and to create additional flexibility in the rebate process, which was updated in 2020 with BAWSCA's new online rebate platform. The following rebate amounts were adopted as part of this program expansion:

- Small rain barrels between 50-99 gallons – up to \$100 rebate (\$50 from participating agencies, \$50 from C/CAG)
- Large rain barrels or daisy-chained barrels between 100-199 gallons – up to \$150 rebate (\$50 from participating agencies, \$100 from C/CAG)
- Cisterns larger than 200 gallons – up to \$200 rebate (\$50 from participating agencies, \$150 from C/CAG)
- Rain gardens as part of a turf/lawn replacement rebate application – up to \$300 additional incentive for installing a rain garden while replacing a lawn with drought tolerant plants under BAWSCA's existing Lawn-be-Gone! turf replacement rebate program.

Based on the current program structure, C/CAG provides the above specified rebate amounts for installed barrels/cisterns or rain gardens, with a maximum of two barrels/cisterns and one rain garden per residential property and four rainwater harvesting system or rain garden rebates for commercial, industrial, or institutional properties. As detailed above, in areas of the county where BAWSCA member agencies participate in the program, rebates are matched by the water agencies with an additional \$50 on each tier of the rain barrel/cistern rebates. The following San Mateo County agencies currently participate in the pilot program:

- Town of Atherton
- City of Brisbane
- City of Burlingame
- City of Daly City
- Mid-Peninsula Water District (Belmont, portions of San Carlos and unincorporated county)
- Menlo Park Municipal Water
- City of Millbrae
- North Coast County Water District (Pacifica)
- City of Redwood City
- City of San Mateo

The rain barrel rebate program launched in October of 2014, and to date, well over 2,000 barrels have been installed within the County under the rebate program. Since the expansion of the program in 2020 to include larger incentives for larger rainwater harvesting systems and coinciding with drier conditions, there has been an uptick in rain barrel rebate participation.

In Fiscal Year 2021-22, C/CAG staff developed a plan through its outreach program, Flows To Bay, to partner with a rain barrel company (RainWater Solutions) who specializes in partnering with municipal rain barrel rebate programs to offer bulk-order pre-purchased barrels at a discounted rate to support of broader program implementation. In June 2021, the C/CAG Board approved Resolution 21-39, authorizing the C/CAG Chair to execute Amendment No. 6 to the existing agreement with BAWSCA, extending the contract term to June 30, 2022 and adding an amount not to exceed \$10,000 for funding rebates in Fiscal Year 2021-22, including rebates

offered through the pilot bulk-order campaign. After an highly successful initial bulk-order distribution event held in partnership with the City of San Mateo, the Countywide Program recommended holding a second event to be held at Lyngso Garden Supply in the City of San Carlos. At its January 2022 meeting the C/CAG Board approved Resolution 22-03 authorizing the C/CAG Chair to execute Amendment No. 7 to the Agreement with BAWSCA adding an additional amount not to exceed \$25,000 for a new total amount not to exceed \$110,000 to provide sufficient rebate funds for two bulk order events in Fiscal Year 2021-22.

At the outset of Fiscal Year 2022-23, the Countywide Program recommended adding additional funds to support three bulk-order distribution events in partnership with RainWater Solutions and C/CAG member agencies. At its June 2022 meeting, the C/CAG Board approved Resolution 22-40 authorizing the C/CAG Chair to execute Amendment No. 8 to the funding agreement with BAWSCA, extending the term through June 30, 2023, adding an amount not to exceed \$25,000 for Fiscal Year 2022-23 for a new total amount not to exceed \$135,000. During outreach with C/CAG's member agencies on the opportunity to partner on the bulk-order rebate campaign in Fiscal Year 2022-23, C/CAG staff heard significant interest from several municipalities. Rather than limiting the rebate dollars to fewer bulk-order events this year, C/CAG staff recommend increasing the program funding to support four bulk-order distribution events and associated potential rebates requested by residents through the program.

Funds will be expended only for rebate applications received and approved, so unused funds will remain in C/CAG's stormwater program budget.

Staff recommend the C/CAG Board review and approval of Resolution 22-99 authorizing the C/CAG Chair to execute Amendment No. 9 to the agreement with the Bay Area Water Supply and Conservation Agency for the Rain Barrel and Rain Garden Rebate Program, adding an amount not to exceed \$20,000 for the Fiscal Year 2022-23 for a new total amount not to exceed \$155,000.

ATTACHMENTS

1. Resolution 22-99
2. Amendment No. 9 to the Agreement with the Bay Area Water Supply and Conservation Agency

RESOLUTION 22-99

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE
C/CAG CHAIR TO EXECUTE AMENDMENT (NO. 9) TO THE AGREEMENT WITH THE BAY AREA
WATER SUPPLY AND CONSERVATION AGENCY, ADDING AN AMOUNT NOT TO EXCEED \$20,000 FOR
FISCAL YEAR 2022-23, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$155,000.**

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

WHEREAS, C/CAG's Countywide Water Pollution Prevention Program (Countywide Program) works with all 21 member agencies on programs to help keep pollution out of storm drains and subsequently impacting local creeks, the San Francisco Bay, and the Pacific Ocean, and

WHEREAS, capturing rainwater via rain barrels has both pollution prevention and water conservation benefits by reducing runoff volume and pollutants reaching municipal storm drain systems and offsetting potable water usage for outdoor landscape watering needs, and

WHEREAS, C/CAG approved Resolution 14-36, authorizing an Agreement with the Bay Area Water Supply and Conservation Agency (BAWSCA) at a cost not to exceed \$25,000 for a Pilot Rain Barrel Rebate Program (Program) in San Mateo County in Fiscal Year 2014-15, and

WHEREAS, C/CAG approved Resolution 15-17, authorizing Amendment No. 1 to the Agreement with BAWSCA, extending the term of the Program through June 30, 2016 at an additional cost not to exceed \$25,000, and

WHEREAS, C/CAG approved Resolution 16-15, authorizing Amendment No. 2 to the Agreement with BAWSCA, extending the term of the Program through June 30, 2017 at an additional cost not to exceed \$25,000, and

WHEREAS, C/CAG approved Resolution 17-17, authorizing Amendment No. 3 to the Agreement with BAWSCA, extending the term of the Program through June 30, 2018 at no additional cost and adding the City of San Mateo as a participating agency in the Program, and

WHEREAS, C/CAG approved Resolution 19-41, authorizing Amendment No. 4 to the Agreement with BAWSCA, extending the term of the Program through June 30, 2020 at no additional cost, and

WHEREAS, C/CAG approved Resolution 20-27, authorizing Amendment No. 5 to the Agreement with BAWSCA, extending the term of the Program through June 30, 2021 at no additional cost and revising the terms and conditions to provide additional pilot incentives for additional rebates for larger volume rain barrels and cisterns and rain gardens in conjunction with the existing lawn replacement rebate program, and

WHEREAS, C/CAG approved Resolution 21-39, authorizing Amendment No. 6 to the Agreement with BAWSCA, extending the term of the Program through June 30, 2022, adding an amount not to exceed \$10,000 for the continued pilot incentives for rain harvesting systems and rain gardens, including funds for a pilot bulk-order campaign for a countywide rain barrel distribution event, and

WHEREAS, in January 2022, C/CAG approved Resolution 22-03, authorizing Amendment No. 7 to the Agreement, adding an amount not to exceed \$25,000 in Fiscal Year 2021-22 to provide sufficient program budget to host a second bulk-order distribution event based on the success of the initial event and to continue funding rebates throughout the remainder of the Fiscal Year, and

WHEREAS, in June 2022, C/CAG approved Resolution 22-40, authorizing Amendment No. 8 to the Agreement, extending the term to June 30, 2023 and adding an amount not to exceed \$25,000 for Fiscal Year 2022-23 rebates under the Rain Barrel Rebate and Rain Garden Rebate Program, and

WHEREAS, the Countywide Program received greater interest from its member agencies in participating in the proposed bulk-order rain barrel rebate campaign in Fiscal Year 2022-23 than originally planned and, in partnership with BAWSCA, wishes to support four bulk-order rain barrel distribution events in Fiscal Year 2022-23.

NOW THEREFORE BE IT RESOLVED, the C/CAG Chair is authorized to execute Amendment No. 9 to the Agreement with the Bay Area Water Supply and Conservation Agency, adding an additional amount not to exceed \$20,000 for Fiscal Year 2022-23, for a new total amount not to exceed \$155,000. Be it further resolved that the C/CAG Executive Director is authorized to negotiate the final terms of said amendment prior to its execution by the C/CAG Chair, subject to approval as to form by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

**AMENDMENT (No. 9) TO THE AGREEMENT BETWEEN THE CITY/COUNTY
ASSOCIATION OF
GOVERNMENTS OF SAN MATEO COUNTY AND THE BAY AREA WATER SUPPLY AND
CONSERVATION AGENCY (BAWSCA).**

WHEREAS, the Board of Directors of the City/County Association of Governments for San Mateo County (hereinafter referred to as "C/CAG") and the Bay Area Water Supply and Conservation Agency (hereinafter referred to as "BAWSCA") are parties to an agreement for a rain barrel rebate program in San Mateo County dated October 10, 2014 (the "Existing Agreement"); and

WHEREAS, in June 2022 C/CAG approved Resolution 22-40, authorizing Amendment No. 8 to the Agreement, adding an amount not to exceed \$25,000 in Fiscal Year 2022-23 for a new total contract amount not to exceed \$135,000; and

WHEREAS, C/CAG and BAWSCA jointly wish to support additional bulk-order rain barrel distribution events in partnership with C/CAG and BAWSCA member agencies in Fiscal Year 2022-23 and desire to amend the Existing Agreement as set forth herein.

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

1. Section 3 of the Existing Agreement is revised to reflect an additional \$20,000 and a new total agreement amount not to exceed \$155,000.
2. Except as expressly amended herein and in Amendments No. 1 through 8 to the Existing Agreement, all other provisions of the Existing Agreement shall remain in full force and effect.
3. This amendment shall take effect upon on full execution by both parties.

City/County Association of Governments (C/CAG)

Bay Area Water Supply and Conservation Agency
(BAWSCA)

Davina Hurt, C/CAG Chair

By
Title: _____

Date: _____

Date: _____

Approved as to form:

Legal Counsel for C/CAG

Attachments:

None.

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-100 authorizing the C/CAG Chair to execute Amendment No. 2 to the agreement with County Information Services Department, extending the contract term through June 30, 2024 and modifying the budget to include an additional amount not to exceed \$3,919.64 for Fiscal Years 2022-23 and 2023-24 resulting in a new total contract amount not to exceed \$12,888.88.

(For further information, contact Reid Bogert at rbogert@smcgov.org)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 22-100 authorizing the C/CAG Chair to execute Amendment No. 2 to the agreement with County Information Services Department, extending the contract term through June 30, 2024 and modifying the budget to include an additional amount not to exceed \$3,919.64 for Fiscal Years 2022-23 and 2023-24 resulting in a new total contract amount not to exceed \$12,888.88.

FISCAL IMPACT

Not to exceed \$3,919.64 for Fiscal Years 2022-23 and 2023-24 and a new total agreement amount not to exceed \$12,888.88.

SOURCE OF FUNDS

Funding for the website comes from the C/CAG general fund.

BACKGROUND

C/CAG completed a redesign of <http://ccag.ca.gov> in 2014 based on the need for a more modern website and feedback from the member agencies and the public. Through C/CAG's procurement process, PMC, was selected to do the redesign and conduct ongoing maintenance through 2016. During the term of the agreement, PMC was purchased by Michael Baker International, Inc. (Michael Baker), and per Resolution 16-30, C/CAG entered into an agreement with Michael Baker to provide ongoing website services, site maintenance and hosting, through September 30, 2019 for an amount not to exceed \$20,000. In September of 2019, pursuant to C/CAG Board approval of Resolution 19-54, C/CAG executed Amendment No.1 to the agreement with Michael Baker for a no-cost time extension to provide technical services and hosting for the C/CAG website through Fiscal Year 2019-20, and staff agreed to explore alternatives for web services that may provide efficiencies and improved responsiveness to technical issues regarding website maintenance.

After exploring additional web support options and receiving a recommendation from County staff to

consider hosting the C/CAG website on the County's current hosting environment (Flywheel), consistent with C/CAG's procurement policy, the C/CAG Executive Director executed an initial Agreement with the San Mateo County Information Services Department (ISD) to provide website hosting services via Flywheel for an amount not to exceed \$3,125 for Fiscal Year 2020-21. At its June 10, 2021 meeting, the C/CAG Board approved Resolution 21-47 authorizing the C/CAG Chair to execute Amendment No. 1 to the Agreement with ISD and their contractor, Flywheel, to provide ongoing hosting services for Fiscal Years 2021-22 and 2022-23 for an additional amount not to exceed \$5,844.44 and a new total agreement amount not to exceed \$8,969.44, contingent on C/CAG's annual budget approval process.

In early 2022, C/CAG staff identified a need to eventually transition a newly developed web-based Traffic Demand Management Tool (TDM Tool) to C/CAG's main site from the initial hosting platform provided by C/CAG's consultant BlinkTag. To support the transition of the site to C/CAG's web platform, C/CAG staff worked with ISD staff and the TDM project team to evaluate the process for integrating or creating a new site on which to host the TDM Tool long-term. The staff recommendation was to create a new subdomain website of C/CAG's existing webpage (www.ccag.ca.gov) and to host the site on Flywheel's WordPress server through the existing contract with ISD. C/CAG staff have worked with ISD to modify the existing budget under the agreement between C/CAG and ISD to accommodate the new site. C/CAG staff recommend the Board review and approve Resolution 22-100 authorizing the C/CAG Chair to execute Amendment No. 2 to the agreement with ISD, modifying the budget to include an additional not to exceed amount of \$3,919.64 for Fiscal Years 2022-23 and 2023-24 and a new total amount not to exceed \$12,888.88, contingent on C/CAG's annual budget approval process. Furthermore, Amendment No. 2 to the agreement with ISD would extend the term through June 30, 2024.

ATTACHMENTS

1. Resolution 22-100
2. Amendment No. 2 to the Agreement with County ISD for Fiscal Years 2022-23 and 2023-24

RESOLUTION 22-100

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG CHAIR TO EXECUTE AMENDMENT (NO.2) TO THE AGREEMENT WITH SAN MATEO COUNTY, ADDING AN ADDITIONAL AMOUNT NOT TO EXCEED \$3,919.64 FOR FISCAL YEARS 2022-23 AND 2023-24, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$12,888.88, AND EXTENDING THE TERM TO JUNE 30, 2024.

WHEREAS, C/CAG operates and manages a dedicated website for providing public access to all relevant program and public resource information pertaining to C/CAG's activities on a WordPress website, www.ccag.ca.gov, and since the original development of the website has procured technical assistance to support webserver hosting, website design and ongoing maintenance activities; and

WHEREAS, in 2020, consistent with C/CAG's procurement policy and with the recommendation from County staff to consider hosting C/CAG's website on the County's hosting platform, Flywheel, a managed WordPress hosting service, to provide timely, consistent and high quality website support, the C/CAG Executive Director executed an initial one-year Memorandum of Understanding (Agreement) with San Mateo County Information Services Department (County) for hosting services to support C/CAG's website for an amount not to exceed \$3,125; and

WHEREAS, at its June 10, 2021 meeting the C/CAG Board approved Resolution 21-47 authorizing the C/CAG Chair to execute Amendment No. 1 to the Agreement with the County, for an additional not to exceed amount of \$5,844.44 for support services during Fiscal Years 2021-22 and 2022-23 and further extending the term to June 30, 2023; and

WHEREAS, C/CAG and the County have determined the Flywheel hosting environment has provided sufficient services to maintain C/CAG's website with observed cost-efficiencies and improved website maintenance from prior services; and

WHEREAS, in 2022, C/CAG staff identified a need to transition a newly developed Traffic Demand Management Tool (TDM Tool) to a C/CAG managed website after the development of the tool was completed; and

WHEREAS, C/CAG staff and the County recommended migrating the existing TDM Tool to a C/CAG managed WordPress site that could be integrated with its existing website, leveraging C/CAG's existing Agreement with the County; and

WHEREAS, C/CAG and the County desire to modify the existing Agreement to incorporate additional hosting services for the newly migrated TDM Tool website.

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

execute Amendment No. 2 to the agreement with San Mateo County for website hosting and maintenance services, adding an additional amount not to exceed \$3,919.64 for Fiscal Years 2022-23 and 2023-24, for a new total amount not to exceed \$12,888.88, and further extending the term through June 30, 2024. Be it further resolved that the C/CAG Executive Director is authorized to negotiate the final terms of said amendment prior to its execution by the C/CAG Chair, subject to approval as to form by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

AMENDMENT (NO. 2) TO THE AGREEMENT BETWEEN THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AND SAN MATEO COUNTY.

WHEREAS, the Board of Directors of the City/County Association of Governments for San Mateo County (hereinafter referred to as “C/CAG”) and the County of San Mateo (hereinafter referred to as “County”) are parties to an agreement for web hosting services for the domain www.ccag.ca.gov dated July 3, 2020 (the “Agreement”), and

WHEREAS, the Agreement provided for services for Fiscal Year 2020-21, with a term through June 30, 2021 and not to exceed amount of \$3,125; and

WHEREAS, pursuant to the C/CAG Board approved Resolution 21-47, the parties extended the Agreement through June 30, 2023, for an additional amount not to exceed \$5,844.44 for Fiscal Years 2021-22 and 2022-23 and a new total amount not to exceed \$8,969.44; and

WHEREAS, the parties wish to host one additional WordPress website for the domain www.cagtdm.org and extend the agreement through June 30, 2024, for an additional amount not to exceed \$3,919.64 for Fiscal Years 2022-23 and 2023-24, and a new total amount not to exceed \$12,888.08, contingent on the C/CAG annual budget process; and

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

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

1. Section 3 of the Agreement is revised to reflect an additional amount not to exceed \$3,919.64 for Fiscal Years 2022-23 and 2023-24, and a new total agreement amount not to exceed \$12,888.88 with funding amount specified for Fiscal Year 2023-24 (\$3,519.24) conditional on C/CAG’s annual budget process.
2. Section 4 of the Agreement is revised to reflect a new contract termination date of June 30, 2024.
3. Section 5 of the Agreement is revised to include the following provision: Notwithstanding the foregoing, in the event that C/CAG’s Fiscal Year 2023-24 budget does not include funding adequate for Fiscal Year 2023-24 services, the Agreement shall terminate immediately upon written notice from C/CAG.
4. Exhibits A and B of the Agreement are revised reflecting the proposed itemized cost of services to be provided for FY 2020-21, FY 2021-22, FY 2022-23 and FY 2023-24.
5. Except as expressly amended herein, all other provisions of the Agreement shall remain in full force and effect.
6. This amendment shall take effect upon on full execution by both parties.

City/County Association of Governments (C/CAG)

County of San Mateo (County)

Davina Hurt, C/CAG Chair

By

Title: _____

Date: _____

Date: _____

Approved as to form:

Legal Counsel for C/CAG

Attachments:

Exhibit A (Rev. September 12, 2022) – Revised Exhibits A and B to the Agreement with County of San Mateo

Exhibit A – Scope of Work (rev. September 12, 2022)

In consideration of the payments set forth in Exhibit B, County shall provide the following services described in tables below.

Description of Services to be performed by the County in fiscal year FY 2019-20

<p>One-Time hosting subscription fee for hosting the site on Flywheel for the month of June 2020. The following is included:</p> <ul style="list-style-type: none"> • Hosting services for ccag.ca.gov • Staging environment • Daily website backups (retained for 30 days) • SSL Certificate provided by 'LetsEncrypt' 	<p align="right">\$44.00 (1 month flat fee)</p>
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Hourly work estimates for FY 2019-20 (June):

<p>One-time cost of onboarding – 2 hours (@\$164/hr)</p> <ul style="list-style-type: none"> • Create Entity Flywheel accounts • Migration assistance to Flywheel 	<p align="right">2 hours</p>
<p>Hosting maintenance (@\$164/hr) for June</p> <ul style="list-style-type: none"> • Flywheel vendor relationship management, including: <ul style="list-style-type: none"> ○ Support, escalations, and ISD response 	<p align="right">1 hour</p>
<p>Subtotal of work hours for FY 2019-20</p>	<p align="right">3 hours</p>

Description of Services to be performed by the County in fiscal year FY 2020-21

<p>One-Time hosting subscription fee for hosting the site on Flywheel for duration of FY 2020 -21 (12 months). The following is included:</p> <ul style="list-style-type: none"> • Hosting services for ccag.ca.gov • Staging environment • Daily website backups (retained for 30 days) • SSL Certificate provided by 'LetsEncrypt' 	<p align="right">\$528.00 (12 month flat fee)</p>
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Hourly work estimates for FY 2020-21:

Annual hosting maintenance (\$171.70/hr) for 12 months <ul style="list-style-type: none">• Flywheel vendor relationship management, including:<ul style="list-style-type: none">o Support, escalations and ISD Incident response	12 hours
Subtotal of work hours for FY 2020-21	12 hours

Description of Services to be performed by the County in fiscal year FY 2021-22

One-Time hosting subscription fee for hosting the site on Flywheel for duration of FY 2021 -22 (12 months). The following is included: <ul style="list-style-type: none">• Hosting services for ccag.ca.gov• Staging environment• Daily website backups (retained for 30 days)• SSL Certificate provided by 'LetsEncrypt'	\$528.00 (12 month flat fee)
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Hourly work estimates for FY 2021-22:

Annual hosting maintenance (@\$191/hr) for 12 months <ul style="list-style-type: none">• Flywheel vendor relationship management, including:<ul style="list-style-type: none">o Support, escalations and ISD Incident response	12 hours
Subtotal of work hours for FY 2021-22	12 hours

Description of Services to be performed by the County in fiscal year FY 2022-23

One-Time hosting subscription fee for hosting the site on Flywheel for duration of FY 2022 -23 (12 months). The following is included: <ul style="list-style-type: none">• Hosting services for ccag.ca.gov• Staging environment• Daily website backups (retained for 30 days)• SSL Certificate provided by 'LetsEncrypt'	\$564.00 (12 month flat fee)
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<p>One-Time hosting subscription fee for hosting the site on Flywheel for duration of FY 2022 -23 (12 months). The following is included:</p> <ul style="list-style-type: none"> • Hosting services for ccagtdm.org • Staging environment • Daily website backups (retained for 30 days) • SSL Certificate provided by 'LetsEncrypt' 	<p>\$470.00 (10 month flat fee)</p>
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Hourly work estimates for FY 2022-23:

<p>Annual hosting maintenance (@\$199.27/hr) for 12 months</p> <ul style="list-style-type: none"> • Flywheel vendor relationship management, including: <ul style="list-style-type: none"> o Support, escalations and ISD Incident response 	<p>12 hours</p>
<p>Subtotal of work hours for FY 2022-23</p>	<p>12 hours</p>

Description of Services to be performed by the County in fiscal year FY 2023-24

<p>One-Time hosting subscription fee for hosting the site on Flywheel for duration of FY 2023 -24 (12 months). The following is included:</p> <ul style="list-style-type: none"> • Hosting services for ccag.ca.gov • Staging environment • Daily website backups (retained for 30 days) • SSL Certificate provided by 'LetsEncrypt' 	<p>\$564.00 (12 month flat fee)</p>
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<p>One-Time hosting subscription fee for hosting the site on Flywheel for duration of FY 2023 -24 (12 months). The following is included:</p> <ul style="list-style-type: none"> • Hosting services for ccagtdm.org • Staging environment • Daily website backups (retained for 30 days) • SSL Certificate provided by 'LetsEncrypt' 	<p>\$564.00 (12 month flat fee)</p>
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Hourly work estimates for FY 2023-24:

<p>Annual hosting maintenance (@\$199.27/hr) for 12 months</p> <ul style="list-style-type: none"> • Flywheel vendor relationship management, including: <ul style="list-style-type: none"> o Support, escalations and ISD Incident response 	<p>12 hours</p>
<p>Subtotal of work hours for FY 2022-23</p>	<p>12 hours</p>

Total work hours for FY 2019-20, FY 20-21, FY 2021-22, FY 2022-23, and FY 2023-24	49 hours
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Exhibit B – Cost Summary (rev. September 12, 2022)

In consideration of the services provided by County described in Exhibit A and subject to the terms of the Agreement, Entity shall pay County based on the following fee schedule and terms:

C-CAG Website Hosting Schedule of Payment (C-CAG to County):

Year	Invoice Dates:	Invoice Amount
FY 2019-20 (hosting for 1 month)	June 2020	\$536.00
FY 2020-21 (hosting for 12 months)	July 2020	\$2,588.40
FY 2021-22 (hosting for 12 months)	June 2021	\$2,820.00
FY 2022-23 (hosting for 12 months)	June 2022	\$3,425.24
FY 2023-24 (hosting for 12 months)	June 2023	\$3,519.24

Itemized costs for FY 2019-2020 Fiscal year:

Description of task/activity	Unit price	Total amounts
Hosting subscription (1 month) for June 2020	\$44.00	\$44.00
One-time cost of onboarding (@\$164/hr) for 2 hours	\$164.00	\$328.00
Hosting maintenance (@\$191.00/hr) for 1 hours	\$164.00	\$164.00
Subtotal		\$536.00

Itemized costs for FY 2020-21 Fiscal year:

Description of task/activity	Unit price	Total amounts
Annual hosting subscription (12 months)	\$528.00	\$528.00
ISD estimate for annual hosting maintenance (@\$171.70/hr) for 12 hours	\$171.70	\$2,060.40
Subtotal		\$2,588.40

Itemized costs for FY 2021-2022 Fiscal year:

Description of task/activity	Unit price	Total amounts
Annual hosting subscription (12 months)	\$528.00	\$528.00
ISD estimate for annual hosting maintenance (@191.00/hr) for 12 hours	\$191.00	\$2,292.00
Subtotal		\$2,820.00

Itemized costs for FY2022-2023 Fiscal year:

Description of task/activity	Unit price	Total amounts
Annual hosting subscription - ccag.ca.gov (12 months)*	\$564.00	\$524.00
Annual hosting subscription - ccagtdm.org (10 months)* September 2022 through June 2023	\$470.00	\$470.00
ISD estimate for annual hosting maintenance (@199.27/hr)** for 12 hours	\$199.27	\$2,391.24
Subtotal		\$3,425.24

Itemized costs for FY2023-2024 Fiscal year:

Description of task/activity	Unit price	Total amounts
Annual hosting subscription - ccag.ca.gov (12 months)*	\$564.00	\$524.00
Annual hosting subscription - ccagtdm.org (12 months)*	\$564.00	\$564.00
ISD estimate for annual hosting maintenance (@199.27/hr)** for 12 hours	\$199.27	\$2,391.24
Subtotal		\$3,519.24

Total payment due for FY 2019-20, FY 2021-22, FY 2021-22, FY 2022-23, and FY 2023-24	\$12,888.88
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* estimated subscription cost for Flywheel services in FY 2022-23 and FY2023-24, subject to change
 **estimated hourly rates for ISD hosting maintenance in FY 2022-23 and FY2023-24, subject to change

Invoiced amounts are due within 30 days upon receipt.

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-101 authorizing the C/CAG Executive Director to execute a grant agreement with Global Philanthropies Partnership, specifying C/CAG as the project lead in developing the Climate Resilience Resources Guide: Part 2.

(For further information or questions, contact Reid Bogert at rbogert@smcgov.org)

RECOMMENDATION

That the C/CAG Board Review and approval of Resolution 22-101 authorizing the C/CAG Executive Director to execute a grant agreement with Global Philanthropies Partnership, specifying C/CAG as the project lead in developing the Climate Resilience Resources Guide: Part 2.

FISCAL IMPACT

None. Staff time only, estimated at approximately 40 hours over 12 months to provide project management and oversight.

SOURCE OF FUNDS

N/A.

BACKGROUND

C/CAG is a member agency of the Green Infrastructure Leadership Exchange (GI Exchange), a project of the Global Philanthropy Program (GPP), which is a peer learning network across North America that offers a platform for practitioners to share experiences, circulate ideas, and solve problems together toward finding more sustainable water infrastructure solutions. The GI Exchange is a member-led organization, whose activities and focus areas are defined according to member interests, needs, and priorities. A significant role of the GI Exchange is supporting its members in creating tools and resources to advance innovations in green stormwater infrastructure (GSI) design, planning, implementation, and funding, with a focus on community engagement and equity. To support its member agencies in advancing this work with benefits to individual members and the broader collective, the GI Exchange administers a mini grant program called the Collaborative Grant Program, which funds member collaborations to solve specific GSI related problems. It is designed to fund opportunities to share knowledge that can creatively improve the speed, cost, and/or effectiveness of local GSI programs through collaborative ventures. The GI Exchange Collaborative Grant Program has had 5 successful rounds thus far and the resulting collaborations have produced a number of valuable resources for GI Exchange members and the water management community at large.

Working with a group of partner member agencies of the GI Exchange, C/CAG staff led the proposal development and submittal of a collaborative grant application in September 2021 to develop the Climate Resilience Resources Guide (CRRG): Part 1, focused on developing background and conceptual frameworks addressing the integration of climate adaptation and resiliency into Green Stormwater Infrastructure (GSI) policy, planning, design and operations and maintenance, as well as providing technical resources and guidance as a reference-based appendix included in the CRRG. As the project lead, C/CAG staff conducted a solicitation process for technical support to the project involving outreach to consultants whose work focuses on GSI program development, implementation and climate resiliency. Based on discussions and short proposals from three firms, recommended engaging Geosyntec Consultants to complete the project. Part 1 of the CRRG was completed in August 2022 and is available on C/CAG's stormwater outreach program website - <http://www.flowstobay.org/crrg/>.

With the success of the initial part of the CRRG, including being selected for a technical presentation at the California Stormwater Quality Association Annual Conference in October in Palm Springs, C/CAG staff proposed applying for additional funds under the Collaborative Grant Program Round 6 to advance the CRRG. In September 2022, C/CAG staff developed a and submitted a successful proposal for Part 2 of the CRRG, for a project amount not to exceed \$70,000, focusing on decision support processes related to integrating climate resilience and GSI programming. As detailed in the attached award notification and proposal, the project team would include the same group of GI Exchange members from Part 1 of the CRRG. Also, consistent with the prior project, the funds will be administered through a separate contract between the GPP and the proposed consultant to provide technical services in completing the scope of work outlined in the grant agreement. C/CAG is again designated as the "project lead" and will be the primary project partner with responsibilities for managing the overall project coordination and deliverables, approving consultant invoices, and submitting project progress reports to the GPP. The project is anticipated to begin in early 2023 and be completed by the end of October 2023.

C/CAG staff provided an information item update to the Stormwater Committee at its October 2022 meeting, and with concurrence from the Committee, staff recommend the C/CAG Board review and approve Resolution 22-101, authorizing the C/CAG Executive Director to execute a grant agreement with Global Philanthropies Partnership, specifying C/CAG as the project lead in developing the Climate Resilience Resources Guide: Part 2.

ATTACHMENTS

1. Resolution 22-101
2. Draft GI Exchange Collaborative Grant Agreement for developing the Climate Resilience Resources Guide: Part 2 (available on-line, as part of the November 10, 2022 Additional Meeting Materials, at: <http://ccag.ca.gov/committees/board-of-directors-2/>)

RESOLUTION 22-101

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO EXECUTE A GRANT AGREEMENT WITH GLOBAL PHILANTHROPIES PARTNERSHIP, SPECIFYING C/CAG AS THE PROJECT LEAD IN DEVELOPING THE CLIMATE RESILIENCE RESOURCES GUIDE: PART 2.

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

WHEREAS, C/CAG administers the Countywide Stormwater Program (Countywide Program) to support its member agencies on regulatory requirements for stormwater management in the Municipal Regional Permit issued by the San Francisco Bay Regional Water Quality Control Board; and

WHEREAS, C/CAG is a member of the Green Infrastructure Leadership Exchange (GI Exchange), a project of the Global Philanthropy Program (GPP), which is a peer learning network across North America that offers a platform for practitioners to share experiences, circulate ideas, and solve problems together toward finding more sustainable water infrastructure solutions; and

WHEREAS, C/CAG staff worked with other members of the GI Exchange in spring of 2021 to develop a concept for advancing climate adaptation planning with respect to stormwater management, building off of C/CAG's development of the Countywide Sustainable Streets Master Plan, which recognized the need for further advancement of consideration of climate impacts on precipitation and green infrastructure implementation; and

WHEREAS, in September 2021, C/CAG staff submitted a successful application in response to the 5th Round of the Collective Grant Program Request for Proposals issued by the GI Exchange, for an amount not to exceed \$50,000, to develop the Climate Resilience Resources Guide: Part 1; and

WHEREAS, with technical support from Geosyntec Consultants the project team, including five GI Exchange member agencies, successfully completed the CRRG Part 1 in August 2022, and

WHEREAS, further recognizing the benefit to C/CAG's member agencies, as well as GI Exchange member agencies throughout North America, in relation to better adapting Green Stormwater Infrastructure programs to future climate change risks, C/CAG staff led the development of a second successful application for funding under the 6th Round of the Collaborative Grant Program to complete Part 2 of the CRRG, which will focus on creating decision support tools for integrating resilience into Green Stormwater Infrastructure programs, and

WHEREAS, the proposed grant agreement between C/CAG and GPP for the CRRG Part 2 further specifies C/CAG staff as the project lead with responsibilities, including overall project management and oversight, invoice approvals, and grant reporting; and

WHEREAS, GPP will enter into a separate agreement with Geosyntec Consultants, based on recommendations from the project team, to complete the project with guidance from C/CAG staff and the partnering GI Exchange member agencies; and

WHEREAS, C/CAG staff anticipates a C/CAG resource need of approximately thirty-six (36) hours of staff time to provide project management support and to execute project deliverables during the time frame of January 2023 and October 2023.

NOW THEREFORE BE IT RESOLVED, that the C/CAG Executive Director is authorized to execute a grant agreement with Global Philanthropies Partnership, specifying C/CAG as the project lead in developing the Climate Resilience Resources Guide: Part 2; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to negotiate the final terms of the agreement prior to execution, subject to approval as to form by C/CAG legal counsel.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, C/CAG Executive Director

Subject: Review and approval of Resolution 22-103, authorizing the C/CAG Chair to execute Amendment No. 3 to the Agreement with Gray Bowen Scott for on-call consultant services for Federal and State funded project coordination and grant administration, to add \$30,000 for a revised not to exceed contract amount of \$430,000, and to extend the term of the contract to March 31, 2023.

(For further information or questions, contact Jeff Lacap at jlacap@smcgov.org)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 22-103, authorizing the C/CAG Chair to execute Amendment No. 3 to the Agreement with Gray Bowen Scott for on-call consultant services for Federal and State funded project coordination and grant administration, to add \$30,000 for a revised not to exceed contract amount of \$430,000 and to extend the term of the contract to March 31, 2023.

FISCAL IMPACT

The budget would increase by \$30,000, from \$400,000 to a new not to exceed amount of \$430,000.

SOURCE OF FUNDS

Funding will come from C/CAG's allocated share of the Metropolitan Transportation Commission (MTC) planning and programming funds, from State Transportation Improvement Program Planning Programming and Monitoring (STIP PPM) funds, and C/CAG member contributions.

BACKGROUND

C/CAG, acting as the County Transportation Agency (CTA), is the MTC delegated agency responsible for the planning, project selection, programming, and monitoring of certain County's share of federal and state transportation funding.

CTA's are delegated program administration of programming policies adopted by MTC for both Federal and State funding. CTA's are involved with ensuring that outreach requirements are met, that project sponsors meet minimum eligibility requirement, and that proposed projects are consistent with federal, state, and regional program requirements. MTC Resolution 3606 is the guiding policy in the region to ensure project sponsors do not lose any funds due to missing a federal or state funding deadline, while providing maximum flexibility in delivering transportation projects. The policy is also intended to assist in project delivery, and ensure funds are used in a timely manner.

C/CAG is responsible for planning and programming the overall delivery of this county's federal transportation funds as well as monitoring of Caltrans administered programs (highway bridge program and local safety program). C/CAG staff must take corrective action when projects are at risk of not delivering within the regional and state deadlines. C/CAG also monitors the invoicing activity of project sponsors to ensure that transportation funds are not rescinded due to inactivity.

C/CAG is also responsible for programming and facilitating the delivery of projects associated with the State Transportation Improvement Program (STIP). This involves working with Caltrans and stakeholders on developing and delivering major state highway improvement projects.

On July 13, 2017, the C/CAG Board approved a three year on-call contract for project coordination services with Gray Bowen Scott (GBS), expiring on August 31, 2020. The original agreement with GBS specified on-call services on a task order basis in an amount not to exceed \$400,000 total for a three-year term. On July 9, 2020 the C/CAG Board approved Resolution 20-47 authorizing Amendment No. 1 for a two-year time extension only. On June 22, 2022 the C/CAG Board approved Resolution 22-47 authorizing Amendment No. 1 for a 6 month time extension only.

Currently, C/CAG staff meets on a weekly basis with GBS to review the project delivery status of more than 20 state/federal-aid projects in the county totaling \$55 million to ensure that the projects are meeting their timelines per MTC Resolution 3606. If there are issues, C/CAG and GBS work with the project sponsors (typically the cities and the County) and partner agencies (MTC, Caltrans, California Transportation Commission) to resolve the issue. Through this proactive effort, San Mateo County often receives compliments on its ability of its project sponsors to meet funding requirements and deliver projects in a timely manner.

In winter 2023, C/CAG staff proposes to enter into a new agreement for on-call consultant services for Federal and State funded project coordination and grant administration and plans to issue an RFQ to the C/CAG Transportation Planning and Program Support Bench and return to the C/CAG Board in February with a recommendation for a new contract. To ensure there is sufficient time to complete the procurement process, a three-month time extension to March 31, 2022, is requested. Additionally, a budget augmentation of \$30,000 is proposed to be added, to ensure the consultant enough capacity to provide additional level of support needed to begin OBAG 3 project monitoring.

ATTACHMENTS

1. Resolution 22-103
2. Amendment No. 3 to the Agreement with Gray Bowen Scott for on-call consultant services for Federal and State funded project coordination and grant administration (The document is available for download at the C/CAG website at: <http://ccag.ca.gov/committees/board-of-directors/>)

RESOLUTION 22-103

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG CHAIR TO EXECUTE AMENDMENT NO.3 TO THE AGREEMENT WITH GRAY BOWEN SCOTT FOR ON-CALL CONSULTANT SERVICES FOR FEDERAL AND STATE FUNDED PROJECT COORDINATION AND GRANT ADMINISTRATION, TO ADD \$30,000 FOR A REVISED NOT TO EXCEED CONTRACT AMOUNT OF \$430,000, AND TO EXTEND THE TERM OF THE CONTRACT TO MARCH 31, 2023

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

WHEREAS, C/CAG is a joint powers agency designated by the Metropolitan Transportation Commission (MTC) as the County Transportation Agency (CTA) for San Mateo County; and

WHEREAS, C/CAG, acting as the CTA is responsible for project selection, programming, and overall program delivery of federal aid and state transportation funds received by the County; and

WHEREAS, at its July 13, 2017 meeting, the C/CAG Board approved Resolution 17-32 authorizing the agreement between C/CAG and Gray Bowen Scott (GBS) for on-call consultant services to assist C/CAG staff with the performance of CTA delegated responsibilities; and

WHEREAS, on July 9, 2020, the C/CAG Board approved Resolution 20-47 approving Amendment No. 1 authorizing a two-year time extension of the agreement; and

WHEREAS, on June 22, 2022, the C/CAG Board approved Resolution 22-47 approving Amendment No. 2 authorizing a six-month time extension of the agreement; and

WHEREAS, C/CAG has determined a new agreement for on-call consultant services for Federal and State funded project coordination and grant administration and plans to issue an RFQ beginning in 2023; and

WHEREAS, to ensure the consultant enough capacity to provide additional level of support needed to begin OBAG 3 project monitoring, there is a need to augment the budget and extend the contract timeline.

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 is authorized to execute Amendment No. 3 to the agreement with Gray Bowen Scott for on-call consultant services for Federal and State funded project coordination and grant administration, to add \$30,000 for a revised not to exceed contract amount of \$430,000, and to extend the term of the contract to March 31, 2023. Be it further resolved that the C/CAG Executive Director is authorized to negotiate the final scope and terms of the Agreement and related materials prior to execution by both parties, subject to legal counsel approval as to form.

PASSED, APPROVED, AND ADOPTED, THIS 10TH DAY OF NOVEMBER 2022.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Receive a copy of executed Amendment No. 1 to the Fiscal Year 2020/21 Transportation Fund for Clean Air (TFCA) Funding Agreement with City of Daly City for the Daly City Crosswalk Enhancements Project, extending project completion date to October 31, 2023, at no additional cost.

(For further information, contact Kim Wever at kwever@smcgov.org)

RECOMMENDATION

That the C/CAG Board receives a copy of executed Amendment No. 1 to the Fiscal Year 2020/21 Transportation Fund for Clean Air (TFCA) Funding Agreement with City of Daly City for the Daly City Crosswalk Enhancements Project, extending project completion date to October 31, 2023, at no additional cost.

FISCAL IMPACT

There is not any financial impact. The original contract award to the City of Daly City is \$180,000.

SOURCE OF FUNDS

The Bay Area Air Quality Management District (BAAQMD) is authorized under Health and Safety Code Section 44223 and 44225 to levy a fee on motor vehicles. Funds generated by the fee are referred to as the TFCA funds. These funds are used to implement projects that reduce air pollution from motor vehicles. Health and Safety Code Section 44241(d) stipulates that forty percent (40%) of funds generated within a county where the fee is in effect shall be allocated by the BAAQMD to one or more public agencies designated to receive the funds. For San Mateo County, C/CAG has been designated as the County Program Manager to receive the funds.

BACKGROUND

C/CAG is the Program Manager for the TFCA Program in San Mateo County. This program distributes fund to projects that aim to reduce air pollution, greenhouse gas emissions, and traffic congestion. At the October 15, 2020 meeting, C/CAG Board approved Resolution 20-56 authorizing the C/CAG Chair to execute a funding agreement with the City of Daly City in an amount up to \$180,000, under the Fiscal Year 2020/21 TFCA program, for the Daly City Crosswalk Enhancements Project.

The project was set to be completed by October 31, 2022. The City awarded the project to a contractor in June of 2022, and additional time is required to complete the work. The City of Daly City wishes to extend the project's completion date to October 31, 2023.

C/CAG staff supported time extension and requested that the C/CAG Chair executes Amendment No. 1 to the funding agreement with City of Daly City. Attachment 1 is a copy of the fully executed Amendment No. 1 to the Fiscal Year 2020/21 Transportation Fund for Clean Air (TFCA) Funding Agreement for the Daly City Crosswalk Enhancements Project. Under the amendment, the project completion date is changed to October 31, 2023 at no additional cost.

ATTACHMENT

1. Amendment No. 1 to the Fiscal Year 2020/21 Transportation Fund for Clean Air (TFCA) Funding Agreement with City of Daly City for the Daly City Crosswalk Enhancements Project.

**AMENDMENT NO. 1 TO THE FISCAL YEAR 2020-2021 TFCA AGREEMENT
BETWEEN
THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
CITY OF DALY CITY**

WHEREAS, the City/County Association of Governments of San Mateo County (hereinafter referred to as “C/CAG”) and City of Daly City are parties to the Fiscal Year 2020-2021 Transportation Fund for Clean Air (TFCA) Funding Agreement (the “Agreement”), effective November 1, 2020; and

WHEREAS, the Agreement provides funds to City of Daly City for the Daly City Crosswalk Enhancements Project (Project); and

WHEREAS, the Project’s original completion date is October 31, 2022;

WHEREAS, the Project was awarded to a contractor in June of 2022, and additional time is required to complete the work,

WHEREAS, C/CAG and the City of Daly City wish to extend the Project’s completion date to October 31, 2023; and

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

NOW, THEREFORE, IT IS HEREBY AGREED by C/CAG and City of Daly City that:

1. Section II, item 16, shall be replaced in its entirety and revised to read as follows: “Project Sponsor will complete the Project by October 31, 2023.”
2. Section III, item 2, shall be replaced in its entirety and revised to read as follows: “To reimburse costs incurred by Project Sponsor from the execution of this Agreement through October 31, 2023.”

Except as expressly amended herein, all other provisions of the Agreement shall remain in full force and effect. This amendment shall take effect upon the date of execution by both parties.

Signatures on the following page

City/County Association of Governments
(C/CAG)

DocuSigned by:

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Davina Hurt, Chair
C/CAG

Date: 10/14/2022

Approved as to form:

DocuSigned by:

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Melissa Andrikopoulos, Legal Counsel
C/CAG

City of Daly City

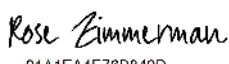
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Thomas Piccolotti, Interim City Manager
City of Daly City

Date: 10/24/2022

Approved as to form:

DocuSigned by:

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Rose Zimmerman, Legal Counsel
City of Daly City

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director of C/CAG

Subject: Review and approval of the appointment of up to two C/CAG Board members to serve on the San Mateo County Express Lanes Joint Powers Authority.

(For further information, contact Sean Charpentier at scharpentier@smcgov.org)

Recommendation:

That the C/CAG Board reviews and approves the appointment of up to two C/CAG Board members to serve on the San Mateo County Express Lanes Joint Powers Authority.

Fiscal Impact:

None.

Background:

The San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) was jointly created by C/CAG and the San Mateo County Transportation Authority (SMCTA). The JPA is charged with overseeing the operations and administration of the San Mateo 101 Express Lanes, in addition to jointly exercising ownership rights over the Express Lanes. The Joint Exercise of Powers Agreement establishing the SMCEL-JPA states that the SMCEL-JPA governing board will have a total of six members, including three Board members from C/CAG and three from SMCTA, and that each Board member will serve for a term of two years. Reappointment for multiple terms is at the pleasure of the appointing authority. At the May 13, 2021, C/CAG Board meeting, the Board appointed Diane Papan, Alicia Aguirre, and Maryann Derwin to two-year terms starting in June 2021. Currently, Rico Medina from San Bruno is the Chair of the SMCEL-JPA, and Alicia Aguirre from Redwood City is the Vice Chair of the SMCEL-JPA.

The C/CAG Board of Directors may have to appoint up to two C/CAG Board members to the SMCEL-JPA Board of Directors. Maryann Derwin is not seeking reelection to the Portola Valley City Council. Her last date as a local elected official will be December 14, 2022. Diane Papan is a candidate for the California State Assembly District 21 seat. New Assembly members are sworn in on December 5th. Staff do not assume any particular outcome of the election, which is not final until the election results are certified.

Staff would like to avoid having a vacancy on the SMCEL-JPA Board. The SMCEL-JPA Joint Exercise of Powers Agreement specifies that five SMCEL-JPA Board members must be present for the Board to take action. The December 9, 2022 SMCEL-JPA Board meeting will likely include the first discussion of a major budget amendment, which reflects the opening of the segment between Whipple Avenue and

I-380. To avoid having a vacant SMCEL-JPA Board seat at the December meeting, staff recommends appointment of at least one member to the SMCEL-JPA Board at the November C/CAG Board meeting.

A list of key dates are noted below:

- 11/8- Election Day
- 11/10- C/CAG Board of Directors November Meeting
- Mid to Late November - Certification of Election Results
- 12/5-Swearing in of New Assembly members
- 12/8-C/CAG Board of Directors December Meeting
- 12/9-SMCEL-JPA December Board Meeting
- 12/14- Board member Maryann Derwin's Council term ends in the Town of Portola Valley
- Early January- SMCEL-JPA January Board Meeting

Other key items on the SMCEL-JPA workplan in 2023 include the anticipated opening of the segment between Whipple Ave and I-380 in early 2023, the continued implementation of the Community Transportation Benefits Program (equity program), and the creation of a regionally consistent payment plan option for qualifying low-income drivers who fall behind in their toll payments. More information on the SMCEL-JPA can be found at: <https://smcexpresslanes.org/>.

At the October 13, 2022 C/CAG Board of Director's meeting, staff presented an informational item on this recruitment and requested Letters of Interest by Wednesday, November 2nd. Staff received two Letters of Interest:

1. Gina Papan, C/CAG Board Member, Vice Mayor Millbrae, MTC Commissioner Representing the Cities of San Mateo County
2. Michael Salazar, C/CAG Board Member, San Bruno Councilmember

Given the timing complexities, a two-step appointment process is an option available to the Board.

1. First, at the November 10, 2022 C/CAG Board meeting, the C/CAG Board of Directors could appoint *one* member to the SMCEL-JPA Board of Directors. This member would either fill the seat that is potentially vacated by Diane Papan, or the seat vacated by Maryann Derwin.
2. Second, if necessary, at the December 8, 2022 C/CAG Board meeting, the C/CAG Board of Directors could appoint a second member to the SMCEL-JPA Board of Directors. This second appointment would be necessary if Diane Papan becomes an Assembly member.

Staff recommend that the appointment(s) be made for the remainder of the term(s), which would be through June 2023. In May 2023, the C/CAG Board will be asked to appoint (or reappoint) three members to the SCMEL-JPA Board of Directors for 2-year terms.

Attachments:

1. Letter of Interest from Gina Papan
2. Letter of Interest from Michael Salazar



City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030

GINA PAPAN

Vice Mayor

November 2, 2022

Dear Chair Hurt, Vice Chair Ortiz, and C/CAG Board of Directors,

With this letter of intent, I am seeking the C/CAG Board’s appointment to an open seat on the San Mateo County Express Lanes Powers Authority (SMCEL-JPA), and I respectfully ask for your support.

I am proud to serve on the C/CAG Board of Directors and represent the cities of San Mateo County on the Metropolitan Transportation Authority (MTC). My public service to these agencies has given me the background, experience, and qualifications to be a strong voice for C/CAG on the Express Lanes JPA, and I believe that the importance of having a strong C/CAG representative on the SMCEL-JPA must be emphasized.

Background: From the very first C/CAG discussions regarding Express Lanes, I have believed that these lanes would be successful and my advocacy for C/CAG to maintain ownership of the lanes never wavered. Early on it was clear that the C/CAG Board of Directors wanted to ensure C/CAG would be positioned to implement equity programming throughout the system and I supported that decision. Under the terms of the current JPA, C/CAG has three members serving on the SMCEL-JPA who must work collaboratively with three members of the San Mateo County Transportation Authority. In the past this was not always easy, but the SMCEL-JPA board learned to work together to achieve common goals. Now, with two of our three C/CAG board members stepping down, it is critically important to replace them with strong representatives committed to achieving our original goals of implementing equity programs throughout our managed lanes network. As a C/CAG director, I am committed to ensure our vision for this purpose continues to grow. I am also ready to meet the financial challenges and policy decisions that must be made in a post-Covid, high inflation environment.

Experience & Qualifications: During my tenure on MTC, I worked with MTC commissioners and staff on a strategic plan for connecting the Bay Area through an express lanes network. This plan seeks to implement a system of managed lanes in the Bay Area that is not only cost-effective and self-supporting, but also helps achieve the regional goals of reducing greenhouse gas emissions, supporting transit priority, promoting use of transit and other high-occupancy modes, and advancing equity throughout the region in accordance with Planned Bay Area 2050 and MTC’s

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) 558-7600	Police (650) 259-2300	106	Public Works/Engineering (650) 259-2339
			Recreation (650) 259-2360

Equity Platform. I have continued to share the plans developed by MTC with our C/CAG staff to help the SMCEL-JPA move forward in a more efficient and effective manner.

Commitment and Request for Support: As a C/CAG appointee to the SMCEL-JPA, I will be committed to ensure the San Mateo County Express Lanes will be everything C/CAG envisioned. I would be proud and honored to have your support of my appointment to the San Mateo County Express Lanes Powers Authority (SMCEL-JPA). Please do not hesitate to call me if you have any questions regarding this request or about the San Mateo County Express Lanes.

Thank you for your consideration.

Sincerely,



Gina Papan
Vice Mayor
City of Millbrae
(415) 710-5820

November 1, 2022

Sean Charpentier
Executive Director
City/County Association of Governments
555 County Center, 5th Floor
Redwood City, CA 94063

Director Charpentier and Honorable C/CAG Board Members,

Please accept this letter expressing my interest in serving on the Board of Directors for the San Mateo County Express Lane Joint Powers Authority.

I have served alongside you on the C/CAG board for two years and on the C/CAG Legislative Committee since last year. I proudly serve on these bodies with full understanding and respect for the responsibilities they entail. I now ask that you allow me the privilege of representing you on the Board of the SMCEL-JPA.

The JPA Board oversees issues related to transit, finance, technology and social equity. These are all topics with which I am very engaged, and I would love an opportunity to help direct the future of the express lane effort.

Regarding my background, I have served on the San Bruno City Council since 2009. I have a bachelor's degree in Engineering and a Master of Business Administration degree. I also have thirty years of professional experience in Engineering, Finance and Information Technology. I am confident that with my experience and dedication I can represent you well on the JPA Board.

Thank you for your consideration and I look forward to serving another year with you all on the C/CAG Board.

Sincerely,



Michael Salazar
Councilmember
City of San Bruno

C/CAG AGENDA REPORT

Date: November 10, 2022

To: City/County Association of Governments Board of Directors

From: Sean Charpentier, Executive Director
Melissa Andrikopoulos, Deputy County Attorney

Subject: Receive a presentation on AB 2449 and Updated Requirements for Brown Act Meetings.

(For further information, contact Melissa Andrikopoulos at mandrikopoulos@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors accept this report regarding AB 2449 and updated requirements for Brown Act meetings.

FISCAL IMPACT

None.

BACKGROUND

In response to the COVID-19 pandemic, the Governor issued a number of Executive Orders that adjusted the rules for online meetings of Brown Act bodies, and the Legislature followed up with adoption of AB 361. Under these authorities, a meeting can be conducted online under streamlined procedures for remote participation under AB 361 as long as a state-declared emergency remained in effect and the local agency finds that requiring participants to attend in person would present imminent risks to public health and safety.

On September 13, 2022, Governor Newsom signed AB 2449 into law. The bill authorizes a member of a legislative body to participate remotely for “just cause,” or allows the legislative body to consider and take action on a request from a member to participate remotely in a meeting due to “emergency circumstances.” The new law goes into effect on January 1, 2023 and will remain in effect until January 1, 2026.

In addition, Governor Newsom recently announced that the COVID-19 State of Emergency will end on February 28, 2023. As a result, Brown Act bodies will no longer be able to conduct remote meetings under the provisions of AB 361 after February 28, 2023, unless the State of Emergency is unexpectedly extended or renewed.

DISCUSSION

Starting January 1, 2023, AB 2449 will allow a member of a Brown Act body (for C/CAG, this includes the C/CAG Board of Directors and C/CAG standing committees) to participate remotely under the

streamlined teleconference procedures in either of the following two circumstances:

1. The member unilaterally notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of the member's need to participate remotely for "**just cause**," including a general description of the circumstances relating to their need to appear remotely at the given meeting.

"**Just cause**" means any of the following: (a.) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (b.) A contagious illness that prevents a member from attending in person; (c.) A need related to a physical or mental disability not otherwise accommodated; (d.) Travel while on official business of the legislative body or another state or local agency. This method may not be used by any member of the legislative body for more than two meetings per calendar year.

2. The member requests the legislative body to allow them to participate in a particular meeting remotely due to "**emergency circumstances**" and the legislative body takes action to approve the request.

"**Emergency circumstances**" means a physical or family medical emergency that prevents a member from attending in person. The legislative body shall request a 20-word general description of the circumstances relating to their need to appear remotely at the given meeting. The request can be made by the member and acted upon by the legislative body at the beginning of the meeting to which the request applies. The prohibition on taking action on items not appearing on the timely-posted agenda is suspended for purposes of approving a request.

Both provisions require that at least a quorum of the Board or the committee be physically present in the same room where the public may attend and give comment, and also permit remote public participation, including public comment. AB 2449 limits the number of times a member may participate remotely to no more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

With the anticipated end of the COVID-19 State of Emergency on February 28, 2023, AB 2449 will be the only alternative to posting an agenda and allowing members of the public to attend at all remote location(s).

C/CAG staff are preparing to return to in-person meetings beginning in March 2023. Before the pandemic, C/CAG Board meetings and Committee meetings were not televised or streamed online. Staff are testing the audio-visual system at the SamTrans auditorium to prepare for compliance with AB 2449 and to offer the public the opportunity to participate remotely after returning to in-person C/CAG Board of Directors meetings in March. For the C/CAG Committees, staff are exploring the use of "OWL" technology to facilitate the streaming and remote participation for the public and to comply with AB 2449.

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director of C/CAG

Subject: Receive a presentation on the update of Congestion Relief Plan, covering fiscal years 2023 through 2027

(For further information, contact Kaki Cheung at kcheung1@smcgov.org.)

RECOMMENDATION

That the C/CAG Board of Directors receive a presentation on the update of Congestion Relief Plan, covering fiscal years 2023 through 2027.

FISCAL IMPACT

Staff is currently procuring consultant services to assist with the Congestion Relief Plan update. The actual cost of the update is not available at this time.

SOURCE OF FUNDS

The Plan update can be funded using federal Surface Transportation Program money, with local match from the C/CAG member assessment.

BACKGROUND

The San Mateo County Congestion Relief Plan (CRP/Plan) was first adopted by C/CAG on February 8, 2002 in response to traffic congestion measurements, at locations throughout the County, which exceeded the standards adopted by C/CAG under the Congestion Management Program (CMP/Program). The CMP is a legal requirement (California Government Code Section 65089(b)(1)(A)), mandating that every urban county within California to prepare, implement, and biennially update a CMP. The purpose of Program is to develop a procedure to alleviate or control anticipated increases in roadway congestion and to ensure that “federal, state, and local agencies join with transit districts, business, private and environmental interests to develop and implement comprehensive strategies needed to develop appropriate responses to transportation needs.” The CMP requirements were further modified by the passage of AB471, which requires all local jurisdictions to maintain the adopted Level of Service (LOS) standard on all CMP roadways, or risk losing their gas tax revenues. C/CAG most recent adopted biennial Congestion Management Program was in 2021. C/CAG will be preparing the next biennial update for adoption in 2023.

The Program also requires the development of deficiency plans when Level of Service standards on a CMP roadway or intersection has been deteriorated. The 2021 CMP monitoring report identified six roadway segments and intersections that exceeded the Level of Service standard, including sections of SR 84 and multiple locations along the US101 corridor. C/CAG’s Congestion Relief Plan was developed to serve as a Countywide Deficiency Plan, so that the individual cities and the County would not have to develop multiple deficiency plans with corresponding implementation costs. Over the years, the C/CAG Board determined that a countywide approach would be more cost-effective and provide

more comprehensive benefits to the overall transportation system in the County. Programs should have some nexus to congestion management and trip reductions. The adoption of the Congestion Relief Plan relieves all San Mateo County jurisdictions from State mandates to fix the specific congested locations that triggered a deficiency, and any locations that might trigger a deficiency in the subsequent five years. Aside from meeting the State mandate, it is also prudent for all San Mateo County jurisdictions to share resources and address traffic and transportation issues together.

The Board adopted the last Plan at the May 2019 meeting, and reauthorized an annual member assessment of \$1.85M covering four years, from July 1, 2019 to June 30, 2023. See Attachment 1 with the current breakdown among member agencies. The total amount of \$1.85 million has remained unchanged at least since 2007. The current Plan is divided into four major programs, and the funding breakdown for each program is captured in the table below:

2019-2023 Adopted Congestion Relief Plan			
1	Local Transportation Services Program	\$500,000	
2	Travel Demand Management	\$550,000	
3	Intelligent Transportation Systems (ITS)/ Traffic Operational Improvement Strategies; Express Lane operations support; Smart Corridor Expansion	\$200,000	
4	Linking Transportation and Land Use:	\$600,000	
	4A. Innovative Trip Reduction Strategies (Carpool 3.0)/ Mobility Action Plan		\$150,000
	4B. Transportation Improvement Strategy to reduce GHG (GW TAP/743 toolkit/ Performance assessments)		\$150,000
	4C. Climate Change and Resiliency Planning (RICAPS, Climate Action Plan, Sea level rise planning for Trans. Facilities)		\$150,000
	4D. Sustainable Communities Strategy (SCS) Activities, Linking Housing with Transportation. (21 Elements/ Sub-RHNA/ Legislation compliance)	\$150,000	
Total		\$1,850,000	

All jurisdictions make financial contributions to the Plan based on population data and trip generation information from the C/CAG Santa Clara Valley Transportation Authority travel demand model. The population data is updated annually based on information from the Department of Finance. Much of the Congestion Relief Plan assessment fees are invested in local and Countywide activities including:

1. TDM efforts such as Commute.org; shuttles, the TDM Policy Update, and the Micromobility Feasibility Study;
2. GHG/VMT reduction efforts including the SB 743 VMT/GHG Model and the GHG Mitigation Planning Grant;
3. in the Countywide Smart Corridor program;
4. and countywide planning and programs like the VTA C/CAG Travel Demand Model; and 21-Elements; and the Equity Assessment.

The Congestion Relief Plan is also designed to be used as matching funds to leverage other competitive federal, state, and local grants that align with program goals. This approach has provided more impact with the invested funds.

As the Plan approaches its reauthorization date, staff has embarked on an effort to update the Plan. Staff has released a Request for Proposals to consultants serving on the Board approved 2022 Transportation Planning and Program Support Bench. The selected consultant will summarize the previous expenditures and outcomes from the Congestion Relief Plan. The report will be used to inform and guide the update of the Plan. In addition to revising the programs and strategies, the consultant will estimate the costs for implementation and provide a delivery timeline.

Staff will be working closely with the various C/CAG Committees throughout the planning process. It is

anticipated that the C/CAG Board will receive a presentation on the draft Plan at its March 2023 meeting. At the May 2023 meeting, staff will be seeking the Board's reauthorization of the Congestion Relief Plan for a period of 4 years, covering fiscal years 2023 through 2027.

ATTACHMENT

1. CRP Fee Summary 2022
2. FY 2019-FY2023 Congestion Relief Plan Program Details (available online at <https://ccag.ca.gov/committees/board-of-directors-2/>)

Draft C/CAG Member Fees - FY 2022-2023

Agency	Population	Percent of Population	General Fund Fee	Gas Tax Fee	Total Fee
			\$ 289,433	\$ 430,975	\$ 720,408
Atherton	6,896	0.901%	\$ 2,608	\$ 3,884	\$ 6,492
Belmont	26,470	3.459%	\$ 10,012	\$ 14,908	\$ 24,919
Brisbane	4,579	0.598%	\$ 1,732	\$ 2,579	\$ 4,311
Burlingame	29,746	3.887%	\$ 11,251	\$ 16,753	\$ 28,003
Colma	1,659	0.217%	\$ 627	\$ 934	\$ 1,562
Daly City	108,599	14.191%	\$ 41,075	\$ 61,161	\$ 102,236
East Palo Alto	30,350	3.966%	\$ 11,479	\$ 17,093	\$ 28,572
Foster City	32,842	4.292%	\$ 12,422	\$ 18,496	\$ 30,918
Half Moon Bay	12,309	1.609%	\$ 4,656	\$ 6,932	\$ 11,588
Hillsborough	11,391	1.489%	\$ 4,308	\$ 6,415	\$ 10,724
Menlo Park	34,825	4.551%	\$ 13,172	\$ 19,613	\$ 32,785
Millbrae	22,509	2.941%	\$ 8,513	\$ 12,677	\$ 21,190
Pacifica	37,890	4.951%	\$ 14,331	\$ 21,339	\$ 35,670
Portola Valley	4,560	0.596%	\$ 1,725	\$ 2,568	\$ 4,293
Redwood City	85,182	11.131%	\$ 32,218	\$ 47,973	\$ 80,191
San Bruno	44,936	5.872%	\$ 16,996	\$ 25,307	\$ 42,303
San Carlos	29,814	3.896%	\$ 11,276	\$ 16,791	\$ 28,067
San Mateo	103,045	13.466%	\$ 38,974	\$ 58,033	\$ 97,007
South San Francisco	67,135	8.773%	\$ 25,392	\$ 37,809	\$ 63,201
Woodside	5,628	0.735%	\$ 2,129	\$ 3,170	\$ 5,298
San Mateo County	64,880	8.478%	\$ 24,539	\$ 36,539	\$ 61,079
TOTAL	765,245	100.000%	\$ 289,433	\$ 430,975	\$ 720,408

NOTES:
1. C/CAG member fees are comprised of two portions: General Fund and Gas Tax.
2. For FY 2022-23, C/CAG member fees for General Fund portion is proposed a one-time increase by 5% (\$13,783 countywide, from \$275,651 to \$289,433). For FY 2022-23 C/CAG member fee for the Gas Tax portion is proposed a one-time increase by 5% (\$20,523 countywide, from \$410,452 to \$430,975). Adopted by C/CAG Resolution 22-04.
3. Individual jurisdiction's share is based on new population data from Dept of Finance, 1/1/2021, adopted by C/CAG Resolution 22-06.

Congestion Relief Program (CRP) Assessment - FY 2022-2023

Agency	Percent of Population	Total Trips	% of Trips	Congestion Relief
Atherton	0.901%	45,201	0.89132%	\$ 16,580
Belmont	3.459%	156,279	3.08167%	\$ 60,501
Brisbane	0.598%	39,066	0.77034%	\$ 12,661
Burlingame	3.887%	278,460	5.49096%	\$ 86,747
Colma	0.217%	42,332	0.83475%	\$ 9,727
Daly City	14.191%	514,686	10.14910%	\$ 225,150
East Palo Alto	3.966%	109,433	2.15791%	\$ 56,647
Foster City	4.292%	202,400	3.99113%	\$ 76,616
Half Moon Bay	1.609%	89,658	1.76797%	\$ 31,232
Hillsborough	1.489%	54,917	1.08291%	\$ 23,786
Menlo Park	4.551%	275,259	5.42784%	\$ 92,303
Millbrae	2.941%	147,546	2.90946%	\$ 54,121
Pacifica	4.951%	206,200	4.06606%	\$ 83,411
Portola Valley	0.596%	29,645	0.58457%	\$ 10,919
Redwood City	11.131%	639,969	12.61956%	\$ 219,696
San Bruno	5.872%	294,349	5.80427%	\$ 108,006
San Carlos	3.896%	212,462	4.18954%	\$ 74,791
San Mateo	13.466%	784,576	15.47106%	\$ 267,664
South San Francisco	8.773%	442,379	8.72328%	\$ 161,841
Woodside	0.735%	39,034	0.76971%	\$ 13,923
San Mateo County	8.478%	467,397	9.21661%	\$ 163,678
TOTAL	100.000%	5,071,248	100.00000%	\$ 1,850,000

NOTES:
1- Total CRP (countywide total) is the same as prior years at \$1,850,000.
2- Congestion Relief Fee is calculated based on population and trips generated, 50% each, respectively.

NPDES Member Fee - Estimate Only (not actual)

Agency	NPDES Basic (1)	NPDES	TOTAL NPDES
Atherton			
Belmont			
Brisbane	\$0	\$ 11,281	\$ 11,281
Burlingame			
Colma	\$0	\$ 3,852	\$ 3,852
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	\$0	\$ 118,256	\$ 118,256
South San Francisco			
Woodside	\$ 8,789	\$ 10,115	\$ 18,904
San Mateo County			
TOTAL			

NOTES:
1. NPDES assessments shown above are for INFO ONLY.
2- Agencies not listed are collected by the Flood Control Dist.
3- Basic fees for Brisbane, Colma, San Mateo are collected by the Flood Control District.
4. NPDES assessments are based on total parcels in each jurisdiction.

C/CAG AGENDA REPORT

Date: November 10, 2022

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

From: Sean Charpentier, Executive Director

Subject: Review legislative update and, if appropriate, recommend approval of C/CAG legislative policies, priorities, or positions. (A position may be taken on any legislation, including legislation not previously identified in the legislative update. Action is only necessary if recommending approval of a policy, priority, or position.)

(For further information, contact Kim Springer at kspringer@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors review the legislative update and, if appropriate, recommend approval of C/CAG legislative policies, priorities, or positions. (A position may be taken on any legislation, including legislation not previously identified in the legislative update. Action is only necessary if recommending approval of a policy, priority, or position.)

C/CAG staff does not have specific recommended legislative actions with respect to this month's legislative update.

FISCAL IMPACT

N/A

SOURCE OF FUNDS

N/A

BACKGROUND

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

The attached report from Shaw Yoder Antwih Schmelzer & Lange, C/CAG's legislative consultant (Consultant), may include updates from Sacramento with respect to the State Budget process, State grant programs, recent committee hearings, and bill progress of interest to C/CAG since the last C/CAG Board meeting.

Though C/CAG pursued budget funding requests with members of the delegation for two projects benefitting San Mateo County, requests for \$10 million for the construction phase of the US 101/SR 92 Interchange Area Improvements project, and a dual-purpose request for \$10 million for a

stormwater project at Red Morton Community Park in Redwood City and completion of design work with Caltrans on a stormwater project in San Bruno near the Hwy 380-280 interchange, did not receive State funding. (However, Congresswoman Speier included \$2.4 million for the regional storm water project in San Bruno in the House approved budget.)

However, staff was notified by the Consultant that Assemblymember Mullin was able to move forward a request in the budget clean-up bill, [SB/AB 179](#), for one of our asks for \$760,000 for the San Bruno-Millbrae Bike Lane.

August 30th was the last day of the legislative session and all bills have moved forward from committees and are signed, vetoed, or have become law without the Governor's signature. A legislative "roundup" of the 2022 legislative session was provided to the C/CAG Board on consent at the October 13, 2022 meeting.

For additional information with respect to what the Metropolitan Transportation Commission/Association of Bay Area Governments Joint Legislative Committee, California League of Cities, California State Association of Counties (CSAC), and California Association of Councils of Government (CALCOG) are tracking, staff has included informational links to the relevant bill tracking websites, as well as the full legislative information for the State Legislature and the 2021 calendar of legislative deadlines. Lastly, staff have also included links to the 2022 legislation websites for the San Mateo County delegates for information only.

ATTACHMENTS

1. C/CAG Legislative Update, October 31, 2022 from Shaw Yoder Antwih Schmelzer & Lange

Below are informational links:

2. [Recent Joint ABAG MTC Legislation Committee Agendas](#)
3. [California State Association of Counties \(CSAC\) 2021 bill positions and tracking](#)
4. [California Associations of Councils of Government \(CALCOG\) 2021 bill tracking](#)
5. Full Legislative information is available for specific bills at <http://leginfo.legislature.ca.gov/>
6. [2022 California State Calendar of Legislative Deadlines](#)
7. [San Mateo County Delegation Sponsored Legislation 2021](#)
 - [2022 Legislation from Assemblymember Marc Berman](#)
 - [2021 Legislation from Assemblymember Kevin Mullin](#)
 - [2022 Legislation from Assemblymember Phil Ting](#)
 - [2021 Legislation from Senator Josh Becker](#)
 - [2022 Legislation Senator Scott Wiener](#)
8. Current client roster for Shaw Yoder Antwih Schmelzer & Lange - <https://syaslparkers.com/clients/>



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October 31, 2022

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

From: Matt Robinson, Andrew Antwih and Silvia Solis Shaw
Shaw Yoder Antwih Schmelzer & Lange

Re: **STATE LEGISLATIVE UPDATE – November 2022**

Legislative Update

The Legislature is currently on recess and will formally adjourn the 2021-22 Legislative Session “sine die” at midnight on November 30. The 2023-24 Legislative Session will convene on December 5 for the one day organizing session, with members returning to their districts until January 3. Shortly after the Legislature reconvenes in January, the Governor will release the Fiscal Year 2023-24 Proposed Budget on, or around, January 10. As a reminder, as part of the FY 2022-23 budget, the Governor and Legislature earmarked billions of dollars in future investments for numerous programs, including water, climate, and transportation. However, early signs are pointing to a possible recession, and we expect the Governor to propose a much more austere budget in January.

For the C/CAG Board’s October meeting, we provided a report on the final outcomes of legislation C/CAG was active on in 2022. We have noted those outcomes below in this report.

November General Election

The 2022 General Election will take place on Tuesday, November 8. Facing election are California’s eight constitutional officers, inclusive of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, and State Superintendent of Public Instruction. As well, 100 of the 120 seats in the California State Legislature are up for election this November. This total includes 20 Senate seats (10 seats open / 10 incumbents running for election) and 80 Assembly seats (24 seats open / 56 incumbents running for reelection).

Draft Guidelines for Transit and Intercity Rail Capital Program – Cycle 6

On September 30, the California State Transportation Agency (CalSTA) released [the formal draft guidelines for the Transit and Intercity Rail Capital Program \(TIRCP\) Cycle 6](#) for public and legislative review. The public and legislative review is available for more than the 30 days required by statute, with workshops planned for November 3 and 4, and comments due no later than November 7, 2022. CalSTA expects to release final program guidelines and a call for projects on November 15. AB 180 amended the Budget Act of 2021 (Chapters 21, 69 and 240 of the Statutes of 2021) to appropriate \$3.63 billion of

General Fund to TIRCP and \$350 million of General Fund for High Priority Grade Crossing Improvement and Separation projects. This funding is included in TIRCP Cycle 6.

CARB Releases Proposed FY 2022-23 Funding Plan for Clean Transportation Incentives

On October 12, the California Air Resources Board (CARB) released the [Proposed Fiscal Year \(FY\) 2022-23 Funding Plan for Clean Transportation Incentives](#) for public review and comment. CARB staff will present the Funding Plan for approval at its November 17 Board Meeting. Comments are due no later than November 14. The meeting notice, as well as information on how to submit public comments, can be found [here](#).

Bills With Positions

SB 852 (Dodd) Climate Resilience Districts – *SUPPORT IF AMENDED*

Existing law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. [This bill](#) will authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and would define “eligible project” as projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding. The bill would authorize the district to provide property tax increment revenues to the district, and/or other tax revenues, levying a benefit assessment, special tax, property-related fee, or other service charge or fee consistent with the requirements of the California Constitution. ***This bill was SIGNED by the Governor on September 9.***

SB 917 (Becker) Seamless Bay Area – *SUPPORT IN CONCEPT*

[This bill](#) would have required the Metropolitan Transportation Commission (MTC) to develop and adopt a Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive, standardized regional transit mapping and wayfinding system, develop an implementation and maintenance strategy and funding plan, and establish open data standards to support a more integrated public transportation network in the nine-county San Francisco Bay Area. This bill would also have required the region’s transit agencies to comply with those established integrated fare structure, regional transit mapping and wayfinding system, implementation and maintenance strategy and funding plan, and open data standards. ***This bill was HELD in the Assembly Appropriations Committee.***

SB 922 (Wiener) CEQA Exemptions for Transit – *SUPPORT*

[This bill](#) will extend, until January 1, 2030, statutory exemptions from the requirement of the California Environmental Quality Act for clean transportation projects that make streets safer for walking and biking; speed up bus service on streets and improve its on-time performance; support faster bus service on state highways; expand carpooling; and improve wayfinding for people using transit, biking, or walking. This bill would also extend exemptions for the construction of infrastructure of facilities to charge or refuel zero-emission transit vehicles; active transportation and roadway improvements; and the building of new bus and light rail stations or terminals until January 1, 2030. ***This bill was SIGNED by the Governor on September 29.***

SB 1067 (Portantino) Parking Requirements – OPPOSE

[This bill](#) would prohibit a city, county, or city and county from imposing minimum automobile parking requirements on a housing development located within one-half mile of public transit and either dedicates 25 percent of the total units to very low, low-, and moderate-income households, students, the elderly, or persons with disabilities, or the developer demonstrates that the development would not have a negative impact on the local agency's ability to meet specified housing needs and would not have a negative impact on existing residential or commercial parking within one-half mile of the project. ***This bill was HELD in the Assembly Appropriations Committee.***

AB 1817 (Ting) PFAS Ban in Textiles – SUPPORT

Beginning January 1, 2023, existing law prohibits any food packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS and requires a manufacturer to use the least toxic alternative when replacing regulated PFAS in food packaging. Existing law will also prohibit the sale and distribution of any new juvenile product that contains regulated PFAS chemicals. [This bill](#) will prohibit, beginning January 1, 2024, any person from selling or distributing any textile articles that contain regulated PFAS, and requires a manufacturer to use the least toxic alternative when replacing regulated PFAS in textile articles to comply with these provisions. ***This bill was SIGNED by the Governor on September 29.***

AB 1944 (Lee) Brown Act Changes – SUPPORT IF AMENDED

[This bill](#) would have made changes to the Brown Act to clarify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public. This bill would also have required all public meetings of a legislative body using teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option. We suggested the author amend this bill to include an urgency clause so that it would take effect immediately. ***This bill was never set for a hearing in the Senate Governance and Finance Committee.***

AB 2011 (Wicks) Ministerial Housing Approvals in Commercial Zones – OPPOSE

[This bill](#) will create the Affordable Housing and High Road Jobs Act of 2022, which authorizes a development proponent to apply for a housing development that meets specified objective standards and affordability and site criteria, including being located within a zone where office, retail, or parking are a principally permitted use, and would make the development a use by right and subject to streamlined, ministerial review processes. The bill will require a development proponent for a housing development project approved pursuant to the streamlined, ministerial review process to require, in contracts with construction contractors, that certain wage and labor standards will be met, including a requirement that all construction workers be paid at least the general prevailing rate of wages, as specified. The bill will require a development proponent to certify to the local government that those standards will be met in project construction. ***This bill was SIGNED by the Governor on September 28.***

AB 2097 (Friedman) Parking Minimums – OPPOSE

[This bill](#) will prohibit a public agency from imposing any minimum automobile parking requirement on any residential, commercial, or other development project located within one-half mile of public transit. However, the bill would authorize a city, county, or city and county to impose or enforce minimum

automobile parking requirements on a housing development project if the public agency makes written findings that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on the public agency's ability to meet its share of specified housing needs or existing residential or commercial parking within one-half mile of the housing development. However, a public agency may not seek an exemption if the housing development project (1) dedicates a minimum of 20% of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities, (2) contains fewer than 20 housing units, or (3) is subject to parking reductions based on any other applicable law. The bill will prohibit these provisions from reducing, eliminating, or precluding the enforcement of any requirement imposed on a housing development project that is located within one-half mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities. ***This bill was SIGNED by the Governor on September 22.***

AB 2622 (Mullin) Sales Tax Exemption for Transit Buses – SUPPORT

[This bill](#) will extend the sunset date from January 1, 2024, to January 1, 2026 on the state sales and use tax exemption for zero-emission buses (ZEBs) purchased by California public transit agencies. ***This bill was SIGNED by the Governor on September 16.***

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

[This constitutional amendment](#) would have lowered the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation bonds and special taxes for affordable housing and public infrastructure projects, including public transit. The C/CAG Board supported a nearly identical measure, also ACA 1 (Aguiar-Curry), in 2019. ***This measure was never heard in the Assembly Local Government Committee.***

Other Bills of Interest

SB 6 (Caballero) Housing in Commercial Zones

Existing law requires local governments to adopt a general plan for development, including a housing element. Current law requires that the housing element include an inventory of land suitable and available for residential development. If there is not adequate land identified to accommodate the need for all types of households, the local government must rezone sites. [This bill](#) - the Middle Class Housing Act – will deem a housing development project an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use, if specified conditions are met, including requirements relating to density, public notice, comment, hearing, or other procedures, site location and size, consistency with sustainable community strategy or alternative plans, prevailing wage, and a skilled and trained workforce. ***This bill was SIGNED by the Governor on September 28.***

SB 54 (Allen) Solid Waste Reporting and Packaging

[This bill](#) establishes the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Act), which would impose minimum content requirements and source reduction requirements for single-use packaging and food ware and to be achieved through an expanded producer responsibility program. By January 1, 2024, the bill will require producers of covered material to form and join a producer responsibility organization, subject to certain requirements and CalRecycle approval, to carry out the requirements of the Act by and would a producer of covered material from selling, offering for sale,

importing, or distributing covered materials in the state unless the producer is approved to participate in the organization. The bill defines “covered material” to mean Covered material” as single-use packaging that is routinely recycled, disposed of, or discarded after its contents have been used and plastic single-use food service ware, but excludes packaging used for medical products, devices, and prescription drugs, animal medicines and drugs, infant formula, medical food, fortified nutritional supplements, insecticides, rodenticides, fungicides, hazardous materials, hazardous or flammable products, and certain beverage containers. ***This bill was signed by the Governor on June 30.***

SB 932 (Portantino) General Plan Circulation Elements

[This bill](#) requires a local agency, when revising its the circulation element after January 1, 2025 to incorporate the principles of FHWA’s Safe System Approach and to develop bicycle plans, pedestrian plans, and traffic calming plans based on the policies and goals in the circulation element that, among other things, sets goals for initiation and completion of all actions identified in the plans within 25 years of the date of adoption of the modified circulation element, as specified. By adding to the duties of county and city officials in the administration of their land use planning duties, this bill would impose a state-mandated local program. This bill will require a county or city to begin implementation of the plan within 2 years of the date of adoption of the plan, to regularly review its progress towards completing implementation of the modified circulation element, and to consider revising the circulation element if it determines it will not reach the goals of the bicycle, pedestrian, or traffic calming plans within 25 years of the date of adoption of the modified circulation element. ***This bill was SIGNED by the Governor on September 28.***

AB 2449 (Rubio) Brown Act Changes

Until January 1, 2024, existing law authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect or to protect public health. [This bill](#) will, until January 1, 2026, authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location identified in the agenda that is open to the public and situated within the local agency’s jurisdiction. ***This bill was SIGNED by the Governor on September 13.***