



**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 COMMISSION  
MEETING NOTICE**

Meeting No. 367

<b>Date:</b> Thursday, September 14, 2023  <b>Time:</b> 6:30 p.m.  <b>Primary Location:</b> San Mateo County Transit District Office 1250 San Carlos Ave, 2 <sup>nd</sup> Fl. Auditorium, San Carlos, CA 94070	<b>Join by Webinar:</b> <a href="https://us02web.zoom.us/j/84897913127?pwd=QzJQbTQ3NmtxbXZuMWhXVkJV4Y0lmUT09">https://us02web.zoom.us/j/84897913127 ?pwd=QzJQbTQ3NmtxbXZuMWhXVkJV4Y0lmUT09</a>  <b>Webinar ID:</b> 848 9791 3127  <b>Password:</b> 091423  <b>Join by Phone:</b> (669) 900-6833
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**\*\*\*HYBRID MEETING - IN-PERSON AND BY VIDEOCONFERENCE\*\*\***

This meeting of the C/CAG Board of Directors will be held in person and by teleconference pursuant to Government Code Section 54953(e). Members of the public will be able to participate in the meeting remotely via the Zoom platform or in person at the location above. For information regarding how to participate in the meeting, either in person or remotely, please refer to the instructions at the end of the agenda.

**1.0 CALL TO ORDER/ ROLL CALL**

**2.0 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. Members of the public who wish to address the Board should complete a speaker's slip to make a public comment in person or raise their hand in Zoom to speak virtually.

**3.0 PRESENTATIONS / ANNOUNCEMENTS**

- 3.1 Receive a Presentation from the Bay Area Air Quality Management District (BAAQMD) on the new regulation regarding residential water heaters and furnaces. p. 1

#### 4.0 **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.

- 4.1 Approval of minutes of regular business meeting No. 366 dated July 13, 2023.  
ACTION p. 2
- 4.2 Review and approve the appointments of Andrew Brozyna, Public Works Director from the City of Foster City, and Brad Underwood, Interim Public Works Director from the City of San Mateo, to the C/CAG Congestion Management Program Technical Advisory Committee and Stormwater Committee; and Mohammad Suleiman, District Division Chief-West Region from the California Department of Transportation (Caltrans), to the C/CAG Congestion Management Program Technical Advisory Committee.  
ACTION p. 7
- 4.3 Review and approval of the Finance Committee's recommendation to the investment portfolio and accept the Quarterly Investment Report as of June 30, 2023. ACTION p. 14
- 4.4 Review and approve Resolution 23-73 adopting the C/CAG Investment Policy Update.  
ACTION p. 22
- 4.5 Review and approval of Resolution 23-74 determining that a proposed 5-story, 103-unit apartment building at 608 Harbor Blvd., Belmont, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.  
ACTION p. 42
- 4.6 Review and approval of Resolution 23-75 determining that the Belmont General Plan Housing Element 2023-2031 is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.  
ACTION p. 49
- 4.7 Review and approval of Resolution 23-76 determining that a proposed 10-story, 341-unit multi-family residential development at 840 San Bruno Avenue, San Bruno, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.  
ACTION p. 56
- 4.8 Review and approval of Resolution 23-77 determining that South San Francisco's draft Lindenville Specific Plan is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.  
ACTION p. 62
- 4.9 Review and approval of Resolution 23-78 authorizing the C/CAG Executive Director to execute agreements with Coffman Associates and Environmental Science Associates to provide on-call airport/land use compatibility planning services to C/CAG for a three-year period extending to September 30, 2026, in an aggregate amount not to exceed \$100,000; and to issue subsequent task orders in full compliance with the terms and conditions of the consultant service agreements. ACTION p. 70

- 4.10 Review and approve the Fiscal Year 2023/24 Cycle Transportation Development Act Article 3 Program Call for Projects and Schedule. ACTION p. 74
- 4.11 Review and approval of Resolution 23-79 authorizing the C/CAG Chair to execute Amendment NO.1 to the FY 23-24 Agreement with the San Mateo County Office of Education for the San Mateo County Safe Routes to School Program adding \$80,111.84 of rollover funds from previous fiscal years for a new not to exceed total of \$878,335. ACTION p. 77
- 4.12 Review and approval of Resolution 23-80 authorizing the C/CAG Executive Director to execute a Partnership Agreement with the Co-Applicants of the San Mateo County OneWatershed Climate Resilience Framework and Community-Led Plan (Project) and to execute an Agreement with the California Governor's Office of Planning and Research for an amount not to exceed \$649,648 in ICARP grant funds to complete the Project. ACTION p. 89
- 4.13 Review and approval of Resolution 23-81 authorizing the C/CAG Executive Director to execute an Engagement Agreement and Conflict Waiver for legal services with the San Mateo County Office of the County Attorney. ACTION p. 99

## 5.0 **REGULAR AGENDA**

- 5.1 Receive the Draft 2024 State Transportation Improvement Program (STIP) for San Mateo County. INFORMATION p. 107
- 5.2 Update on C/CAG Equity Assessment and Framework Development Project and review of proposed actions for comment. INFORMATION p. 111
- 5.3 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. 138

## 6.0 **COMMITTEE REPORTS**

- 6.1 Chairperson's Report
- 6.2 Board Members Report/Communication

## 7.0 **EXECUTIVE DIRECTOR'S REPORT**

## 8.0 **COMMUNICATIONS - Information Only**

- 8.1 Written Communication – (6 Letters) p. 146

## 9.0 **CLOSED SESSION**

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

Title: Executive Director of C/CAG.

9.2 Conference with Labor Negotiators (Government Code Section 54957.6). C/CAG

Representative: Davina Hurt.

Unrepresented Employee: Executive Director.

## 10.0 RECONVENE IN OPEN SESSION

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

## 11.0 ADJOURNMENT

Next scheduled meeting October 12, 2023

**PUBLIC NOTICING:** All notices of C/CAG regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Courtyard, 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.

**ADA REQUESTS:** Persons with disabilities who require auxiliary aids or services to participate in this meeting should contact Mima Crume at (650) 599-1406 or [mcrume@smcgov.org](mailto:mcrume@smcgov.org) by 10:00 a.m. prior to the meeting date.

**PUBLIC PARTICIPATION DURING HYBRID MEETINGS:** During hybrid meetings of the C/CAG Board, members of the public may address the Board as follows:

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](mailto: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 in person and through Zoom. Public comments will be taken first by speakers in person followed by via Zoom. Please read the following instructions carefully:

**\*In-person participation:**

1. If you wish to speak to the Board, please fill out a speaker's slip located on the 2<sup>nd</sup> floor auditorium side table against the wall. If you have anything that you wish distributed to the Board and included in the official record, please hand it to the C/CAG Clerk who will distribute the information to the Board members and staff.

**\*Remote participation:**

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. If calling in via phone, press \*9 to raise your hand and when called upon press \*6 to unmute.
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: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Receive a Presentation from the Bay Area Air Quality Management District (BAAQMD) on the new regulation regarding residential water heaters and furnaces.

(For further information or questions, contact Sean Charpentier [scharpentier@smcgov.org](mailto:scharpentier@smcgov.org))

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### RECOMMENDATION

That the C/CAG Board receive a Presentation from the Bay Area Air Quality Management District (BAAQMD) on the new regulation regarding residential water heaters and furnaces.

### BACKGROUND

The Bay Area Air Quality Management District (BAAQMD) is the regional government agency responsible for air quality in all nine Bay Area Counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwest Solano, and southern Sonoma. BAAQMD was created by state law in 1955.

BAAQMD's mission is to protect and improve public health, air quality, and the global climate. BAAQMD measures and analyzes air quality, develops air quality rules, ensures that businesses comply with air pollution laws and regulations, provides grants to encourage clean air, works with communities to improve air quality, and administers the Spare the Air and Winter Spare the Air programs.

On March 15, 2023, BAAQMD approved amendments to Regulation 9, Rules 4 and 6 to eliminate emissions of nitrogen oxides, or NOx, from residential and commercial natural gas furnaces and water heaters in the Bay Area by requiring new appliances to be zero-NOx. The rule amendments would apply only to new appliances and do not mandate the immediate change out of existing appliances, nor will they apply to appliances used for cooking, such as gas stoves. NOx-emitting natural gas furnaces and water heaters will be phased out over time.

BAAQMD staff are going to give a presentation to the C/CAG Board on this new amendment.

### ATTACHMENTS

1. Presentation on the BAAQMD's new regulation regarding residential water heaters and furnaces – available on C/CAG's Board of Directors website - <https://ccag.ca.gov/committees/board-of-directors-2/>

# 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 and SAN MATEO COUNTY AIRPORT LAND USE COMMISSION NOTICE

#### MINUTES

Meeting No. 366  
July 13, 2023

#### \*\*\*HYBRID MEETING - IN-PERSON AND BY VIDEOCONFERENCE\*\*\*

This meeting of the C/CAG Board of Directors was held in person and by teleconference pursuant to Government Code Section 54953(e). Members of the public was able to participate in the meeting remotely via the Zoom platform and in person.

#### 1.0 CALL TO ORDER/ ROLL CALL

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

AGENCY:	IN-PERSON:	ABSENT:	REMOTE AB 2449	REMOTE Publicly Accessible Teleconference Location:
Atherton	Elizabeth Lewis			
Belmont	Davina Hurt			
Brisbane	Elizabeth Lewis			
Burlingame	Ricardo Ortiz			
Colma	John Goodwin			
Daly City	Juslyn Manalo			
East Palo Alto	Lisa Gauthier			
Foster City	Stacy Jimenez			
Half Moon Bay		Absent		
Hillsborough	Christine Krolik			
Menlo Park			Cecilia Taylor	
Millbrae	Gina Papan			
Pacifica	Sue Beckmeyer			
Portola Valley	Jeff Aalfs			
Redwood City		Absent		
San Bruno	Michael Salazar			
San Carlos		Absent		
San Mateo	Rich Hedges			
South San Francisco	Flor Nicolas			
Woodside	Ned Fluet			
San Mateo County		Absent		

<b>C/CAG EX-OFFICIO (NON-VOTING) MEMBERS</b>				
<b>AGENCY:</b>	<b>IN-PERSON:</b>	<b>ABSENT:</b>	<b>REMOTE AB 2449</b>	<b>REMOTE Publicly Accessible Teleconference Location:</b>
SMCTA		Absent		
SMCDT		Absent		

<b>C/CAG Staff Present (In-Person):</b>	<b>Members of the Public (Remote):</b>
Sean Charpentier – Executive Director	Greg Goodfellow – PlaceWorks
Mima Crume – Clerk of the Board	
Melissa Andrikopoulos – Legal Counsel	
Audrey Shiramizu	
Eva Gaye	
Jeff Lacap	
Kaki Cheung	
Kim Wever	
Reid Bogert	
Susy Kalkin	
Van Ocampo	
<b>C/CAG Staff Present (Remote)</b>	

Other members of the public were in attendance remotely via the Zoom platform or in person.

## 2.0 **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. Members of the public who wish to address the Board should complete a speaker's slip to make a public comment in person or raise their hand in Zoom to speak virtually.

Clerk Crume reported that there were no public comments via the Zoom platform or in person.

## 3.0 **PRESENTATIONS/ ANNOUNCEMENTS**

3.1 None.

## 4.0 **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.

4.1 Approval of minutes of regular business meeting No. 365 dated June 8, 2023.

**APPROVED**



- 4.2 Review and approval of Resolution 23-57, authorizing the C/CAG Executive Director to execute a funding agreement with the City of Brisbane to purchase fiber conduit and install fiber for the Smart Corridor project in an amount not to exceed \$1,156,949, establish a contingency in the amount of \$115,695 (10% of contract) for a total project budget of \$1,272,643, and execute future amendments in an amount not-to-exceed the appropriated contingency. **APPROVED**
- 4.3 Review and approval of Resolution 23-65 for a one-year extension with StreetLight Data, Inc. and authorizing the C/CAG Chair to execute a third amended and restated Memorandum of Understanding (MOU) with participating agencies for one year beginning September 1, 2023, in the amount of \$363,000. **APPROVED**
- 4.4 Review and approval of Resolution 23-66 determining that a proposed five-story life sciences building at 1 Twin Dolphin Dr., Redwood City, is consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport. **APPROVED**
- 4.5 Review and approval of Resolution 23-67 determining that the Foster City Safety Element Update is consistent with both the San Carlos Airport and San Francisco International Airport Land Use Compatibility Plans. **APPROVED**
- 4.6 Review and approval of Resolution 23-68 determining that the Pacifica Draft 2023-2031 Housing Element is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs or San Francisco International Airport. **APPROVED**
- 4.7 Review and approval of Resolution 23-69 authorizing the C/CAG Executive Director to accept a grant with the U.S. Environmental Protection Agency under the San Francisco Bay Water Quality Improvement Fund for a grant amount of \$3,366,000 to complete the Watching Our Watersheds Regional Trash Monitoring Project. **APPROVED**
- 4.8 Receive a copy of the agreement with BlinkTag, Inc. to provide C/CAG website maintenance support services through June 30, 2026, for a total amount not to exceed \$15,000. **INFORMATION**
- 4.9 Review and approval of Resolution 23-70 authorizing the C/CAG Executive Director to execute a Funds Transfer Agreement with California Department of Transportation in the amount of \$760,000 for the San Bruno-Millbrae Buffered Bike Lane project. **APPROVED**
- 4.10 Review and approval of Resolution 23-71 authorizing the filing of an application \$2,100,000 assigned by the Metropolitan Transportation Commission (MTC) and committing \$274,669 in local matching funds and stating the assurance to complete the San Mateo County Safe Routes to School Program for the One Bay Area Grant Program 3 (OBAG 3). **APPROVED**
- 4.11 Review and approval of Resolution 23-72 supporting the submittal of the Allocation Request for Regional Measure 3 Funding in the amount of \$2 million with the Metropolitan Transportation Commission by the San Mateo County Transportation Authority for the Project Approval and Environmental Document Phase of the US 101/SR 92 Interchange Direct Connector Project **APPROVED**

Board Member Salazar MOVED to approve the consent agenda items 4.1 through 4.11.  
Board Member Lewis SECONDED. **MOTION CARRIED 16-0-0**

## 5.0 **REGULAR AGENDA**

- 5.1 Review and approval of Resolution 23-73 accepting the Daly City and Southeast San Mateo County Community-Based Transportation Plans subject to minor modifications.

**APPROVED**

The Board received a presentation on the updated Community Transportation Plan for Daly City and Southeast San Mateo County and to seek approval of a resolution accepting the plans as complete.

Vice Chair Ortiz MOVED to approve item 5.1. Board Member Hedges SECONDED. A roll call vote was taken. **MOTION CARRIED 17-0-0**

- 5.2 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.) **NO ACTION TAKEN**

Executive Director, Sean Charpentier, provided an overview of the items discussed at the Legislative Committee meeting earlier in the evening. Mr. Charpentier mentioned that the State did pass, and the governor signed the budget, that there was discussion related to funding to address the transit fiscal cliff, and that there is a new speaker, Mark Rendon, with some changes to the team, including the addition of Assemblymember Diane Papan. SB 532 (Weiner) was also discussed at length, with the Legislative Committee making and passing motion to send a letter to Senator Weiner voicing concerns about the legislation, including equity, geographic distribution of the revenue. Board Member Papan provided additional context of the discussion. The Legislative Committee chose to monitor SB 532 and send a letter of concern.

## 6.0 **COMMITTEE REPORTS**

- 6.1 Chairperson's Report

Chair Hurt reported there is no C/CAG Board meeting in August. Will plan a retreat in the coming months. Any topics of interests for the retreat to please contact her. She has reminded the Board that the Executive Director's performance evaluation review will take action on September.

- 6.2 Board Members Report/Communication

Board Member Papan/MTC Commissioner reported that RMCP had a meeting and discussed water recycling projects and how it is used. Funding will come up quickly for some cities for similar projects. MTC did not take position on that measure. They were asked not to because there is a split in our legislative's representatives. MTC had a Bay Area Regional Housing Authority meeting this week to discuss the housing bond that relates to the Chu legislation and how much money would be asked for. In addition a

project is home preservations. A pilot program to provide funding for seniors for 2 year period supplementing their income to insure they can stay in their homes now. RFP will be sent out and jurisdictions can partner up to text the program. Hope in the future that this can be expanded to all counties.

Board Member Gauthier/SF Bay Restoration Member announced that the SF Bay Restoration Authority's latest grant round is open. Proposals are open for Habitat projects that aim to restore, protect, or enhance natural habitats on the shoreline in the San Francisco Bay Area; Flood management projects that are part of habitat projects; Public access projects that will provide or improve access or recreational amenities that are part of habitat projects. Full proposals due October 6, 20023.

## **7.0 EXECUTIVE DIRECTOR’S REPORT**

Sean Charpentier reported that we do not have a C/CAG Board meeting in August. He’s added that we submitted a member directed funding request an earmark to Congressman Mullen. One is on housing and transportation appropriation’s budget language and that is \$850K to complete the final design for several of our sustainable green infrastructure projects throughout the county. It is not a done deal yet, will need to be carried forward to the senate and then a final signature. Lastly, we’re working on increasing microphones for board members to use by September.

## **8.0 COMMUNICATIONS – Information Only**

### **8.1 Written Communication – two letters**

## **9.0 ADJOURNMENT – 7:19 p.m.**

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approve the appointments of Andrew Brozyna, Public Works Director from the City of Foster City, and Brad Underwood, Interim Public Works Director from the City of San Mateo, to the C/CAG Congestion Management Program Technical Advisory Committee and Stormwater Committee; and Mohammad Suleiman, District Division Chief - West Region from the California Department of Transportation (Caltrans), to the C/CAG Congestion Management Program Technical Advisory Committee

(For further information contact Kim Wever at [kwever@smcgov.org](mailto:kwever@smcgov.org))

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### RECOMMENDATION

That the C/CAG Board review and approve the appointments of Andrew Brozyna, Public Works Director from the City of Foster City, and Brad Underwood, Interim Public Works Director from the City of San Mateo, to the C/CAG Congestion Management Program Technical Advisory Committee and Stormwater Committee; and Mohammad Suleiman, District Division Chief - West Region from the California Department of Transportation (Caltrans), to the C/CAG Congestion Management Program Technical Advisory Committee.

### FISCAL IMPACT

None.

### BACKGROUND

C/CAG has various Committees that provide advice and recommendations to the full Board on all matters. 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 items related 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 C/CAG's Congestion Management Program Technical Advisory Committee 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.

Due to staffing changes, the City of Foster City 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 Andrew Brozyna, Public Works Director. Mr. Brozyna is replacing Louis Sun, former Public Works Director.

Additionally, the City of San Mateo is recommending a new appointment to the C/CAG's Congestion Management Program Technical Advisory Committee (TAC) and Stormwater Committee. The recommended appointee, as detailed in the attached letter (Attachment 3), is Brad Underwood, Interim Public Works Director, replacing Azalea Mitch, former Public Works Director.

Lastly, the California Department of Transportation (Caltrans) 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 4) is Mohammad Suleiman, District Division Chief - West Region, replacing former appointee Nidal Tuqan, District Division Chief of Caltrans, who retired.

#### **ATTACHMENTS**

1. Current Stormwater Committee Roster and Current Congestion Management Program Technical Advisory Committee Roster
2. Letter recommending appointing Andrew Brozyna to the TAC and Stormwater Committee from Stefan Chatwin, City Manager
3. Letter recommending appointing Brad Underwood to the TAC and Stormwater Committee from Rich Lee, Acting City Manager
4. Letter recommending appointing Mohammad Suleiman to the Stormwater Committee from Dina El-Tawansy, District Director

## ATTACHMENT 1

### Current Stormwater Committee Roster – 2023

<b>Municipality/Agency</b>	<b>Representative</b>
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	Andrew Brozyna (pending)
Half Moon Bay	Maziar Bozorginia
Hillsborough	Paul Willis
Menlo Park	Nikki Nagaya
Millbrae	Sam Bautista
Pacifica	Lisa Petersen
Portola Valley	Howard Young
Redwood City	Vacant
San Bruno	Matthew Lee
San Carlos	Steven Machida
San Mateo	Brad Underwood (pending)
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 – 2023

<b>Agency</b>	<b>Representative</b>
San Mateo County Engineering	Ann Stillman (Co-Chair)
SMCTA / PCJPB / Caltrain	Patrick Gilster
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
Foster City Engineering	Andrew Brozyna (pending)
Half Moon Bay Engineering	Maziar Bozorginia
Hillsborough Engineering	Paul Willis (Co-Chair)
Menlo Park Engineering	Nikki Nagaya
Millbrae Engineering	Sam Bautista
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	Brad Underwood (pending)
South San Francisco Engineering	Eunejune Kim
South San Francisco Planning	Billy Gross
Woodside Engineering	Sean Rose
MTC	James Choe
Caltrans	Mohammad Suleiman (pending)



*City of Foster City*

**ESTERO MUNICIPAL IMPROVEMENT DISTRICT**

610 FOSTER CITY BOULEVARD  
FOSTER CITY, CA 94404-2222

July 5, 2023

Sean Charpentier  
City/County Association of Governments of San Mateo County  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94063

**Subject: Notification of Duly Authorized Representative for the City of Foster City 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 Foster City on the C/CAG Stormwater Subcommittee & Technical Advisory Committee (TAC):

**Authorized Representative: Andrew Brozyna, Director of Public Works**

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

Very truly yours,

Stefan Chatwin  
City Manager

Cc: Andrew Brozyna, Director of Public Works



CITY OF SAN MATEO  
OFFICE OF THE CITY MANAGER



330 W. 20<sup>th</sup> Avenue  
San Mateo, CA 94403  
[www.cityofsanmateo.org](http://www.cityofsanmateo.org)  
(650) 522-7000

August 11, 2023

Mr. Sean Charpentier  
Executive Director  
City/County Association of Governments  
555 County Center, Fifth Floor  
Redwood City, CA 94063

Subject: New Representative Assignment for City of San Mateo

Dear Charpentier:

With this letter I am requesting that Brad Underwood, Interim Public Works Director, be the permanent representative on the C/CAG Technical Advisory Committee (TAC) for the City of San Mateo and associated Storm Water Committee.

Sincerely,

Rich Lee  
Acting City Manager

c: City Council  
Brad Underwood, Interim Public Works Director

## California Department of Transportation

DISTRICT 4  
P.O. BOX 23660, MS-1A | OAKLAND, CA 94623-0660  
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August 8, 2023

Mr. Sean Charpentier  
City/County Association of Governments of San Mateo County  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94063

Dear Mr. Charpentier:

This is to document the person I am authorizing to represent California Department of Transportation (Caltrans) on the C/CAG Technical Advisory Committee (TAC).

Authorized Representative: Mohammad Suleiman, District Division Chief – PM West Region

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

Sincerely,

*Dina El-Tawansy*

DINA A. EL-TAWANSY  
District Director

c: Mohammad Suleiman, District Division Chief – West Region

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of the Finance Committee's recommendation of no change to the investment portfolio and accept the Quarterly Investment Report as of June 30, 2023.

(For further information contact Kim Wever at [kwever@smcgov.org](mailto:kwever@smcgov.org))

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### RECOMMENDATION

That the C/CAG Board review and approve the Finance Committee's recommendation of no change to the investment portfolio and accept the Quarterly Investment Report as of June 30, 2023.

### FISCAL IMPACT

Potential for higher or lower yields and risk associated with C/CAG investments.

### SOURCE OF FUNDS

The Investment portfolio includes all C/CAG funds held by the C/CAG Financial Agent (City of San Carlos).

### BACKGROUND

According to the C/CAG Investment Policy adopted on September 12, 2019:

*"The portfolio should be analyzed not less than quarterly by the C/CAG Finance Committee, and modified as appropriate periodically as recommended by the Finance Committee and approved by the C/CAG Board, to respond to changing circumstances in order to achieve the Safety of Principal."*

The Finance Committee will seek to provide a balance between the various investments and maturities in order to give C/CAG the optimum combination of Safety of Principal, necessary liquidity, and optimal yield based on cash flow projections.

The LAIF Quarter Ending 6/30/23 net interest earning rate is 3.01%  
 San Mateo County Pool Quarter Ending 6/30/23 net interest earning rate is 3.10%

The LAIF's average life is 260 days, or 0.71 of a year. San Mateo County Pool's current average maturity of the portfolio is 1.65 years with an average duration of 1.50 years.

On November 14, 2013 the C/CAG Board approved the C/CAG investment portfolio as follows:

Local Agency Investment Fund (LAIF)	50% to 70%
San Mateo County Investment Pool (COPOOL)	30% to 50%

During the quarterly review on December 2, 2020, the Finance Committee reviewed the investment portfolio and noted the increasing gap between the quarterly interest rate and the net of administrative fees of the LAIF and the COPOOL, with LAIF lagging behind the COPOOL. The Finance Committee recommended no change to the investment portfolio, but guided staff to target LAIF investments to 60% allocation and increase COPOOL investments to 40% allocation dependent upon the changes of the interest rate. On December 10, 2020, the C/CAG Board approved of no change to the range of limits to the C/CAG investment portfolio and approved the Finance Committee's recommendation for staff to target LAIF investments to 60% allocation and increase COPOOL investments to 40% allocation dependent upon the changes of the interest rate.

Investment allocation between LAIF and COPOOL:

	C/CAG BOARD APPROVED IN 2013	FINANCE COMMITTEE GUIDANCE ON 12/2/2020
LAIF	50% to 70%	60%
COPOOL	30% to 50%	40%

On August 23, 2023, the Finance Committee reviewed the investment portfolio and recommend no change to portfolio, but guided staff to continue monitoring the interest rates.

The investment portfolio as of June 30, 2023 is as follows:

	3/31/2023		6/30/2023	
	Amount	Percent	Amount	Percent
LAIF	\$15,558,262	60.0%	\$16,365,013	59.8%
COPOOL	\$10,384,089	40.0%	\$10,997,275	40.2%
Total	\$25,942,351	100%	\$27,362,288	100%

Staff recommends the C/CAG Board to review and approve the Finance Committee's recommendation of no change to the investment portfolio and accept the Quarterly Investment Reports as of June 30, 2023 (Attachment 1). Attachment 2 is an information only summary report that provides an overview on the market and investment statements.

#### ATTACHMENT

1. Quarterly Investment Report as of June 30, 2023 from San Carlos Financial Services Manager
2. C/CAG Investment Portfolio Performance and Composition 2Q 2023

**C/CAG**  
**CITY/COUNTY ASSOCIATION OF GOVERNMENTS**  
 Of San Mateo County

## Board of Directors Agenda Report

**To: Sean Charpentier, Executive Director**  
**From: Paul Harris, Financial Services Manager**  
**Date: August 23, 2023**

**SUBJECT: Quarterly Investment Report as of June 30, 2023**

**RECOMMENDATION:**

It is recommended that the C/CAG Board review and accept the Quarterly Investment Report.

**ANALYSIS:**

The attached investment report indicates that on June 30, 2023, funds in the amount of \$27,362,288 were invested producing a weighted average yield of 3.05%. Of the total investment portfolio, 59.8% of funds were invested in the Local Agency Investment Fund (LAIF) and 40.2% in the San Mateo County Investment Pool (COPOOL). On December 2, 2020, the Finance Committee reviewed the investment portfolio and noted the increasing gap between the quarterly interest rate, net of administrative fees, of LAIF and the COPOOL, with LAIF lagging behind the COPOOL. The Finance Committee recommended no change to the investment portfolio, but guided Staff to target LAIF investments to 60% allocation and increase COPOOL investments to 40% allocation dependent upon the changes of the interest rate. These percentages are within the range specified by the C/CAG Board. The portfolio mix reflects the Board approved percentage invested in the County Investment Pool and LAIF. Accrued interest earnings for this quarter totaled \$204,290.

Below is a summary of the changes from the prior quarter:

	<b>Qtr Ended 6/30/2023</b>	<b>Qtr Ended 3/31/2023</b>	<b>Increase (Decrease)</b>
Total Portfolio	\$ 27,362,288	\$ 25,942,351	\$ 1,419,937
Weighted Average Yield	3.05%	2.55%	0.50%
Accrued Interest Earnings	\$ 204,290	\$ 169,937	\$ 34,353

There was an increase of \$1.42 million in the portfolio balance this quarter compared to the previous quarter mainly due to the timing of cash receipts offset by expenses for Measure M, Bay Area Air Quality, Congestion Relief and Management and Smart Corridor. The higher quarterly interest rate resulted in higher interest earnings for this quarter.

Historical cash flow trends are compared to current cash flow requirements on an ongoing basis to ensure that C/CAG's investment portfolio will remain sufficiently liquid to meet all reasonably anticipated operating requirements. As of June 30, 2023, the portfolio contains sufficient liquidity to meet the next six months of expected expenditures by C/CAG. All

investments are in compliance with the Investment Policy. Attachment 2 shows a historical comparison of the portfolio for the past nine quarters.

The primary objective of the investment policy of C/CAG remains to be the SAFETY OF PRINCIPAL. The permitted investments section of the investment policy also states:

*Local Agency Investment Fund (LAIF) which is a State of California managed investment pool, and San Mateo County Investment pool, may be used up to the maximum permitted by California State Law. A review of the pool/fund is required when they are part of the list of authorized investments.*

The Investment Advisory Committee has reviewed and approved the attached Investment Report.

Attachments

1 – Investment Portfolio Summary for the Quarter June 30, 2023

2 – Historical Summary of Investment Portfolio

## CITY &amp; COUNTY ASSOCIATION OF GOVERNMENTS

## SUMMARY OF ALL INVESTMENTS

For Quarter Ending June 30, 2023

Category	Quarterly Interest Rate**	Historical Book Value	% of Portfolio	GASB 31 ADJ Market Value
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**Liquid Investments:**

Local Agency Investment Fund (LAIF)	3.01%	16,365,013	59.8%	16,116,731
San Mateo County Investment Pool (COPOOL)	3.10%	10,997,275	40.2%	10,683,853

**Agency Securities**

none

<b>Total - Investments</b>	<b>3.05%</b>	<b>27,362,288</b>	<b>100%</b>	<b>26,800,584</b>
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<b>GRAND TOTAL OF PORTFOLIO</b>	<b>3.05%</b>	<b>\$ 27,362,288</b>	<b>100%</b>	<b>\$ 26,800,584</b>
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<b>Total Interest Earned This Quarter</b>	<b>204,290</b>
<b>Total Interest Earned (Loss) Fiscal Year-to-Date</b>	<b>585,293</b>

**Note: CCAG Board approved the following investment portfolio mix at its November 14, 2013 meeting:**

LAIF - 50% to 70%

COPOOL - 30% to 50%

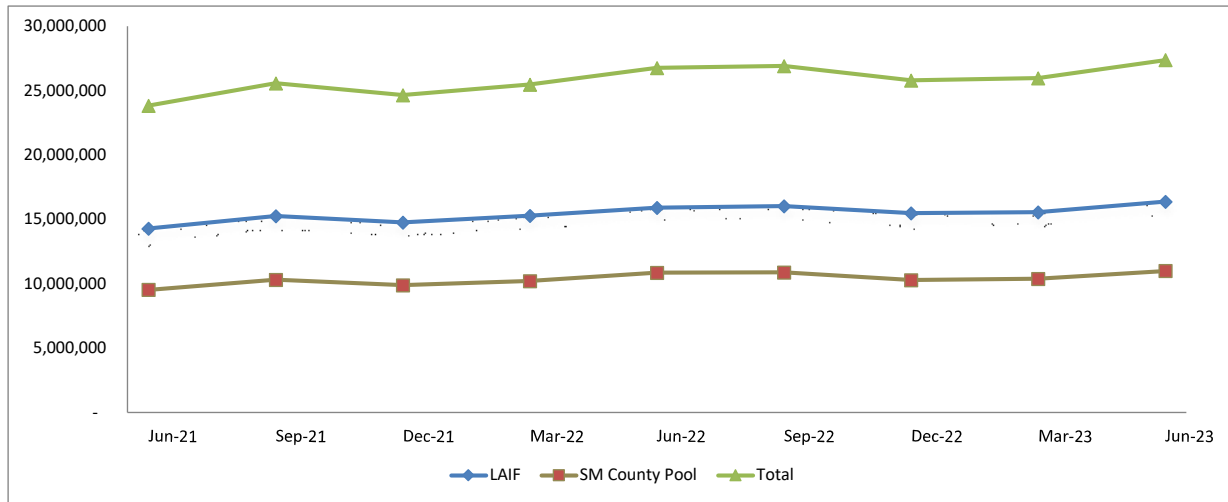
On December 2, 2020, the Finance Committee reviewed the investment portfolio and noted the increasing gap between the quarterly interest rate, net of administrative fees, of LAIF and the COPOOL, with LAIF lagging behind the COPOOL.

The Finance Committee recommended no change to the investment portfolio, but guided Staff to target LAIF investments to 60% allocation and increase COPOOL investments to 40% allocation dependent upon the changes of the interest rate.

\*Difference in value between Historical Value and Market Value may be due to timing of purchase. Investments in the investment pools may have been purchased when interest rates were lower or higher than the end date of this report. As interest rates increase or decrease, the value of the investment pools will decrease or increase accordingly. However, interest rate fluctuations does not have any impact to CCAG's balance in the investment pools. The market values are presented as a reference only.

\*\*Presented net of administrative fees

**City and County Association of Governments**  
**Historical Summary of Investment Portfolio**  
**June 30, 2023**



*Note: The chart type has been changed from Column to Line after receiving feedback from CCAG's Finance Committee*

**City/County Association of Governments Investment Portfolio**

	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23
LAIF	14,283,843	15,245,744	14,754,699	15,263,178	15,900,010	16,028,660	15,480,103	15,558,262	16,365,013
SM County Pool	9,532,812	10,307,116	9,881,668	10,203,262	10,849,975	10,877,624	10,288,794	10,384,089	10,997,275
Total	23,816,655	25,552,860	24,636,367	25,466,440	26,749,985	26,906,284	25,768,897	25,942,351	27,362,288



C/CAG Investment Portfolio Performance and Composition 2Q 2023  
Report Created for Finance Committee Meeting August 23, 2023

Capital Markets Summary 2Q 2023

Mid-year 2023 concluded with the S&P 500 at a 14-month high based on gains spurred by the pause in Fed rate hikes, stronger-than-expected corporate earnings, and resolution of the debt ceiling. Corporate earnings were boosted by enthusiasm around Artificial Intelligence that played out in a strong technology sector. Year-to-date the S&P 500 is up 16.89% which was slightly ahead of international developed markets that posted 12.13% increases. Broad fixed-income markets realized slightly negative returns for the second quarter as investors moved to riskier assets.

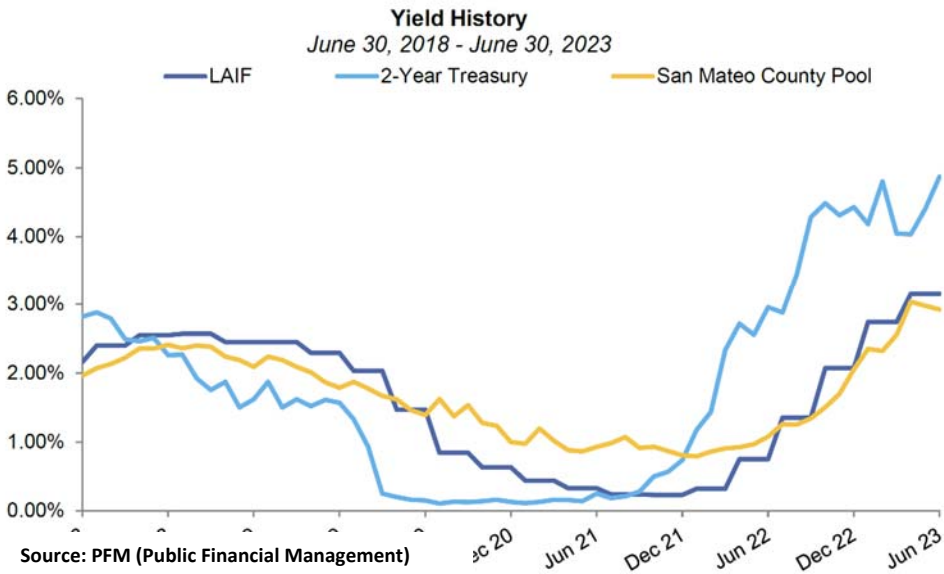
US Treasury Yield Curve & US Treasury Yields Over Time

A closer look at the fixed-income markets indicates that shorter-duration instruments outperformed as bond investors priced in the likely end to near-term Fed rate hikes. The highest quarterly returns were the 1–3-month Treasury sector at about 1.23% for the quarter and 2.33% year-to-date. Additionally, the US Corporate High Yield markets were the highest performing at over 5% year-to-date.

Overall, the yield curve remained mostly flat with the highest yields on the shortest-term instruments. And as shown in the adjacent exhibit, the yields on the 2-Year treasury bills continued to rise and exceed that of the SMC Pool fund and the LAIF. The LAIF pool also continues to be allocated over 63% to US Treasuries while the County pool is approximately 26% in Treasuries and 50% in Government Agency securities and has a small allocation of about 12% to corporate bonds. The two funds continue to hold a diverse array of securities.



Source: PFM (Public Financial Management)



Portfolio Performance 2Q 2023

The C/CAG investment portfolio returns for the second quarter of 2023 were nearly identical with 3.01% for LAIF and 3.10% for the CoPool Fund. Over the quarter the LAIF portfolio extended their duration and also the yield increased to just over 3% while the CoPool saw the monthly effective yield decline slightly to 2.9% with a 1.5-year average duration. The total C/CAG portfolio asset allocation at the end of the second quarter was 59.8% to LAIF and 40.2% to the CoPool Fund, which is within the stated investment policy allocation ranges.

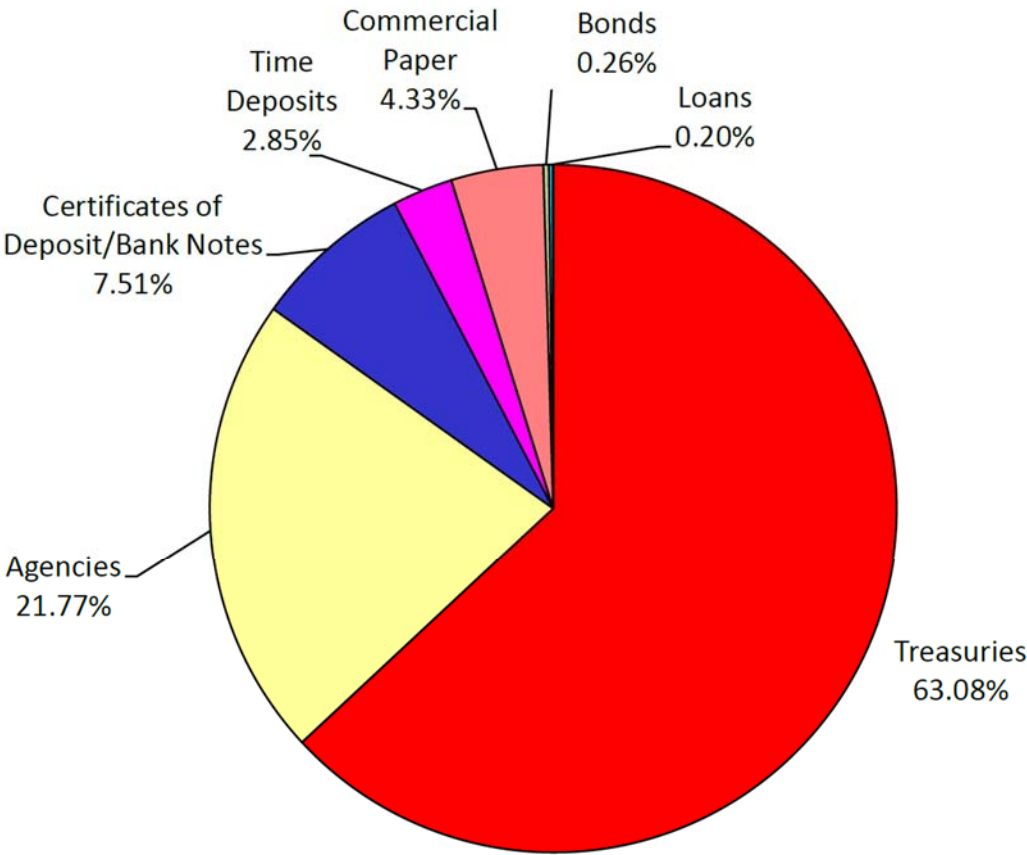
LAIF

PMIA Average Monthly Effective Yields:

April 2023	2.870
May 2023	2.993
June 2023	3.167

PMIA Quarter to Date: 3.01% PMIA Average Life: 260 days or 0.71 years

Portfolio Composition Pie Chart:



Source: PMIA/LAIF Performance Report as of 7/26/2023

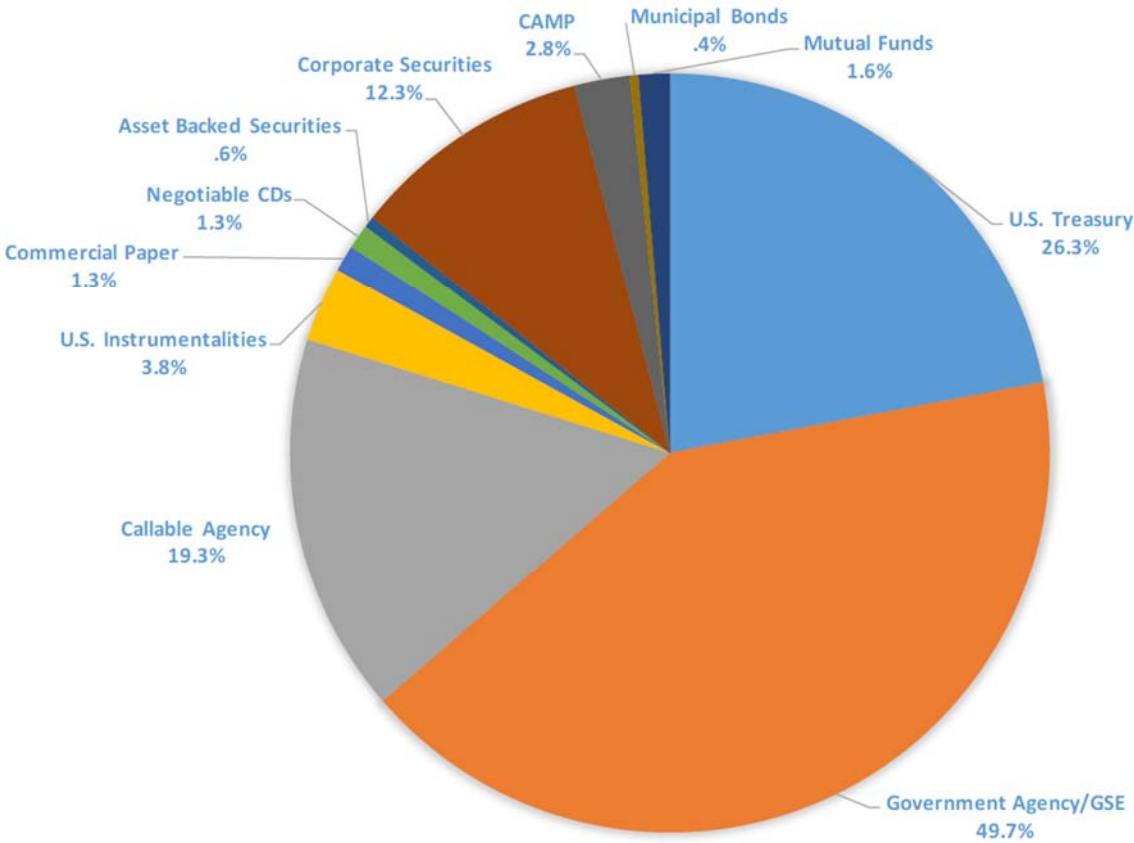
COPOOL

PMIA Average Monthly Effective Yields:

April 2023	3.035
May 2023	2.977
June 2023	2.922

PMIA Quarter to Date: 3.10% PMIA Average Duration: 1.50 years

Portfolio Composition Pie Chart:



## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approve Resolution 23-73 adopting the C/CAG Investment Policy Update

(For further information, contact Sean Charpentier at [scharpentier@smcgov.org](mailto:scharpentier@smcgov.org))

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### RECOMMENDATION

That the C/CAG Board of Directors review and approve Resolution 23-73, adopting the C/CAG Investment Policy update.

### FISCAL IMPACT

Adoption of the Investment Policy may affect the return on investments.

### SOURCE OF FUNDS

The Investment Policy applies to all C/CAG funds held by the C/CAG Financial Agent (City of San Carlos).

### BACKGROUND

The C/CAG Investment Policy stated that the policy shall be reviewed at least annually, and that the C/CAG Board shall adopt the Policy by resolution on an annual basis. The last update of the C/CAG Investment Policy was adopted by the C/CAG Board on September 14, 2022 and again on December 8, 2022 to include the addition of a Socially Responsible Investment Objective. On August 23, 2023, the Finance Committee reviewed and recommended approval of the C/CAG investment policy update.

Previous years' modifications to the policy were made to be consistent with state standards recommended by the California Debt and Investment Advisory Commission (CDIAC). Similarly, this year's proposed modifications to the C/CAG Investment Policy from staff are based on CDIAC guidelines updated on 1/1/2023. In addition to the proposed modifications for consistency, the Finance Committee also recommended modifications to fix typos and clarify definitions. The additional recommended modifications include: changed the maximum for Treasury Obligations back to "N/A"; San Carlos staff investigated this and confirmed the typo; updated the derivatives definition to match SEC's definition; provided clarifications on the investment range; and made other editorial/grammatical changes. All modifications have been changed and shown as a track change on Attachment 2. Staff recommends that the C/CAG Board of Directors review and approve Resolution 23-XX, adopting the C/CAG Investment Policy update.

## **ATTACHMENTS**

1. Resolution 23-73
2. C/CAG Investment Policy update (with track changes)

## **RESOLUTION 23-73**

### **RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY ADOPTING THE C/CAG INVESTMENT POLICY UPDATE**

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

**WHEREAS**, the City of San Carlos is the Fiscal Agent for C/CAG, and

**WHEREAS**, the City of San Carlos invests the C/CAG funds under its control, and

**WHEREAS**, it is important for the C/CAG Board to provide clear Investment Policy direction, and

**WHEREAS**, C/CAG shall review and adopt its investment policy at least annually, and

**WHEREAS**, the proposed C/CAG investment policy update has been reviewed and recommended by its Finance Committee.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Directors of the City/County Association of Governments of San Mateo County that the attached C/CAG Investment Policy is approved and adopted.

**PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF SEPTEMBER 2023.**

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***Davina Hurt, Chair***

**CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY  
(C/CAG)**

**INVESTMENT POLICY**

**Adopted on September 15, 2023**

**POLICY**

The investment of the funds of the City and County Association of Governments (C/CAG) is directed to the goals of safety, liquidity and yield. This Investment Policy incorporates the policies defined by the certified investment policy standards recommended by the California Debt and Investment Advisory Commission (CDIAC). The authority governing investments for municipal governments is set forth in the California Government Code, Sections 53601 through 53686. C/CAG's portfolio shall be designed and managed in a manner responsive to the public trust and consistent with state and local law.

The three objectives, in priority order, of the investment policy of the City and County Association of Governments are:

- 1- **SAFETY OF PRINCIPAL** - The primary objective of the investment policy of the City and County Association of Governments is **SAFETY OF PRINCIPAL**. Investments shall be placed in those securities as outlined by type and maturity sector in this document to achieve this objective. The portfolio should be analyzed not less than quarterly by the C/CAG Finance Committee and modified as appropriate periodically as recommended by the Finance Committee and approved by the C/CAG Board, to respond to changing circumstances in order to achieve the Safety of Principal.
- 2- **LIQUIDITY TO MEET NEEDS** - Effective cash flow management and resulting cash investment practices are recognized as essential to good fiscal management and control. The portfolio should have adequate liquidity to meet the immediate and short term needs.
- 3- **RETURN ON INVESTMENT** - A reasonable return on investment should be pursued. Safety of Principal should not be reduced in order to achieve higher yield.

C/CAG's investment portfolio shall be designed and managed in a manner responsive to the public trust and consistent with State and local law. Portfolio management requires continual analysis and as a result the balance between the various investments and maturities may change in order to give C/CAG the optimum combination of Safety of Principal, necessary liquidity, and optimal yield based on cash flow projections.

**SCOPE**

The investment policy applies to all financial assets of the City and County Association of Governments as accounted for in the Annual Financial Statements. Policy statements outlined in this document focus on C/CAG's pooled funds.

## **PRUDENCE**

The standard to be used by investment officials shall be that of a "prudent investor" and shall be applied in the context of managing all aspects of the overall portfolio. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law.

It is C/CAG's full intent, at the time of purchase, to hold all investments until maturity to ensure the return of all invested principal dollars.

However, it is realized that market prices of securities will vary depending on economic and interest rate conditions at any point in time. It is further recognized that in a well-diversified investment portfolio, occasional measured losses are inevitable due to economic, bond market or individual security credit analysis. These occasional losses must be considered within the context of the overall investment program objectives and the resultant long-term rate of return.

The Administrative Services Director of the City of San Carlos (City) and other individuals assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

## **OBJECTIVES**

### Safety of Principal

Safety of principal is the foremost objective of the City and County Association of Governments. Each investment transaction shall seek to ensure that capital losses are avoided, whether from securities default, broker-dealer default or erosion of market value. C/CAG shall seek to preserve principal by mitigating the two types of risk: credit risk and market risk.

Credit risk, defined as the risk of loss due to failure of the issuer of a security, shall be mitigated by investing in investment grade securities and by diversifying the investment portfolio so that the failure of any one issuer does not unduly harm C/CAG's capital base and cash flow.

Market risk, defined as market value fluctuations due to overall changes in the general level of interest rates, shall be mitigated by limiting the average maturity of C/CAG's investment portfolio to two years, the maximum maturity of any one security to five years, structuring the portfolio based on historic and current cash flow analysis eliminating the need to sell securities prior to maturity and avoiding the purchase of long term securities for the sole purpose of short term speculation.

### Liquidity

Historical cash flow trends are compared to current cash flow requirements on an ongoing basis in an effort to ensure that C/CAG's investment portfolio will remain sufficiently liquid to enable C/CAG to meet all reasonably anticipated operating requirements. The C/CAG Executive Director will provide a projected cash flow schedule in consultation with the C/CAG Chair.

### MATURITY MATRIX

Maturities of investments will be selected based on liquidity requirements to minimize interest rate risk and maximize earnings. Current and expected yield curve analysis will be monitored and the portfolio will be invested accordingly. The weighted average maturity of the pooled portfolio should not exceed two years and the following percentages of the portfolio should be invested in the following maturity sectors:

Maturity Range	
Suggested Percentage	
1 day to 7 days	10 to 50%
7 days to 180	10 to 30%
180 days to 360 days	10 to 30%
1 year to 2 years	10 to 20%
2 years to 3 years	0 to 20%
3 years to 4 years	0 to 20%
4 years to 5 years	0 to 20%

No more than 30% of the portfolio shall have a maturity of 2-5 years.

### **PERFORMANCE EVALUATION**

~~Day-to-day~~Day-to-day management of C/CAG's portfolio is conducted by the C/CAG Fiscal Agent Financial Services Manager. Investment performance is monitored and evaluated by the Fiscal Agent's Investment Committee and provided to the **C/CAG Finance Committee** and C/CAG Board on a quarterly basis. Investment performance statistics and activity reports are generated on a quarterly basis for review by the Fiscal Agent's Investment Committee and presentation to the **C/CAG Finance Committee**, and to the C/CAG Board. Annually, a statement of investment policy, and any proposed changes to the policy, will be rendered to the **C/CAG Finance Committee** and to the C/CAG Board for consideration at a public meeting.

C/CAG's investment portfolio is designed to at least attain a market average rate of return through economic cycles. The market average rate of return is defined as average return on the Local Agency Investment Fund (assuming the State does not adversely affect LAIF's returns due to budget constraints).



## **DELEGATION OF AUTHORITY**

The Joint Powers Authority Agreement of the City and County Association of Governments of San Mateo County and the authority granted by the C/CAG Board, assign the responsibility of investing unexpended cash to the City's Administrative Services Director. Daily management responsibility of the investment program may be delegated to the City's Financial Services Manager, who shall establish procedures for the operation consistent with this investment policy. For the ~~longer-term~~longer-term investments the C/CAG Fiscal Agent shall invest in accordance with the directions provided by C/CAG Board.

## **FISCAL AGENT INVESTMENT COMMITTEE**

An investment committee consisting of the City of San Carlos Treasurer, City Manager, and Administrative Services Director shall be established to provide general oversight and direction concerning the policy related to management of C/CAG's investment pool. The Financial Services Manager shall not be a member of the committee but shall serve in a staff and advisory capacity. The committee shall review and approve quarterly investment reports prepared by the Finance Department and reviewed by the Financial Services Manager or meet as necessary to discuss changes to the report or the investment strategy. The Investment Committee serving as the legislative body of the Investment Policy will have the quarterly reports for their review within ~~forty-five (45)~~thirty (30) days following the end of the quarter covered by the report as per Section 53646 (b)(1) of the California Government Code.

## **ETHICS AND CONFLICTS OF INTEREST**

The **C/CAG Finance Committee**, Officers, and employees involved in the investment process shall refrain from personal business activity that conflicts with proper execution of the investment ~~program, or program or~~ impairs their ability to make impartial investment decisions. ~~Additionally~~Additionally, the Fiscal Agent's Administrative Services Director and the Financial Services Manager are required to annually file applicable financial disclosures (Form 700 etc.) as required by the Fair Political Practices Commission (FPPC).

## **SAFEKEEPING OF SECURITIES**

To protect against fraud or embezzlement or losses caused by collapse of an individual securities dealer, all securities owned by C/CAG shall be held in safekeeping by a ~~third-party~~third-party bank trust department, acting as agent for C/CAG under the terms of a custody agreement. All trades executed by a dealer will settle delivery versus payment (DVP) through C/CAG's safekeeping agent.

A receipt shall be provided for securities held in custody for C/CAG and shall be monitored by the Fiscal Agent's Administrative Services Director to verify investment holdings.

All exceptions to this safekeeping policy must be approved by the Fiscal Agent's Administrative Services Director in written form and included in the quarterly reporting to the C/CAG Board.

## **INTERNAL CONTROL**

Separation of functions between the Fiscal Agent's Administrative Services Director or Financial Services Manager and/or the Senior Accountant is designed to provide an ongoing internal review to prevent the potential for converting assets or concealing transactions.

Investment decisions are made by the Fiscal Agent's Administrative Services Director, executed by the Fiscal Agent's Administrative Services Director or Financial Services Manager and confirmed by the Senior Accountant. All wire transfers initiated by the Fiscal Agent's Administrative Services Director or Financial Services Manager must be reconfirmed by the appropriate financial institution to the Senior Accountant. Proper documentation obtained from confirmation and cash disbursement wire transfers is required for each investment transaction. Timely bank reconciliation is conducted to ensure proper handling of all transactions.

The investment portfolio and all related transactions are reviewed and balanced to appropriate general ledger accounts by the Fiscal Agent's Senior Accountant on a monthly basis. An independent analysis by an external auditor shall be conducted annually to review and perform procedure testing on the Agency's cash and investments that have a material impact on the financial statements. The Fiscal Agent's Administrative Services Director and/or C/CAG Executive Director shall review and assure compliance with investment process and procedures.

## **REPORTING**

The Fiscal Agent's Investment Committee shall review and render quarterly reports to the C/CAG Executive Director and to the C/CAG Board which shall include the face amount of the cash investment, the classification of the investment, the name of the institution or entity, the rate of interest, the maturity date, the current market value and accrued interest due for all securities. The quarterly reports will be submitted to the Fiscal Agent's Investment Committee within forty-five (45) ~~thirty (30)~~ days following the end of the quarter covered by the report as per Section 53646 (b)(1) of the California Government Code. Once approved by the Fiscal Agent's Investment Committee, the report is submitted to the C/CAG Executive Director and the C/CAG Finance Committee for review. The quarterly reports shall be placed on C/CAG's meeting agenda for its review and approval no later than 75 days after the quarter ends. If there are no C/CAG meetings within the 75-day period, the quarterly report shall be presented to the Finance Committee at the soonest possible meeting thereafter.

## **QUALIFIED BROKER/DEALERS**

C/CAG shall transact business only with banks, savings and loans, and with broker/dealers registered with the State of California or the Securities and Exchange Committee. The broker/dealers should be primary or regional dealers. C/CAG and the Fiscal Agent currently do not maintain a list of broker/dealers approved to do business with C/CAG~~the City's~~. When necessary, C/CAG and/or the Fiscal Agent shall go through the Request for Proposal processes to select the broker/dealers. Investment staff shall investigate dealers wishing to do business with C/CAG's staff to determine if they are adequately capitalized, have pending legal action against the firm or the individual broker and make markets in the securities appropriate to C/CAG's needs. C/CAG's investment policy shall be made available on C/CAG's website.

## **COLLATERAL REQUIREMENTS**

Collateral is required for investments in certificates of deposit. In order to reduce market risk, the collateral level will be at least 110% of market value of principal and accrued interest. Collaterals should be held by an independent third party. Collaterals should be required for investments in CDs in excess of FDIC insured amounts.

## **AUTHORIZED INVESTMENTS**

Investment of C/CAG's funds is governed by the California Government Code Sections 53600 et seq. The level of investment in all areas will be reviewed by the C/CAG Executive Director. Within the context of the limitations, the following investments are authorized, as further limited herein:

1. United States Treasury Bills, Bonds, and Notes or those for which the full faith and credit of the United States are pledged for payment of principal and interest. There is no percentage limitation of the portfolio that can be invested in this category, although a five-year maturity limitation is applicable.
2. Local Agency Investment Fund (LAIF) which is a State of California managed investment pool, may be used up to the maximum permitted by California State Law. A review of the pool/fund is required when they are part of the list of authorized investments, with the knowledge that the pool/fund may include some investments allowed by statute but not explicitly identified in this investment policy.
3. San Mateo County Investment Pool may be used up to the maximum permitted by California State Law. A review of the pool/fund is required when they are part of the list of authorized investments, with the knowledge that the pool/fund may include some investments allowed by statute but not explicitly identified in this investment policy.

**Socially Responsible Investment.** In addition to and while complying with California Government Code provisions that regulate the investment of public funds (which require that, when managing and investing public funds, the objectives shall be, primarily, to safeguard principal of invested funds; secondarily, to meet the liquidity needs of the local government; and third, to achieve a return on invested funds), C/CAG recognizes the importance of socially responsible investing. C/CAG supports that the County's Treasurer will consider and promote investment in authorized issuers that display adherence to strong environmental, social and governance (ESG) principles, including but not limited to, environmental sustainability, social and economic justice, and good corporate governance. The County's Socially Responsible Investment Objectives can be found on page 3 of the [San Mateo County Investment Policy Statement](#).

4. Obligations issued by the Government National Mortgage Association (GNMA), the Federal National Mortgage Association (FNMA), and the Federal Home Loan Mortgage Corporation (FHLMC). A mortgage passthrough security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable passthrough certificate, or consumer receivable-backed

bond has a maximum five years' maturity. Securities eligible for investment under this subdivision shall be rated in a rating category of "AA" or its equivalent or better by a nationally recognized statistical rating organization (NRSRO) and have a maximum remaining maturity of five years or less. Purchase of securities authorized by this subdivision shall not exceed 20% ~~percent~~ of the agency's surplus moneys that may be invested pursuant to this section. However, on August 28, 2019, the C/CAG Finance Committee rejected a modification to this provision which would allow a public agency to invest in mortgage-backed securities. Therefore, mortgage pass-through securities and mortgage-backed securities are disallowed investments unless as part of LAIF or County Pool investments, which are governed by Government Code 16429.1 and 53684, respectively.

5. Bills of exchange or time drafts drawn on and accepted by commercial banks, otherwise known as bankers' acceptances. Bankers' acceptances purchased may not exceed 180 days to maturity or 2540% of the cost value of the portfolio. Also, no more than 530% of the agency's money may be in bankers' acceptances of any one commercial bank.
6. Commercial paper ranked the highest letter and number rating by a Nationally Recognized Statistical Rating Organization (NRSRO), such as Standard & Poor's Ratings Services, Moody's Investors Services, or Fitch Ratings, Inc., and issued by domestic corporations having assets in excess of \$500,000,000 and having an A or better rating on its long term debentures as provided by NRSRO. Purchases of eligible commercial paper may not exceed 270 days to maturity ~~nor represent more than 10% of the outstanding paper of the issuing corporation~~. Purchases of commercial paper may not exceed 25% of the value of the portfolio. The amount invested in commercial paper of any one issuers in combination with any other securities from that issuer shall not be exceed 5% of the portfolio.
7. Negotiable Certificates of Deposit issued by nationally or state-~~chartered~~ banks (FDIC insured institutions) or state or federal savings institutions. Purchases of negotiable certificates of deposit may not exceed 30% of total portfolio. A maturity limitation of five years is applicable. The amount invested in NCD's with any one financial institution in combination with any other securities from that financial institution shall not exceed 5% of the portfolio.
8. Time deposits or placement service deposits, non-negotiable and collateralized in accordance with the California Government Code, may be purchased through banks or savings and loan associations. Since time deposits are not liquid, no more than 50% (effective January 1, 2020) of the investment portfolio may be invested in this investment type. A maturity limitation of five years is applicable. Effective January 1, 2020, no more than 50 percent of the agency's money may be invested in deposits, including certificates of deposit, through a placement service as authorized under 53601.8 (excludes negotiable certificates of deposit authorized under Section 53601(i)). On January 1, 2026, the maximum percentage of the portfolio reverts back to 30% ~~percent~~. Investments made pursuant to 53635.8 remain subject to a maximum of 30% ~~percent~~ of the portfolio.
9. Medium Term Corporate Notes, with a maximum maturity of five years may be purchased. Securities eligible for investment shall be rated "A" or better by an NRSRO. Purchase of medium-term notes may not exceed 30% of the market value of the portfolio. The amount invested in the medium-term notes of any one issuer in combination with any other

securities from the issuer shall not exceed 5% of the portfolio.

10. Ineligible investments are those that are not described herein, including but not limited to, common stocks and long term (over five years in maturity) notes and bonds are prohibited from use in this portfolio. It is noted that special circumstances may arise that necessitate the purchase of securities beyond the five-year limitation. On such occasions, requests must be reviewed by the C/CAG Executive Director and approved by the C/CAG Board prior to purchase.
11. Various daily money market funds administered for or by trustees, paying agents and custodian banks contracted by the City and County Association of Governments may be purchased as allowed under State of California Government Code. Only funds holding U.S. Treasury or Government agency obligations can be utilized. A maximum of 10% of the portfolio may be invested in this category.

The following summary of maximum percentage limits, by instrument, is established for C/CAG's total pooled funds portfolio:

Authorized Investment Type	Government Code	Maximum Maturity	Minimum Credit Quality	Maximum in Portfolio	Maximum Investment in One Issuer
Local Agency Investment Fund (LAIF)	16429.1	Upon Demand	N/A	As approved by the C/CAG Board but no more than \$75 million permitted by LAIF.	<del>0</del> N/A
San Mateo County Investment Pool	53684	Upon Demand	N/A	As approved by the C/CAG Board	<del>0</del> N/A
Treasury Obligations (bills, notes & bonds)	53601(b)	5 Years	N/A	100%	<del>10</del> %N/A
US Government Agency and Federal Agency Securities	53601(f)	5 Years	N/A	100%	N/A
Bankers' Acceptances	53601(g)	180 Days	N/A	<del>25</del> 40 %	(B)
Commercial Paper	53601(h)	270 Days	Highest letter and number rating by an NRSRO	25%	(A)
Negotiable Certificates of Deposit	53601(i)	5 Years	N/A	30%	<del>5</del> %N/A
Placement Service Deposits – Deposits or Certificates of Deposits	53601.8 and 53635.8	5 Years	N/A	50%	N/A

**Commented [RM1]:** Should this have the percentages allowed? Is "as approved by the board" defined somewhere?

Same comment for SMC Pool

**Commented [TM2R1]:** See Note C I added

**Commented [RM3R1]:** Ok thanks

Medium Term Corporate Notes	53601(k)	5 Years	A	30%	<u>5%</u> <del>N/A</del>
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(A) ~~540%~~ of outstanding paper of issuing corporation.

(B) No more than ~~530%~~ of the agency's money may be in bankers' acceptances of any one commercial bank.

(C) C/CAG Board approved the investment portfolio mix on November 13, 2013.

LAIF - 50% to 70%

COPOOL - 30% to 50%

~~(B) The Finance Committee guided staff to target LAIF investment to 60% allocation and COPOOL investments to 40% allocation.~~

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## DERIVATIVE INVESTMENTS

~~Derivatives are investments whose value is "derived" from a benchmark or index. That benchmark can be almost any financial measure from interest rates to commodity and stock prices.~~ The use of derivatives is prohibited under this policy. Derivatives are financial instruments whose performance is derived, at least in part, from the performance of an underlying asset, security or index.

## LEGISLATIVE CHANGES

Any State of California legislative action that further restricts allowable maturities, investment type, or percentage allocations will be incorporated into the City and County Association of Governments' Investment Policy and supersede any and all previous applicable language.

## INTEREST EARNINGS

All ~~monneys~~money earned and collected from investments authorized in this policy shall be allocated quarterly based on the cash balance in each fund at quarter end as percentage of the entire pooled portfolio.

## LIMITING MARKET VALUE EROSION

The longer the maturity of securities, the greater is their market price volatility. Therefore, it is the general policy of C/CAG to limit the potential effects from erosion in market values by adhering to the following guidelines:

All immediate and anticipated liquidity requirements will be addressed prior to purchasing all investments.

Maturity dates for long-term investments will coincide with significant cash flow requirements where possible, to assist with short term cash requirements at maturity.

All long-term securities will be purchased with the intent to hold all investments to maturity under then prevailing economic conditions. However, economic or market conditions may change, making it in C/CAG's best interest to sell or trade a security prior to maturity.

## PORTFOLIO MANAGEMENT ACTIVITY

The investment program shall seek to augment returns consistent with the intent of this policy, identified risk limitations and prudent investment principals. These objectives will be achieved by use of the following strategies:



Active Portfolio Management. Through active fund and cash flow management, taking advantage of current economic and interest rate trends, the portfolio yield may be enhanced with limited and measurable increases in risk by extending the weighted maturity of the total portfolio.

Portfolio Maturity Management. When structuring the maturity composition of the portfolio, C/CAG shall evaluate current and expected interest rate yields and necessary cash flow requirements. It is recognized that in normal market conditions longer maturities produce higher yields. However, the securities with longer maturities also experience greater price fluctuations when the level of interest rates change.

Security Swaps. C/CAG may take advantage of security swap opportunities to improve the overall portfolio yield. A swap, which improves the portfolio yield, may be selected even if the transactions result in an accounting loss. Documentation for swaps will be included in C/CAG's permanent investment file documents. No swap may be entered into without the approval of the C/CAG Executive Director and the C/CAG Board.

Competitive Bidding. It is the policy of C/CAG to require competitive bidding for investment transactions that are not classified as "new issue" securities. For the purchase of non-"new issue" securities and the sale of all securities at least three bidders must be contacted. Competitive bidding for security swaps is also suggested, however, it is understood that certain time constraints and broker portfolio limitations exist which would not accommodate the competitive bidding process. If a time or portfolio constraining condition exists, the pricing of the swap should be verified to current market conditions and documented for auditing purposes.

~~Socially Responsible Investment. In addition to and while complying with California Government Code provisions that regulate the investment of public funds (which require that, when managing and investing public funds, the objectives shall be, primarily, to safeguard principal of invested funds; secondarily, to meet the liquidity needs of the local government; and third, to achieve a return on invested funds), C/CAG recognizes the importance of socially responsible investing. C/CAG supports that the County's Treasurer will consider and promote investment in authorized issuers that display adherence to strong environmental, social and governance (ESG) principles, including but not limited to, environmental sustainability, social and economic justice, and good corporate governance. The County's Socially Responsible Investment Objectives can be found on page 3 of the San Mateo County Investment Policy Statement.~~

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## POLICY REVIEW

The City/County Association of Governments' investment policy shall be adopted by resolution of the C/CAG Board on an annual basis. This investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. The Investment Policy, including any amendments to the policy shall be forwarded to the C/CAG Board for approval.

## **Glossary of Terms**

Accrued Interest- Interest earned but not yet received.

Active Deposits- Funds which are immediately required for disbursement.

Amortization- An accounting practice of gradually decreasing (increasing) an asset's book value by spreading its depreciation (accretion) over a period of time.

Asked Price- The price a broker dealer offers to sell securities.

Basis Point- One basis point is one hundredth of one percent (.01).

Bid Price- The price a broker dealer offers to purchase securities.

Bond- A financial obligation for which the issuer promises to pay the bondholder a specified stream of future cash flows, including periodic interest payments and a principal repayment.

Bond Swap - Selling one bond issue and buying another at the same time in order to create an advantage for the investor. Some benefits of swapping may include tax-deductible losses, increased yields, and an improved quality portfolio.

Book Entry Securities - Securities, such stocks held in "street name," that are recorded in a customer's account, but are not accompanied by a certificate. The trend is toward a certificate-free society in order to cut down on paperwork and to diminish investors' concerns about the certificates themselves. All the large New York City banks, including those that handle the bulk of the transactions of the major government securities dealers, now clear most of their transactions with each other and with the Federal Reserve through the use of automated telecommunications and the "book-entry" custody system maintained by the Federal Reserve Bank of New York. These banks have deposited with the Federal Reserve Bank a major portion of their government and agency securities holdings, including securities held for the accounts of their customers or in a fiduciary capacity. Virtually all transfers for the account of the banks, as well as for the government securities dealers who are their clients, are now effected solely by bookkeeping entries. The system reduces the costs and risks of physical handling and speeds the completion of transactions.

Bearer and Registered Bonds - In the past, bearer and registered bonds were issued in paper form. Those still outstanding may be exchanged at any Federal Reserve Bank or branch for an equal amount of any authorized denomination of the same issue. Outstanding bearer bonds are interchangeable with registered bonds and bonds in "book-entry" form. That is, the latter exist as computer entries only and no paper securities are issued. New bearer and registered bonds are no longer being issued. Since August 1986, the Treasury's new issues of marketable notes and bonds are available in book-entry form only. All Treasury bills and more than 90% of all other marketable securities are now in book-entry form. Book-entry obligations are transferable only pursuant to regulations prescribed by the Secretary of the Treasury.

**Book Value-** The value at which a debt security is shown on the holder's balance sheet. Book value is acquisition cost less amortization of premium or accretion of discount.

**Broker -** In securities, the intermediary between a buyer and a seller of securities. The broker, who usually charges a commission, must be registered with the exchange in which he or she is trading, accounting for the name registered representative.

**Certificate of Deposit-** A deposit insured up to \$250,000 by the FDIC at a set rate for a specified period of time.

**Collateral-** Securities, evidence of deposit or pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public moneys.

**Constant Maturity Treasury (CMT)-** An average yield of a specific Treasury maturity sector for a specific time frame. This is a market index for reference of past direction of interest rates for the given Treasury maturity range.

**Coupon-** The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value.

**County Pool-** County of San Mateo managed investment pool.

**Credit Analysis-** A critical review and appraisal of the economic and financial conditions or of the ability to meet debt obligations.

**Current Yield-** The interest paid on an investment expressed as a percentage of the current price of the security.

**Custody-** A banking service that provides safekeeping for the individual securities in a customer's investment portfolio under a written agreement which also calls for the bank to collect and pay out income, to buy, sell, receive and deliver securities when ordered to do so by the principle.

**Delivery vs. Payment (DVP)-** Delivery of securities with a simultaneous exchange of money for the securities.

**Discount-** The difference between the cost of a security and its value at maturity when quoted at lower than face value.

**Diversification-** Dividing investment funds among a variety of securities offering independent returns and risk profiles.

**Duration-** The weighted average maturity of a bond's cash flow stream, where the present value of the cash flows serve as the weights; the future point in time at which on average, an investor has received exactly half of the original investment, in present value terms; a bond's zero-coupon equivalent; the fulcrum of a bond's present value cash flow time line.

Fannie Mae- Trade name for the Federal National Mortgage Association (FNMA), a U.S. sponsored corporation.

Federal Reserve System- The central bank of the U.S. that consists of a seven member Board of Governors, 12 regional banks and approximately 8,000 commercial banks that are members.

Federal Deposit Insurance Corporation (FDIC)- Insurance provided to customers of a subscribing bank that guarantees deposits to a set limit (currently \$250,000) per account.

Fed Wire- A wire transmission service established by the Federal Reserve Bank to facilitate the transfer of funds through debits and credits of funds between participants within the Fed system.

Fiscal Agent - The organization that is essentially the checkbook for C/CAG funds.

Freddie Mac- Trade name for the Federal Home Loan Mortgage Corporation (FHLMC), a U.S. sponsored corporation.

Ginnie Mae- Trade name for the Government National Mortgage Association (GNMA), a direct obligation bearing the full faith and credit of the U.S. Government.

Inactive Deposits- Funds not immediately needed for disbursement.

Interest Rate- The annual yield earned on an investment, expressed as a percentage.

Investment Agreements- An agreement with a financial institution to borrow public funds subject to certain negotiated terms and conditions concerning collateral, liquidity and interest rates.

Local Agency Investment Fund (LAIF) - State of California managed investment pool.

Liquidity- Refers to the ability to rapidly convert an investment into cash.

Market Value- The price at which a security is trading and could presumably be purchased or sold.

Maturity- The date upon which the principal or stated value of an investment becomes due and payable.

Nationally Recognized Statistical Rating Organization (NRSRO)- A U.S. Securities & Exchange Commission registered agency that assesses the creditworthiness of an entity or specific security. NRSRO typically refers to Standard and Poor's Ratings Services, Fitch Ratings, Inc. or Moody's Investors Services.

New Issue- Term used when a security is originally "brought" to market.

Perfected Delivery- Refers to an investment where the actual security or collateral is held by an independent third party representing the purchasing entity.

Portfolio- Collection of securities held by an investor.

**Primary Dealer-** A group of government securities dealers that submit daily reports of market activity and security positions held to the Federal Reserve Bank of New York and are subject to its informal oversight.

**Purchase Date-** The date in which a security is purchased for settlement on that or a later date.

**Rate of Return-** The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

**Repurchase Agreement (REPO)-** A transaction where the seller (bank) agrees to buy back from the buyer (C/CAG) the securities at an agreed upon price after a stated period of time.

**Reverse Repurchase Agreement (REVERSE REPO)-** A transaction where the seller (C/CAG) agrees to buy back from the buyer (bank) the securities at an agreed upon price after a stated period of time.

**Risk-** Degree of uncertainty of return on an asset.

**Safekeeping-** see custody.

**Sallie Mae-** Trade name for the Student Loan Marketing Association (SLMA), a U.S. sponsored corporation.

**Secondary Market-** A market made for the purchase and sale of outstanding issues following the initial distribution.

**Settlement Date-** The date on which a trade is cleared by delivery of securities against funds.

**Time Deposit -** A deposit in an interest-paying account that requires the money to remain on account for a specific length of time. While withdrawals can generally be made from a passbook account at any time, other time deposits, such as certificates of deposit, are penalized for early withdrawal.

**Treasury Obligations-** Debt obligations of the U.S. Government that are sold by the Treasury Department in the forms of bills, notes, and bonds. Bills are short-term obligations that mature in one year or less. Notes are obligations that mature between one year and ten years. Bonds are long-term obligations that generally mature in ten years or more.

**U.S. Government Agencies-** Instruments issued by various US Government Agencies most of which are secured only by the credit worthiness of the particular agency.

**Yield-** The rate of annual income return on an investment, expressed as a percentage. It is obtained by dividing the current dollar income by the current market price of the security.

**Yield to Maturity-** The rate of income return on an investment, minus any premium or plus any discount, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond, expressed as a percentage.

Yield Curve- The yield on bonds, notes or bills of the same type and credit risk at a specific date for maturities up to thirty years.

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-74 determining that a proposed 5-story, 103-unit apartment building at 608 Harbor Blvd., Belmont, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.

(For further information please contact Susy Kalkin at [kkalkin@smcgov.org](mailto:kkalkin@smcgov.org))

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### RECOMMENDATION

That the C/CAG Board of Directors, acting as the San Mateo County Airport Land Use Commission (ALUC), approve Resolution 23-74 determining that a proposed 5-story, 103-unit apartment building at 608 Harbor Blvd., Belmont, is conditionally consistent with the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport* (San Carlos ALUCP), subject to the following conditions:

- Prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of Belmont an FAA “Determination of No Hazard”.
- The City of Belmont shall require that the project sponsor comply with the real estate disclosure requirements outlined in Overflight Policy 1 of the San Carlos ALUCP.
- The City of Belmont shall require that the project sponsor comply with the Overflight Notification Requirements outlined in Overflight Policy 2 of the San Carlos ALUCP, as amended in October 2022. Final project approval shall include a condition to incorporate a recorded ‘Overflight Notification’ on any residential parcel as a condition of approval in order to provide a permanent form of overflight notification to all future property owners. (An example for the Overflight Notification to be used to fulfill this condition is included in the San Carlos ALUCP, Appendix E, Exhibit E-4.)

### BACKGROUND

Belmont is processing an application for redevelopment of a 0.71-acre site located on the northwest side of Harbor Blvd, between Old County Road and Elmer St. The site is currently unincorporated but would be annexed to Belmont as part of the overall entitlement application. The proposal includes demolition of existing site improvements and construction of a 5-story, 103-unit apartment building.

The project falls within Airport Influence Area (AIA) B, the Project Referral Area for San Carlos Airport and is subject to ALUC review pursuant to California Public Utilities Code (PUC) Section 21676.5(a), as Belmont has not brought its General Plan and Zoning Ordinance fully into compliance with the ALUCP. Accordingly, Belmont has referred the subject project for a determination of consistency with the San Carlos ALUCP.

## **DISCUSSION**

### **I. ALUCP Consistency Evaluation**

Four sets of airport/land use compatibility policies in the San Carlos ALUCP relate to the proposed project: (a) noise compatibility policies and criteria, (b) safety policies and criteria, (c) airspace protection policies and (d) overflight compatibility. The following sections address each issue.

#### **(a) Noise Policy Consistency**

The 60 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the threshold for airport noise impacts established in the San Carlos ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the ALUCP.

As shown on San Carlos ALUCP Exhibit 4-2, **Attachment 3**, the subject property lies outside the bounds of the 60 dB CNEL contour and, therefore, the project is consistent with the San Carlos ALUCP noise policies and criteria.

#### **(b) Safety Policy Consistency**

**Runway Safety Zones** - The San Carlos ALUCP includes six sets of safety zones and related land use compatibility policies and criteria. As shown on San Carlos ALUCP Exhibit 4-3, **Attachment 4**, the project site is located within Safety Zone 6. Per San Carlos ALUCP Safety Policy 2, new residential development within Safety Zone 6 is compatible and is not restricted for safety reasons.

#### **(c) Airspace Protection Policy Consistency**

##### Structures Heights

The San Carlos ALUCP incorporates the provisions in Title 14 of the Code of Federal Regulations Part 77 (14 CFR Part 77), "Objects Affecting Navigable Airspace," as amended, to establish height restrictions and federal notification requirements related to proposed development within the 14 CFR Part 77 airspace boundaries for San Carlos Airport.

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height of the controlling airspace protection surface shown on Exhibit 4-4, or 2) the maximum height determined to not be a "hazard to air navigation" by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

The proposed structure would have a maximum height of 65 ft. With a ground elevation of approximately 30 feet above mean sea level (AMSL), the overall maximum structure height would therefore be approximately 95 feet AMSL. As shown on San Carlos ALUCP Exhibit 4-4, **Attachment 5**, the Part 77 Airspace Protection Surface lies at approximately 155 ft AMSL, so the



proposed project would be well below this surface, in compliance with the Airspace Protection policies of the ALUCP. However, as shown on San Carlos on ALUCP Exhibit 4-4a, **Attachment 6**, the proposed project is located in an area that requires filing of Form 7460-1 with the FAA for its review and hazard determination. As a result, the following condition is recommended:

- Prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of Belmont an FAA “Determination of No Hazard”.

#### Other Flight Hazards

Within AIA B, certain land use characteristics are recognized as hazards to air navigation and, per Airspace Protection Policy 6, need to be evaluated to ensure compatibility with FAA rules and regulations. These characteristics include the following:

- Sources of glare, such as highly reflective buildings, building features, or blight lights including search lights, or laser displays, which would interfere with the vision of pilots in command of an aircraft in flight;
- Distracting lights that could be mistaken for airport identification lightings, runway edge lighting, runway end identification lighting, or runway approach lighting;
- Sources of dust, smoke, water vapor, or steam that may impair the visibility of a pilot in command of and aircraft in flight;
- Sources of electrical/electronic interference with aircraft communications/navigation equipment; or
- Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including but not limited to *FAA Order 5200.5A, Waste Disposal Site On or Near Airports* and *FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports* and any successor or replacement orders or advisory circulars.

The proposed project does not include any features that would present unusual hazards to air navigation and therefore is determined to be compatible with Airspace Protection Policy 6.

#### **(d) Overflight Compatibility Consistency**

The San Carlos ALUCP contains two policies regarding overflight compatibility which are generally “buyer awareness” measures focused on informing prospective buyers and/or tenants of property within the vicinity of an airport about the airport’s impact on the property. Overflight Policy 1 – *Real Estate Transfer Disclosure*, requires that a notice of potential for overflights be included among the disclosures made during real estate transactions. Overflight Policy 2 – *Overflight Notification Zone 2* requires that all new residential development projects, other than additions and accessory dwelling units (ADUs), within Overflight Notification Zone 2 (AIA B) incorporate a recorded overflight notification requirement as a condition of approval.

The project is located within both the Airport Influence Area (AIA) A & B boundaries for San Carlos Airport, so is subject to the requirements of both Overflight Policies. While the application materials reference compliance with these policies in general, the following conditions are recommended to clarify the specific requirements:

- The City of Belmont shall require that the project sponsor comply with the real estate disclosure requirements outlined in Overflight Policy 1 of the San Carlos ALUCP.
- The City of Belmont shall require that the project sponsor comply with the Overflight Notification Requirements outlined in Overflight Policy 2 of the San Carlos ALUCP, as amended in October 2022. Final project approval shall include a condition to incorporate a recorded ‘Overflight Notification’ on any residential parcel as a condition of approval in order to provide a permanent form of overflight notification to all future property owners. (An example for the Overflight Notification to be used to fulfill this condition is included in the San Carlos ALUCP, Appendix E, Exhibit E-4.)

### ***Airport Land Use Committee***

The Airport Land Use Committee discussed this item at its August 24, 2023 meeting, and recommended that it be determined consistent with the San Carlos ALUCP subject to the noted conditions.

### **ATTACHMENTS**

1. Resolution 23-74

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

2. ALUCP application, together with related project description and exhibits.
3. San Carlos ALUCP Exh. 4-2 – Future Conditions (2035) Aircraft Noise Contours
4. San Carlos ALUCP Exh. 4-3 – Safety Zones.
5. San Carlos ALUCP Exh. 4-4 – Airspace Protection Surfaces
6. San Carlos ALUCP Exh. 4-4b – FAA Notification Reqs.

## RESOLUTION 23-74

**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 A PROPOSED 5-STORY, 103-UNIT APARTMENT BUILDING AT 608 HARBOR BLVD., BELMONT, IS CONDITIONALLY CONSISTENT WITH THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN CARLOS 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**, per the requirements of California Public Utilities Code (PUC) Section 21676.5(a), until a local agency has brought is General Plan, Zoning Ordinance and/or any affected specific plan into compliance with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan the local agency shall refer all proposed development and land use policy actions that affect property within Airport Influence Area (AIA) B, the Project Referral Area, to the ALUC for a consistency determination; and

**WHEREAS**, the City of Belmont is processing an application for a 103-unit apartment building at 608 Harbor Blvd. and, in accordance with PUC Section 21676.5(a), has referred the project 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 Carlos Airport* (San Carlos ALUCP); and

**WHEREAS**, four airport/land use compatibility factors are addressed in the San Carlos ALUCP that relate to the project, including: (a) noise compatibility, (b) safety compatibility, (c) airspace protection compatibility, and (d) overflight compatibility, as discussed below:

- (a) Noise Compatibility – The 60 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the threshold for airport noise impacts established in the San Carlos ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the ALUCP. Per San Carlos ALUCP Exhibit 4-2, the subject property lies outside the bounds of the 60 dB CNEL contour and is therefore consistent with the San Carlos ALUCP noise policies and criteria.
- (b) Safety Compatibility – The San Carlos ALUCP includes six sets of safety zones and related land use compatibility policies and criteria. Per San Carlos ALUCP Exhibit 4-3, the project site is located within Safety Zone 6. In accordance with San Carlos ALUCP Safety Policy 2, new residential development within Safety Zone 6 is compatible and is not restricted for safety reasons, so the proposed project is consistent with the safety policies and criteria.
- (c) Airspace Protection Compatibility – In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height of the controlling airspace protection surface shown on Exhibit 4-4; or 2) the maximum height

determined to not be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

The proposed structure would have an overall maximum height of approximately 95 feet above mean sea level (AMSL). Per San Carlos ALUCP Exhibit 4-4, the Part 77 Airspace Protection Surface lies at approximately 155 ft AMSL, so the proposed project would be below this surface, in compliance with the Airspace Protection policies of the ALUCP. Per San Carlos ALUCP Exhibit 4-4a, the project sponsor is required to file Form 7460-1 with the FAA for a hazard determination. This requirement is included as a condition of this consistency determination and is included in Exhibit A, attached.

- (d) Overflight Compatibility – The San Carlos ALUCP contains two policies regarding overflight compatibility: Overflight Policy 1 – *Real Estate Transfer Disclosure* and Overflight Policy 2 – *Overflight Notification Zone 2*. As the application materials do not reflect the real estate disclosure requirements, conditions are included in Exhibit A to ensure compliance.

**WHEREAS**, at its August 24, 2023 meeting, based on the factors listed above and subject to the conditions 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 project be found consistent with the policies and criteria of the San Carlos ALUCP.

**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 proposed apartment building at 608 Harbor Blvd., Belmont, is determined to be consistent with the policies and criteria contained in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport*.

**PASSED, APPROVED, AND ADOPTED, THIS 14<sup>TH</sup> DAY OF SEPTEMBER 2023.**

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***Davina Hurt, Chair***

**Resolution 23-74 – Conditions of Consistency Determination:**

1. Prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of Belmont an FAA “Determination of No Hazard”.
2. The City of Belmont shall require that the project sponsor comply with the real estate disclosure requirements outlined in Overflight Policy 1 of the San Carlos ALUCP.
3. The City of Belmont shall require that the project sponsor comply with the Overflight Notification Requirements outlined in Overflight Policy 2 of the San Carlos ALUCP, as amended in October 2022. Final project approval shall include a condition to incorporate a recorded ‘Overflight Notification’ on any residential parcel as a condition of approval in order to provide a permanent form of overflight notification to all future property owners. (An example for the Overflight Notification to be used to fulfill this condition is included in the San Carlos ALUCP, Appendix E, Exhibit E-4.)

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-75 determining that the Belmont General Plan Housing Element 2023-2031 is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.

(For further information please contact Susy Kalkin at [kkalkin@smcgov.org](mailto:kkalkin@smcgov.org))

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### RECOMMENDATION

That the C/CAG Board of Directors, acting as the San Mateo County Airport Land Use Commission (ALUC), approve Resolution 23-75 determining that the Belmont General Plan Housing Element 2023-2031 is consistent with the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport*, subject to the following condition:

- The Belmont Housing Element shall be amended as follows (modified language shown in underline):

Policy H.1.12: Update the zoning ordinance to ensure definition of residential care facilities and small residential care facilities continue to comply with State law, and amend the zoning code to eliminate the requirement for a use permit for care facilities of seven or more persons with a disability, and allow them in all zones allowing residential uses based on objective criteria to facilitate approval certainty, except in areas where this conflicts with the San Carlos Airport Land Use Compatibility Plan.

### BACKGROUND

#### Project Description

The City of Belmont has referred its General Plan Housing Element 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 Carlos Airport* (San Carlos 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 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 RHNA for Belmont for this cycle is 1,785 units.

Belmont currently has 942 housing units in the development pipeline, either under construction (508 units), approved with entitlements (172 units), or in development review (262 units), representing more than 50 percent of the total RHNA allocation for the 2023-2031 planning period.

## **DISCUSSION**

### **I. San Carlos ALUCP Consistency Evaluation**

Four airport / land use compatibility factors are addressed in the San Carlos ALUCP that relate to the proposed Amendments. These include policies for: (a) noise compatibility, (b) safety compatibility, (c) airspace compatibility, and (d) overflight compatibility. The following sections address each factor.

#### **a) Noise Compatibility**

The Aircraft Noise Contours are depicted on San Carlos ALUCP Exhibit 4-2, **Attachment 3**. Pursuant to San Carlos ALUCP Noise Policy 1, the CNEL 60 dB contour defines the noise impact area of the Airport. All land uses located outside of this contour are deemed consistent with the noise compatibility policies of the ALUCP. As shown on the exhibit, only one small area of Belmont, located on the east side of US 101, lies within the CNEL 60 dB contour, and no housing is proposed in that area.

The Housing Opportunity Sites are identified on **Attachment 2a**. All of the housing opportunity sites lie well outside of the CNEL 60 dB contour, so the proposed housing sites are consistent with the Noise Compatibility policies of the ALUCP.

#### **(b) Safety Compatibility**

The San Carlos ALUCP includes safety zones and related land use compatibility policies and criteria. As depicted on San Carlos ALUCP Exhibit 4-3, **Attachment 4**, Safety Zone 6 extends over portions of Belmont, including areas where Housing Opportunity Sites are identified.

Per San Carlos ALUCP Table 4-4, *Safety Compatibility Criteria*, residential land use is a compatible use in Safety Zone 6. Therefore, the Housing Opportunity Sites in the Housing Element and the proposed residential density increases are consistent with the Safety Compatibility Criteria of the ALUCP.

The Housing Element also includes many new and/or revised policies and actions that have also been reviewed for ALUCP compatibility, **see Attachment 2b**. Of note is a recommended action that directs that the zoning ordinance be amended to permit residential care facilities in all areas where residential use is permitted. The Safety Compatibility Policies of the ALUCP identify specific land uses that are of concern in which the occupants have reduced effective mobility or would be unable to respond in emergency situations. These uses of concern include Congregate Care Facilities (which encompasses assisted living and other types of care and rehab facilities). Accordingly, such uses are conditionally permitted within Safety Zone 6. To ensure the Housing Element provisions are consistent with the Safety Compatibility Criteria, the following revision to Policy H.1.12 is recommended (revisions shown in underlined text):

“Policy H.1.12: Update the zoning ordinance to ensure definition of residential care facilities and small residential care facilities continue to comply with State law, and amend the zoning code to eliminate the requirement for a use permit for care facilities of seven or more persons with a disability, and allow them in all zones allowing residential uses based on objective criteria to facilitate approval certainty, except in areas where this conflicts with the San Carlos Airport Land Use Compatibility Plan.”

#### **(c)     Airspace Compatibility**

The San Carlos 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 Housing Element is a policy document and not a specific development proposal, the airspace compatibility policies of the San Carlos ALUCP do not directly apply. Consistency with the airspace compatibility policies will be required for future development proposals stemming from the Housing Element.

#### **(d)     Overflight Compatibility**

The San Carlos ALUCP contains two policies regarding overflight compatibility which are generally “buyer awareness” measures focused on informing prospective buyers and/or tenants of property within the vicinity of an airport about the airport’s impact on the property. Overflight Policy 1 – *Real Estate Transfer Disclosure*, requires that a notice of potential for overflights be included among the disclosures made during real estate transactions. Overflight Policy 2 – *Overflight Notification Zone 2* requires that all new residential development projects, other than additions and accessory dwelling units (ADUs), within Overflight Notification Zone 2 (AIA B) shall incorporate a recorded overflight notification requirement as a condition of approval.

Because the Housing Element is a policy document and not a specific development proposal, the overflight compatibility policies of the San Carlos ALUCP do not directly apply. Consistency will



be required for future zoning ordinance amendments necessary to implement pieces of the Housing Element and/or individual development proposals stemming from the Housing Element.

### ***Airport Land Use Committee***

The Airport Land Use Committee discussed this item at its August 24, 2023 meeting, and recommended that the Housing Element be determined consistent with the San Carlos ALUCP subject to the noted condition.

### **ATTACHMENTS**

1. Resolution 23-75

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

2. Application Materials, including
  - a. Housing Opportunity Sites
  - b. Goals, Policies and Programs – (Housing Element Appendix E excerpts)
3. San Carlos ALUCP Exh. 4-2 Noise Contours
4. San Carlos ALUCP Exh. 4-3 Safety Contours
5. Belmont Housing Element for the 2023-2031 Planning Period (6<sup>th</sup> Cycle RHNA)

## RESOLUTION 23-75

**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 BELMONT GENERAL PLAN HOUSING ELEMENT 2023-2031 IS CONDITIONALLY CONSISTENT WITH THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN CARLOS 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**, 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 Belmont 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 Carlos Airport* (San Carlos ALUCP); and

**WHEREAS**, four airport/land use compatibility factors are addressed in the San Carlos ALUCP that relate to the General Plan Housing Element update, including: (a) noise compatibility, (b) safety compatibility, (c) airspace protection compatibility, and (d) overflight compatibility, as discussed below:

- (a) Noise Compatibility – The 60 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the threshold for airport noise impacts established in the San Carlos ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the ALUCP. Per San Carlos ALUCP Exhibit 4-2, all of the identified “Housing Opportunity Sites” are located well outside the bounds of the 60 dB CNEL contour and are therefore consistent with the San Carlos ALUCP noise policies and criteria.
- (b) Safety Policy Consistency – The San Carlos ALUCP includes six sets of safety zones and related land use compatibility policies and criteria. Per San Carlos ALUCP Exhibit 4-3, Safety Zone 6 extends over portions of Belmont where “Housing Opportunity Sites” are located. Per Safety Policy 2, new residential development within Safety Zone 6 is compatible and is not restricted for safety reasons, so the Housing Opportunity Sites are consistent with the safety policies and criteria. Additionally, as identified in Exhibit A, a minor amendment to language in Policy H.1.12 is included to reflect that residential/congregate care use if located within a Safety Zone must comply with the relevant safety policies of the ALUCP, and thereby ensure the Housing Element provisions are consistent with the Safety Compatibility criteria of the San Carlos ALUCP.

- (c) Airspace Protection Policy Consistency – In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height of the controlling airspace protection surface shown on Exhibit 4-4; or 2) the maximum height determined to not be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

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

- (d) Overflight Compatibility Consistency – The San Carlos ALUCP contains two policies regarding overflight compatibility: Overflight Policy 1 – *Real Estate Transfer Disclosure* and Overflight Policy 2 – *Overflight Notification Zone 2*.

Because the Housing Element is a policy document and not a specific development proposal, the overflight compatibility policies of the San Carlos ALUCP do not directly apply. Consistency will be required for future zoning ordinance amendments necessary to implement pieces of the Housing Element and/or individual development proposals stemming from the Housing Element.

**WHEREAS**, at its May 25, 2023 meeting, based on the factors listed above and subject to the condition 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 Housing Element be found consistent with the policies and criteria of the San Carlos ALUCP.

**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 condition contained in Exhibit A, attached, the Belmont General Plan Housing Element 2023-2031 is determined to be consistent with the policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.

**PASSED, APPROVED, AND ADOPTED, THIS 14<sup>TH</sup> DAY OF SEPTEMBER 2023.**

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*Davina Hurt, Chair*

**Resolution 23-75 – Condition of Consistency Determination:**

1. The Belmont Housing Element shall be amended as follows (modified language shown in underline):

Policy H.1.12: Update the zoning ordinance to ensure definition of residential care facilities and small residential care facilities continue to comply with State law, and amend the zoning code to eliminate the requirement for a use permit for care facilities of seven or more persons with a disability, and allow them in all zones allowing residential uses based on objective criteria to facilitate approval certainty, except in areas where this conflicts with the San Carlos Airport Land Use Compatibility Plan.

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-76 determining that a proposed 10-story, 341-unit multi-family residential development at 840 San Bruno Avenue, San Bruno, is 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](mailto:kkalkin@smcgov.org))

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### RECOMMENDATION

That the C/CAG Board of Directors, acting as the San Mateo County Airport Land Use Commission, approve Resolution 23-76 determining that a proposed 10-story, 341-unit multi-family residential development at 840 San Bruno Avenue, San Bruno, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP), subject to the following conditions:

- *Prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of San Bruno an FAA “Determination of No Hazard”.*
- *The City of San Bruno shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP, which apply to sale or lease of property located within the AIA.*

### BACKGROUND

The proposed development at 840 San Bruno Ave., San Bruno (“Project”) consists of construction of two 10-story apartment buildings on a 1.57-acre site at the northeast corner of San Bruno and Elm Avenues.

The Project is located within Airport Influence Area B (AIA B), the “Project Referral” area, for San Francisco International Airport. California Public Utilities Code (PUC) Section 21676(b) requires 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). Additionally, PUC Section 21676.5(a), requires that until a local agency has brought its land use plans into compliance with the ALUCP, that it submit all proposed development and land use policy actions that affect property within AIA B to the ALUC for a consistency determination. In accordance with these requirements, San Bruno has referred the

subject development project 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 contains policies and criteria to address four issues: (a) aircraft noise impacts; (b) safety compatibility criteria; (c) height of structures/airspace protection; and (d) overflight notification. The following sections describe the degree to which the Project is compatible with each.

#### ***(a) Aircraft Noise Impacts***

The Community Noise Equivalent Level (CNEL) 65 dB aircraft noise contour defines the threshold for airport noise impacts established in the SFO ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the SFO ALUCP.

As shown on **Attachment 3**, the subject property lies outside the bounds of the CNEL 65dB contour, and therefore the Project is consistent with the SFO ALUCP noise policies and criteria.

#### ***(b) Safety Compatibility***

The SFO ALUCP includes five safety zones and related land use compatibility policies and criteria. As shown on **Attachment 4**, the Project site is located outside of the safety zones established in the SFO ALUCP, and therefore the safety policies and criteria do not apply to the Project.

#### ***(c) Height of Structures/Airspace Protection***

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the critical aeronautical surfaces map; or (2) the maximum height determined not to be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

As proposed, the 10-story structures would be a maximum of approx. 109 feet tall to the top of the roof screen. Ground elevations range over the site from approximately 47 - 83 feet above mean sea level (AMSL), and the plans indicate the highest rooftop element would be at approx. 176.8 feet AMSL. As shown on **Attachment 5**, utilizing the ‘SFO Online Airspace Tool’, the buildings would be more than 100 feet below critical airspace. However, as shown on **Attachment 6**, the Project is located in an area that requires FAA notification for all new construction (structures under 30 feet tall). Therefore, the following condition is recommended:

- *Prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of San Bruno an FAA “Determination of No Hazard”.*

#### ***(d) Overflight Notification***

The Project site is located within the Airport Influence Area (AIA) of SFO, the real estate disclosure area. Pursuant to Policy IP-1, notification is required, prior to sale or lease of property located

within the AIA, of the proximity of the airport and that therefore the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations.

As this disclosure requirement is not currently included in San Bruno's Municipal Code, the following condition is proposed:

- *The City of San Bruno shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP, which apply to sale or lease of property located within the AIA.*

### ***Airport Land Use Committee***

The Airport Land Use Committee discussed this item at its August 24, 2023 meeting, and recommended that the project be determined consistent with the SFO ALUCP subject to the noted conditions.

### **ATTACHMENTS**

1. Resolution 23-76

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

2. ALUCP application, together with related project description and plan set excerpts
3. SFO ALUCP Exh. IV-6 – Noise Compatibility Zones
4. SFO ALUCP Exh. IV-8 –Safety Compatibility Zones
5. SFO Airspace Tool Readout
6. SFO ALUCP Exh. IV-11 – FAA Notification Filing Reqs.- South Side
7. Comment Letter from SFO Planning dated Aug. 10, 2023

## RESOLUTION 23-76

**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 A PROPOSED 10-STORY, 341-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT AT 840 SAN BRUNO AVENUE, SAN BRUNO, IS 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**, per the requirements of California Public Utilities Code Section 21676.5(a), until a local agency has brought its General Plan, Zoning Ordinance and/or any affected specific plan into compliance with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan, the local agency shall refer all proposed development and land use policy actions that affect property within Airport Influence Area (AIA) B, the Project Referral Area, to the ALUC for a consistency determination; and

**WHEREAS**, the City of San Bruno is processing an application for a 341-unit apartment building at 840 San Bruno Ave. and, in accordance with PUC Section 21676.5(a), has referred the project 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); and

**WHEREAS**, four airport/land use compatibility factors are addressed in the SFO ALUCP that relate to the project, including: (a) noise compatibility, (b) safety compatibility, (c) airspace protection compatibility, and (d) overflight notification, as discussed below:

- (a) Noise Compatibility – The Community Noise Equivalent Level (CNEL) 65 dB aircraft noise contour defines the threshold for airport noise impacts established in the SFO ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the ALUCP. Per SFO ALUCP Exhibit IV-6, the subject property lies outside the bounds of the CNEL 65 dB contour and is therefore consistent with the ALUCP noise policies and criteria.
- (b) Safety Policy Consistency – The SFO ALUCP includes five sets of safety zones and related land use compatibility policies and criteria. Per ALUCP Exhibit IV-8, the project site is not located within a Safety Zone, and therefore the safety policies and criteria do not apply to the Project.
- (c) Airspace Protection Policy Consistency – In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the critical aeronautical surfaces map; or (2) the maximum height determined



not to be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

As proposed, the 10-story structures would be a maximum of approx. 109 feet tall to the top of the roof screen. Ground elevations range over the site from approximately 47 - 83 feet above mean sea level (MSL), and the plans indicate the highest rooftop element would be at approx. 176.8 feet above MSL. The lowest critical airspace above the project site lies at approximately 250-275’ AMSL, so the project would be well below that surface. Per SFO ALUCP Exhibit IV-11, the project sponsor is required to file Form 7460-1 with the FAA for a hazard determination. This requirement is included as a condition of this consistency determination, as identified in Exhibit A, attached.

- (d) Overflight Notification – The Project site is located within Airport Influence Area A (AIA A) of SFO, the real estate disclosure area. Pursuant to Policy IP-1, notification is required, prior to sale or lease of property located within the AIA, of the proximity of the airport and that therefore the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations. As this disclosure requirement is not currently included in San Bruno’s Municipal Code, it is reflected as a condition in Exhibit A to ensure compliance.

**WHEREAS**, at its August 24, 2023 meeting, based on the factors listed above and subject to the conditions 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 project be found consistent with the policies and criteria of the SFO ALUCP.

**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 proposed residential development at 840 San Bruno Avenue, San Bruno, is determined to be consistent with the 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 14<sup>TH</sup> DAY OF SEPTEMBER 2023.**

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*Davina Hurt, Chair*

**Resolution 23-76 – Conditions of Consistency Determination:**

1. Prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of San Bruno an FAA “Determination of No Hazard”.
2. The City of San Bruno shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP, which apply to sale or lease of property located within the AIA.

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-77 determining that South San Francisco's Draft Lindenville Specific Plan is 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](mailto:kkalkin@smcgov.org))

### RECOMMENDATION

That the C/CAG Board of Directors, acting as the San Mateo County Airport Land Use Commission, approve Resolution 23-77 determining that South San Francisco's Draft Lindenville Specific Plan is consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP), subject to the following conditions:

- Prior to approval of the subject Plan, the City of South San Francisco shall amend Section 3.5 of the Lindenville Specific Plan as follows (additions underlined; deletions in ~~strike through~~):
  - **Allowed maximum height.** Allowed maximum height is regulated by Figure 13 or the maximum height limits permissible under FAA regulations and the SFO ALUCP Critical Aeronautical Surfaces requirements. For avoidance of doubt, the lower of the ~~two~~ three heights identified by Figure 13, the ALUCP, and the FAA shall be the controlling maximum height.
  - **Height measurement.** Building height measurement procedures are defined in Zoning Code Chapter 20.040.005 ("Measuring Height"). Only for purposes of determining the allowed maximum height, buildings are evaluated using their top elevation above mean sea level as defined from the origin of the North American Vertical Datum of 1988. This includes any antennas, machine rooms, architectural parapets, or other appurtenances.
  - **Development incentives for the Height Incentive Overlay.** Projects that comply with the requirements for the Height Incentive Overlay are eligible for the following incentives. a. Building height. Within the overlay, the maximum primary building height is allowed to be up to 160 feet, allowing maximum primary building height in excess of maximum that is allowed under a site's base district. This allowance does not negate the need to comply with the maximum height limits permissible under FAA regulations and the SFO ALUCP Critical Aeronautical Surfaces requirements, as described under Policy 1 of this section.

## BACKGROUND

In 2022, the City of South San Francisco completed work on its 2040 General Plan and Zoning Code Updates which were reviewed by the ALUC and found to be conditionally consistent with the SFO ALUCP, and South San Francisco subsequently incorporated the recommended revisions prior to adoption in October 2022. Since the General Plan envisions significant change in the Lindenville sub-area, including the introduction of high-density residential, mixed-use areas, and high-density employment lands uses to take advantage of the area's proximity to Caltrain, BART, and SamTrans service, a Specific Plan was undertaken to provide a solid framework for growth in the area.

The 2040 General Plan includes specific references to the requirements of the SFO ALUCP as follows:

- Action CR-1.3.4: Review consistency with San Francisco International Airport Land Use Compatibility Plan. Update the City of South San Francisco's General Plan to be in conformance with noise, safety and airspace protection compatibility standards in the most recently adopted version of the ALUCP.
- Action CR-1.3.5: Airport Land Use Commission Review. Ensure that all applicable long-range plans and associated amendments and ordinances are reviewed by the City/County Association of Governments Board of Directors, acting as San Mateo County's Airport Land Use Commission, for a determination of consistency with the most recently adopted version of the ALUCP, as required by State law.
- Action CR-1.3.3: Require multi-hazard real estate disclosure. Enact an ordinance to require real estate disclosures of all hazards identified in the Hazard Mitigation Plan, including hazards associated with anticipatory sea level rise and flooding, geologic hazards, groundwater inundation, airport noise and related issues, or wildfire for commercial and residential properties, including ownership and rental.

In addition, the Zoning Code includes a stand-alone section (Section 20.300.003 "Airport Land Use Compatibility Plan Consistency") that incorporates all relevant policies and criteria of the SFO ALUCP, summarized 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.
- 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 SFO ALUCP Table IV-I, consistent with SFO ALUCP Noise Policy NP-3.
- D. 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.
- E. 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 as depicted in ALUCP

- Exhibit IV-11, and provide a copy of the findings as part of the development application materials, consistent with SFO ALUCP Policy AP-1.
2. Restricts maximum Building heights east of Highway 101 and within the Business Professional Office and Business Technology Park 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.

### Specific Plan

The Lindenville Area is an approximately 400-acre area located south of the city's downtown, bounded by US-101 to the east, the City of San Bruno to the south, Fir Avenue and Magnolia Avenue to the west, and Railroad Avenue to the north. The Specific Plan identifies several new land use districts to achieve the Specific Plan's land use goals, together with associated regulations on allowed uses, residential density, intensity, height, and other development standards.

As noted in the application materials, **Attachment 2, pp 2-4**, the Specific Plan also acknowledges the requirements of the SFO ALUCP, stipulating that all development must adhere to the policies of the ALUCP which South San Francisco has incorporated into its Zoning Code as Chapter 20.300.03 ("Airport Land Use Compatibility Plan Consistency").

The Lindenville Specific Plan affects properties that are located within Airport Influence Area B (AIA B), the "Project Referral" area, for San Francisco International Airport, and are subject to Airport Land Use Commission Review pursuant to California Public Utilities Code (PUC) Section 21676(b).

## **DISCUSSION**

### **ALUCP Consistency Evaluation**

Three sets of airport/land use compatibility policies in the SFO ALUCP relate to the Project: (a) noise compatibility policies and criteria, (b) safety policies and criteria, and (c) airspace protection policies. In addition, the Project must comply with the Real Estate Disclosure requirements of the ALUCP. The following sections address each issue:

#### **(a) Noise Policy Consistency Analysis**

The Community Noise Equivalent Level (CNEL) 65 dB aircraft noise contour defines the threshold for aircraft noise impacts established in the SFO ALUCP. As depicted on **Attachment 2, Figure 4**, much of the southerly portion of the Plan area lies within the CNEL 65 dB contour, with smaller areas impacted by both the CNEL 70- and 75-dB contours.

As shown on **Attachment 2, Figure 4**, residential uses are proposed primarily in areas outside of the noise impact area, though several parcels that allow limited residential use (Caretaker Units) are located within the CNEL 65 dB contour (but not within the CNEL 70 dB contour). Per ALUCP Table IV-1, residential use is conditionally permitted within the CNEL 65 dB contour, subject to sound insulation requirements and the grant of an aviation easement. Uses allowed within the areas impacted by higher noise levels (CNEL 70- & 75 dB) are primarily designated for industrial/employment uses.

As noted above, the South San Francisco Zoning Ordinance requires that all development comply with the noise policies of the SFO ALUCP. In addition, the Specific Plan includes “Section 3.3.3 Allowed Uses”, which identifies the allowable uses within the various districts within the Specific Plan area and specifies that all development shall adhere to the Airport Land Use Compatibility requirements outlined in the Zoning Code. Accordingly, the Specific Plan is determined to be consistent with the noise compatibility policies of the SFO ALUCP.

#### **(b) Safety Policy Consistency Analysis**

**Runway Safety Zones** - The SFO ALUCP includes five sets of safety zones and related land use compatibility policies and criteria. As shown on **Attachment 2, Figure 5**, Safety Zones 2, 3, and 4 extend over portions of the Plan area. As noted above, both the Zoning Code and the Specific Plan include require that all development comply with the Safety Compatibility Criteria/use restrictions outlined in the SFO ALUCP. Therefore, the Specific Plan is determined to be consistent with the safety compatibility policies of the ALUCP.

#### **(c) Airspace Protection Policy Consistency Analysis**

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the airspace protection surfaces map or (2) the maximum height determined not to be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

Proposed maximum heights for the Specific Plan are depicted on **Attachment 2, Figure 13**, and in several areas allow heights up to the maximum allowed per the SFO ALUCP. Again, as noted, both the Zoning Code, and by reference the Specific Plan, incorporate the Airspace Compatibility policies of the ALUCP, so are consistent with the SFO ALUCP.

As indicated in the attached comment letter from SFO Airport planning staff, **Attachment 3**, in order to avoid any potential ambiguity associated with height measurements/issues, the following modifications are recommended:

- Amend Section 3.5 as follows (additions underlined; deletions in ~~strikethrough~~):
  - **Allowed maximum height.** Allowed maximum height is regulated by Figure 13 or the maximum height limits permissible under FAA regulations and the SFO ALUCP Critical Aeronautical Surfaces requirements. For avoidance of doubt, the lower of the ~~two~~ three heights identified by Figure 13, the ALUCP, and the FAA shall be the controlling maximum height.

- **Height measurement.** Building height measurement procedures are defined in Zoning Code Chapter 20.040.005 (“Measuring Height”). Only for purposes of determining the allowed maximum height, buildings are evaluated using their top elevation above mean sea level as defined from the origin of the North American Vertical Datum of 1988. This includes any antennas, machine rooms, architectural parapets, or other appurtenances.
- **Development incentives for the Height Incentive Overlay.** Projects that comply with the requirements for the Height Incentive Overlay are eligible for the following incentives. a. Building height. Within the overlay, the maximum primary building height is allowed to be up to 160 feet, allowing maximum primary building height in excess of maximum that is allowed under a site’s base district. This allowance does not negate the need to comply with the maximum height limits permissible under FAA regulations and the SFO ALUCP Critical Aeronautical Surfaces requirements, as described under Policy 1 of this section.

## **Overflight Notification**

### **Airport Influence Area A – Real Estate Disclosure Area**

The Lindenville Specific Plan area is located within both Airport Influence Area (AIA) A & B boundaries for San Francisco International Airport. Within Area A, the real estate disclosure requirements of state law apply. Pursuant to Policy IP-1, notification is required, prior to sale or lease of property located within the AIA, of the proximity of the airport and that therefore the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations.

The South San Francisco Zoning Code Chapter 20.300.003 requires that all applicable projects comply with the real estate disclosure requirements outlined in SFO ALUCP Policy IP-1, and the Specific Plan incorporates the same requirement.

### **Airport Land Use Committee**

The Airport Land Use Committee discussed this item at its August 24, 2023 meeting, and recommended that the Specific Plan be determined consistent with the SFO ALUCP subject to the noted conditions.

## **ATTACHMENTS**

1. Resolution 23-77

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

2. ALUCP application, together with related supplemental information and exhibits.
3. Comment Letter - SFO Planning
4. Lindenville Specific Plan

## RESOLUTION 23-77

**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 SOUTH SAN FRANCISCO'S DRAFT LINDENVILLE SPECIFIC PLAN IS 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**, 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**, in 2022, the City of South San Francisco completed work on its 2040 General Plan and Zoning Code Updates, which were reviewed by the ALUC and found to be conditionally consistent with the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP), and which were subsequently revised to incorporate the revisions recommended by the ALUC prior to adoption in October 2022; and

**WHEREAS**, the City of South San Francisco has prepared a Specific Plan for the Lindenville Area, an approximately 400-acre area located south of the city's downtown, to facilitate and guide growth in the Plan area as envisioned in its 2040 General Plan update, and has referred the document to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport / land use compatibility criteria in the SFO ALUCP; and

**WHEREAS**, the Specific Plan acknowledges the requirements of the SFO ALUCP, stipulating that all development must adhere to the policies of the ALUCP, which South San Francisco has incorporated into its Zoning Code as Chapter 20.300.03 ("Airport Land Use Compatibility Plan Consistency"); and

**WHEREAS**, four airport/land use compatibility factors are addressed in the SFO ALUCP that relate to the project, including: (a) noise compatibility, (b) safety compatibility, (c) airspace protection compatibility, and (d) overflight notification, as discussed below:

- (a) Noise Compatibility – The Community Noise Equivalent Level (CNEL) 65 dB aircraft noise contour defines the threshold for airport noise impacts established in the SFO ALUCP. Per ALUCP Exhibit IV-6, much of the southerly portion of the Plan area lies within the CNEL 65 dB contour, with smaller areas impacted by both the CNEL 70- and 75-dB contours. The South San Francisco Zoning Ordinance requires that all development comply with the noise policies of the ALUCP. Similarly, the Specific Plan includes "Section 3.3.3 Allowed Uses", which identifies the allowable uses within the various districts within the Specific Plan area and specifies that all development shall adhere to the Airport Land Use Compatibility requirements outlined in the Zoning



Code. Accordingly, the Specific Plan is determined to be consistent with the noise compatibility policies of the ALUCP.

- (b) Safety Policy Consistency – The SFO ALUCP includes five sets of safety zones and related land use compatibility policies and criteria. As shown on ALUCP Exhibit IV-8, Safety Zones 2, 3, and 4 extend over portions of the Plan area. Both the Zoning Code and the Specific Plan require that all development comply with the Safety Compatibility Criteria/use restrictions outlined in the ALUCP. Therefore, the Specific Plan is determined to be consistent with the safety compatibility policies of the ALUCP.
- (c) Airspace Protection Policy Consistency – In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the airspace protection surfaces map or (2) the maximum height determined not to be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1. Maximum allowable heights are identified the Specific Plan and, in several areas, allow heights up to the maximum allowed per the SFO ALUCP. Both the Zoning Code, and by reference the Specific Plan, incorporate the Airspace Compatibility policies of the ALUCP, so are consistent with the SFO ALUCP. However, to avoid any potential ambiguity associated with height measurements, clarifying language is included as a condition, as show on Exhibit A, attached.
- (d) Overflight Notification – The Lindenville Specific Plan area is located within both Airport Influence Area (AIA) A & B boundaries for San Francisco International Airport. Within Area A, the real estate disclosure requirements of state law apply. The South San Francisco Zoning Code Chapter 20.300.003 requires that all applicable projects comply with the real estate disclosure requirements outlined in SFO ALUCP Policy IP-1, and the Specific Plan incorporates the same requirement.

**WHEREAS**, at its May 25, 2023 meeting, based on the factors listed above and subject to the conditions 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 Specific Plan be found consistent with the policies and criteria of the SFO ALUCP.

**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, South San Francisco’s Lindenville Specific Plan is determined to be consistent with the 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 14<sup>TH</sup> DAY OF SEPTEMBER 2023.**

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*Davina Hurt, Chair*

**Resolution 23-77 – Conditions of Consistency Determination:**

1. Prior to approval of the subject Plan, the City of South San Francisco shall amend Section 3.5 of the Lindenville Specific Plan as follows (additions underlined; deletions in ~~striketrough~~):
  - a. **Allowed maximum height.** Allowed maximum height is regulated by Figure 13 or the maximum height limits permissible under FAA regulations and the SFO ALUCP Critical Aeronautical Surfaces requirements. For avoidance of doubt, the lower of the ~~two~~ three heights identified by Figure 13, the ALUCP, and the FAA shall be the controlling maximum height.
  - b. **Height measurement.** Building height measurement procedures are defined in Zoning Code Chapter 20.040.005 (“Measuring Height”). Only for purposes of determining the allowed maximum height, buildings are evaluated using their top elevation above mean sea level as defined from the origin of the North American Vertical Datum of 1988. This includes any antennas, machine rooms, architectural parapets, or other appurtenances.
  - c. **Development incentives for the Height Incentive Overlay.** Projects that comply with the requirements for the Height Incentive Overlay are eligible for the following incentives.
    - a. Building height. Within the overlay, the maximum primary building height is allowed to be up to 160 feet, allowing maximum primary building height in excess of maximum that is allowed under a site’s base district. This allowance does not negate the need to comply with the maximum height limits permissible under FAA regulations and the SFO ALUCP Critical Aeronautical Surfaces requirements, as described under Policy 1 of this section.

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-78 authorizing the C/CAG Executive Director to execute agreements with Coffman Associates and Environmental Science Associates to provide on-call airport/land use compatibility planning services to C/CAG for a three-year period extending to September 30, 2026, in an aggregate amount not to exceed \$100,000; and to issue subsequent task orders in full compliance with the terms and conditions of the consultant service agreements.

(For further information, contact Susy Kalkin at [kkalkin@smcgov.org](mailto:kkalkin@smcgov.org) )

### RECOMMENDATION

That the C/CAG Board of Directors review and approve Resolution 23-78 authorizing the C/CAG Executive Director to execute agreements with Coffman Associates and Environmental Science Associates to provide on-call airport/land use compatibility planning services to C/CAG for a three year period extending to September 30, 2026, in an aggregate amount not to exceed \$100,000; and to issue subsequent task orders in full compliance with the terms and conditions of the consultant service agreements.

### FISCAL IMPACT

The C/CAG Board of Directors authorized up to \$20,000 for ALUC Consultant Services for FY2023-24. Actual expenditures will be determined based on specific tasks orders to be approved by the Executive Director. Funding for future years will be predicated upon the C/CAG Board approving additional amounts for ALUC Consultant Services in each fiscal year through the annual budget adoption process.

### SOURCE OF FUNDS

The source of funds is the C/CAG general fund.

### BACKGROUND

C/CAG is the designated Airport Land Use Commission for San Mateo County, with primary responsibility to prepare and maintain effective Airport Land Use Compatibility Plans for the airports within its jurisdiction and to implement the policies in these plans. In this role, C/CAG has adopted Airport Land Use Compatibility Plans (ALUCP) for the three airports in San Mateo County, including San Francisco International Airport, Half Moon Bay Airport, and San Carlos Airport.

Cities that fall within the Airport Influence Area (AIA) for each airport are required to submit land use policies, such as general plans, specific plans and zoning ordinances, and certain development actions, to C/CAG for a consistency determination with respect to the adopted Airport Land Use Compatibility Plans (ALUCP). Cities are also required to update their general plans and other land use policy documents to be consistent with the applicable ALUCP within 180 days of adoption by the Airport Land Use Commission

or be required to submit all development actions for ALUC review. The purpose of this policy is to ensure that the new land uses around the airports are consistent with policies designed to provide safety for people on the ground and in the air, as well as to protect the ability of the airports to operate.

In accordance with State law, the Airport Land Use Commission (C/CAG Board) must respond to a local agency's request for a consistency determination within 60 days of the receipt of the referral by C/CAG staff. This 60-day period also includes a review by the Airport Land Use Committee. If the C/CAG Board/Airport Land Use Commission does not act within the 60-day review period, the proposed action is deemed consistent with the ALUCP. Coordination/management of this two-step process is critical to completing the review within the mandated timeframe. To aid in this effort, beginning in 2014, the C/CAG Board has authorized use of a consultant bench to assist staff with various ALUC related efforts, including consistency determinations, minor ALUCP amendments and other technical assistance, and staff requests that the Board again authorize this practice.

## **DISCUSSION**

### **Request for Qualifications**

In July, staff sent out a Request for Qualifications (RFQ) soliciting proposals from seven select consultant firms to provide professional, technical and advisory services, on an as-needed basis, to assist in preparing airport land use compatibility assessments, updates to airport land use compatibility plans, related technical studies and environmental documentation, training services related to ALUCP implementation and administration, and other related services as requested. In response, staff received two proposals, from Coffman Associates (Coffman) and Environmental Science Associates (ESA).

Staff has reviewed both proposals, **Attachment 2**, and recommends both firms be included on the On-Call ALUC Consultant bench. Both Coffman and ESA have extensive experience in the area of airport land use planning and specifically within San Mateo County – ESA authored the San Carlos ALUCP and Coffman prepared the Half Moon Bay ALUCP – and both firms have been on the previous ALUC consultant bench.

Staff has proposed entering into a three-year consultant services agreement with the two firms, with a maximum budget of \$100,000 for the contract period. As part of the annual budget process for FY23/24, the C/CAG Board approved a budget of \$20,000 for ALUC consultant services. Future year allocations will be predicated upon the C/CAG Board approving additional amounts for ALUC Consultant Services in each fiscal year through the annual budget adoption process. Actual expenditures will be contingent upon specific requests for services. Consultants will be requested to prepare and submit project-specific work scopes and cost proposals which would be authorized only upon execution of an individual Task Order by the C/CAG Executive Director.

## **ATTACHMENT**

### **1. Resolution 23-78**

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

### **2. Consultant Proposals**

## **RESOLUTION 23-78**

**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 AGREEMENTS WITH COFFMAN ASSOCIATES AND ENVIRONMENTAL SCIENCE ASSOCIATES TO PROVIDE ON-CALL AIRPORT/LAND USE COMPATIBILITY PLANNING SERVICES TO C/CAG FOR A THREE-YEAR PERIOD EXTENDING TO SEPTEMBER 30, 2026, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$100,000; AND TO ISSUE SUBSEQUENT TASK ORDERS IN FULL COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE CONSULTANT SERVICE AGREEMENTS.**

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

**WHEREAS**, C/CAG is the designated Airport Land Use Commission for San Mateo County; and

**WHEREAS**, as the Airport Land Use Commission, C/CAG has the responsibility to prepare and maintain effective Airport Land Use Compatibility Plans (ALUCPs) for the airports within its jurisdiction and to implement the policies in these plans, including the preparation of consistency determinations for land use policies and development actions of local land use agencies with respect to the applicable adopted ALUCPs; and

**WHEREAS**, C/CAG has determined that outside consulting services are required on an as-needed basis for airport/land use compatibility planning work; and

**WHEREAS**, C/CAG solicited proposals from consultant firms to provide professional, technical and advisory services, on an as-needed basis, to assist in preparing airport land use compatibility assessments, updates to airport land use compatibility plans, related technical studies and environmental documentation, training services related to ALUCP implementation and administration, and other related services as requested and received two responsive proposals, from Coffman Associates (Coffman) and Environmental Science Associates (ESA).

**WHEREAS**, C/CAG has selected Coffman Associates and Environmental Science Associates to provide on-call airport/land use compatibility planning services; and

**WHEREAS**, the C/CAG Executive Director will negotiate and execute individual task orders for specific services with the two firms on an as-needed basis; and

**WHEREAS**, as part of the annual budget process for FY23/24, the C/CAG Board approved a budget of \$20,000 for ALUC consultant services; future year allocations will be predicated upon the C/CAG Board approving additional amounts, up to a maximum aggregate of \$100,000, through the annual budget adoption process.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Directors of the City/County Association of Governments of San Mateo County that the Executive Director is authorized to execute agreements with Coffman Associates and Environmental Science Associates to provide on-call airport/land use compatibility planning services to C/CAG for a three-year period extending to September 30, 2026, in an aggregate amount not to exceed \$100,000; and to issue subsequent task orders in full compliance

with the terms and conditions consultant service agreements. The agreements shall be in a form approved by C/CAG Legal Counsel.

**PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF SEPTEMBER 2023.**

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*Davina Hurt, Chair*

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approve the Fiscal Year 2023/24 Cycle Transportation Development Act Article 3 Program Call for Projects and Schedule

(For further information, contact Audrey Shiramizu at [ashiramizu@smcgov.org](mailto:ashiramizu@smcgov.org))

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### RECOMMENDATION

That the C/CAG Board review and approve the Fiscal Year 2023/24 Cycle Transportation Development Act Article 3 Program Call for Projects and Schedule.

### FISCAL IMPACT

It is expected that approximately \$2,590,706 will be available for the FY 2023/24 Cycle of the Transportation Development Act Article 3 (TDA Article 3) Program.

### SOURCE OF FUNDS

TDA Article 3 funds are derived from the following sources:

- Local Transportation Funds (LTF), derived from a ¼ cent of the general sales tax collected statewide
- State Transit Assistance Fund (STA), derived from the statewide sales tax on gasoline and diesel fuel.

### BACKGROUND

Transportation Development Act (TDA) Article 3 funds are made available through state funds and are distributed by the Metropolitan Transportation Commission (MTC) to C/CAG on a formulaic basis. As the program administrator for San Mateo County, C/CAG issues a call for project nominations for eligible bicycle and/or pedestrian projects within the county. Eligible applicants include the 20 cities, the County, and any joint powers agencies in San Mateo County. Approximately \$2,590,706 is available for the FY 2023/24 Cycle.

Of the \$2,590,706 available for this grant cycle, an amount of \$300,000 will be available to fund planning projects. The remaining \$2,290,706 is set aside for capital projects. The maximum grant amount for the planning project and capital projects is \$100,000 and \$400,000, respectively. Project sponsors are required to provide a 10% local funding match for both project types. Projects will be scored based on factors such as project readiness, community support, program objectives such as safety, equity, and local match.

The proposed call for projects schedule is as follows:

<b>Activity</b>	<b>Date*</b>
Release Call for Projects	September 18, 2023
Application Workshop (online)	September 25, 2023
Community Outreach Meeting (online)	September 27, 2023
Preliminary Discussions on Application Concepts (optional office hours)	Sept. 26-Oct. 10, 2023
Applications Due	November 13, 2023
C/CAG Completes Staff-only Scoring	December 1, 2023
C/CAG Distributes Applications and Score Sheets to BPAC	December 4, 2023
BPAC Scoring/Evaluation Period	Dec. 4, 2023 – Feb. 26, 2024
Project Sponsor Presentations to BPAC – 1 <sup>st</sup> meeting	January 25, 2024
Project Sponsor Presentations to BPAC – 2 <sup>nd</sup> meeting (if needed)	February 22, 2024
BPAC Scoring Sheets due to C/CAG Staff	February 26, 2024
Project Scoring BPAC Meeting/Board Recommendations	March 28, 2024
C/CAG Board Approval	May 9, 2024

*\*Dates may be adjusted as needed.*

At the October 27, 2022 and July 27, 2023 Bicycle and Pedestrian Advisory Committee (BPAC) meetings, staff sought the Committee's input on the previous TDA Article 3 cycle (FY 2021/22) and the updated application materials. With that feedback and discussion, staff modified the TDA Article 3 FY 2023/24 scoring sheet and Call for Projects schedule. Changes to the scoring sheet included updates to several ranking criteria, including the Equity, Public Outreach, Funding and Local Match, and Project Impact categories. For example, projects that are located within a Metropolitan Transportation Commission (MTC) Equity Priority Community or a C/CAG Equity Focus Area (EFA) will receive the maximum points available if the applicant provides the minimum 10% local match.

Staff has also added a community meeting to inform community-based organizations (CBOs) and other stakeholders about this funding opportunity. Staff also added designated time periods (office hours) for applicants to ask questions about the grant application. The Committee recommended Board approval of the Call for Project schedule and the scoring sheet.

## **RECOMMENDATION**

Staff recommends that the Board reviews and approves the Fiscal Year 2023/24 Cycle Transportation Development Act Article 3 Program Call for Projects and schedule.

## **ATTACHMENTS**

1. TDA Article 3 FY 2023/24 Call for Projects (will be available online at <https://ccag.ca.gov/committees/bicycle-and-pedestrian-advisory-committee/>)
2. TDA Article 3 Project Application – Planning (will be available online at



- <https://ccag.ca.gov/committees/bicycle-and-pedestrian-advisory-committee/>
3. TDA Article 3 Project Application – Capital (will be available online at <https://ccag.ca.gov/committees/bicycle-and-pedestrian-advisory-committee/>)
  4. TDA Article 3 Scoring Sheet (will be available online at <https://ccag.ca.gov/committees/bicycle-and-pedestrian-advisory-committee/>)

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-79 authorizing the C/CAG Executive Director to execute Amendment NO.1 to the FY 23-24 Agreement with the San Mateo County Office of Education for the San Mateo County Safe Routes to School Program adding \$80,111.84 of rollover funds from previous fiscal years and not to exceed a new total of \$878,335.

(For more information, please contact Eva Gaye at [egaye@smcgov.org](mailto:egaye@smcgov.org))

### RECOMMENDATION

That the C/CAG Board review and approval of Resolution 23-79 authorizing the C/CAG Executive Director to execute Amendment NO.1 to the FY 23-24 Agreement with the San Mateo County Office of Education for the San Mateo County Safe Routes to School Program adding \$80,111.84 of rollover funds from previous fiscal years and not to exceed a new total of \$878,335.

### FISCAL IMPACT

The project funding for fiscal year 2023-2024 shall not exceed \$878,335. This amount is \$ 777,151 of STP/CMAQ funds and \$ 101,184 of Local Measure M funds. The total funding includes \$80,111.84 of rollover funds from previous fiscal years of the SRTS program.

### SOURCE OF FUNDS

The San Mateo County Safe Routes to School (SRTS) Program is funded using a combination of federal Surface Transportation Program (STP) funds and Congestion Mitigation and Air Quality Improvement (CMAQ) funds from the One Bay Area Grant (OBAG) Program and local Measure M funding, which is the \$10 vehicle registration fee levied in San Mateo County. The total funding of \$878,335 for FY 23-24 which is comprised of \$777,151 in STP/CMAQ funding and \$101,184 in local Measure M funding.

## **BACKGROUND**

### **Safe Routes to School Program**

The San Mateo County Safe Routes to School (SRTS) Program is a collaborative effort between the City County/Association of Governments (C/CAG) of San Mateo and the San Mateo County Office of Education (SMCOE). The program is designed to encourage and enable school children and their parents to utilize active modes of transportation (walking, bicycling, carpool, and public transit) as a means of getting to school. Through education, on pedestrian and bicycle safety as well as awareness around human impact on the environment, the SRTS program supports schools to implement projects and activities that decrease traffic congestion around school sites, reduce school-related travel emissions, and improve the health, well-being, and safety of student participants.

As the County Transportation Agency (CTA) for San Mateo County, C/CAG receives a combination of federal Congestion Mitigation and Air Quality (CMAQ) funding and local Measure M funding to administer the SRTS program. The San Mateo County Superintendent of Schools, also referred to as San Mateo County Office of Education (SMCOE), is the lead agency responsible for managing the day-to-day program operations as well as project implementation of activities.

### **Agreement with the San Mateo County Office of Education**

On May 11, 2023 the C/CAG Board approved *Resolution 23-41* authorizing the C/CAG Chair to execute an Agreement with the San Mateo County Office of Education for the San Mateo County Safe Routes to School Program in an amount not to exceed \$798,223 for Fiscal Year 2023-24. As the last year (FY 2017/18-FY 2022/23) of One Bay Area Grant (Cycle 2) Program funding for the SRTS program concluded, the San Mateo County Office of Education has accumulated a balance of rollover funds from previous fiscal years in the amount of \$80,111.84.

Staff recommends that this amount be added to the existing amount of \$798,223 (*Resolution 23-41*) which accounts to a new total of \$878,335.

As part of the agreement with San Mateo County Office of Education (SMCOE) to implement the Safe Routes to School Program, the SMCOE for fiscal year 2022-2023 proposes to conduct the following activities:

- Continue fostering relationships with schools and agencies that do not have existing Safe Routes to School programs and provide technical assistance to start addressing Safe Routes to School issues at their sites.
- Coordinate county-wide walk and roll to school days
- Pilot all volunteer bike rodeos
- Contract with Santa Clara Valley Bicycle Coalition to host a League Cycling Instructor Training in San Mateo County that would help certify more people to teach bicycle education and skills in schools

- Provide bike and pedestrian educational materials
- Coordinate Safe Routes to School professional development opportunities
- Plan and deliver program training, based upon the needs and interests of participants and key stakeholders
- Follow-up with priority schools and their respective municipalities in regard to the high injury network analysis, including continuation of the school travel fellowship
- Contract with transportation planning firm to complete the following tasks:
  - Assist with implementation of recommendations from strategic plan
  - Assist with planning and facilitation of Safe Routes to School Community Advisory Committee meetings
  - Prioritize the following through School Travel Fellowship projects:
    - Infrastructure needs at priority locations and areas of concern as identified in the high injury network (HIN) analysis
    - Safety campaign based on crash causes in areas of concern
    - Develop Slow Speed School Zones Guidebook

## ATTACHMENTS

1. Resolution 23-79
2. Amendment No.1 to the Agreement between C/CAG and SMCOE for FY 2023-2024  
 (The document is available for download at the C/CAG website at:  
<http://ccag.ca.gov/committees/board-of-directors/>)

**RESOLUTION 23-79**

**RESOLUTION TO THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO EXECUTE AMENDMENT NO.1 TO THE AGREEMENT WITH THE SAN MATEO COUNTY OFFICE OF EDUCATION FOR THE SAN MATEO COUNTY SAFE ROUTES TO SCHOOL PROGRAM ADDING \$80,111.84 OF ROLLOVER FUNDS FROM PREVIOUS FISCAL YEARS FOR A NEW TOTAL OF \$878,335 FOR FY 2023-24.**

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

**WHEREAS**, C/CAG is the designated Congestion Management Agency (CMA) responsible for the development and implementation of the Congestion Management Program for San Mateo County; and

**WHEREAS**, C/CAG has determined that the San Mateo County Office of Education will serve as the lead agency to implement the Safe Routes to School Program; and

**WHEREAS**, the overall goal of the Safe Routes to School Program is to enable and encourage children and their parents to walk or bicycle to school by implementing projects and activities to improve health and safety;

**WHEREAS**, on May 11, 2023, the C/CAG Board approved Resolution 23-41 authorizing the C/CAG Chair to execute the Agreement with the San Mateo County Office of Education for the San Mateo County Safe Routes to School Program in an amount not to exceed \$798,223 for Fiscal Year 2023-24. And

**WHEREAS**, C/CAG has determined that there are rollover funds from previous fiscal years in the amount of \$80,111.84 for last cycle of the One Bay Area Grant Program (Cycle 2) funding of the Safe Routes to School Program;

**WHEREAS**, C/CAG is amending the current Agreement to add \$80,111.84 from the previous fiscal years, for a new total of \$878,335 which includes \$777,151 of STP/CMAQ funds and \$101,184 of Local Measure M funds.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Directors of the City/County Association of Governments of San Mateo County that the Executive Director is authorized to execute Amendment NO. 1 to the Agreement with the San Mateo County Office of Education for the San Mateo County Safe Routes Program for an additional \$80,111.84 of rollover funds from previous fiscal years for a new total of \$878,335. 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.

**PASS, APPROVED, AND ADOPTED, THIS 14<sup>TH</sup> OF SEPTEMBER, 2023.**

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*Davina Hurt, Chair*

**AMENDMENT NO. 1  
TO THE  
FUNDING AGREEMENT  
BETWEEN  
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY  
AND  
SAN MATEO COUNTY SUPERINTENDENT OF SCHOOLS  
FOR  
SAFE ROUTES TO SCHOOL PROGRAM**

WHEREAS, the City County Association of Governments of San Mateo County (C/CAG) and the San Mateo County Superintendent of Schools (“Consultant” or “San Mateo County Office of Education or “SMCOE”) are parties to an Agreement effective July 1, 2023 of the administration and management of the San Mateo County Safe Routes to School (SRTS) Program.

**WITNESSETH**

WHEREAS, C/CAG and Superintendent are parties to an Agreement to administer and manage the San Mateo County Safe Routes to School Program for FY 2023-2024, and for C/CAG to reimburse the Superintendent up to \$878,335 for activities conducted from July 1, 2023 to June 30, 2024.

WHEREAS, C/CAG has determined that there are rollover funds from previous fiscal years in the amount of \$80,111.84 for last cycle of the One Bay Area Grant Program (Cycle 2) funding of the Safe Routes to School Program;

WHEREAS, C/CAG is amending the current Agreement to add \$80,111.84 from the previous fiscal years, for a new total of \$878,335 which includes \$777,151 of STP/CMAQ funds and \$101,184 of Local Measure M funds.

WHEREAS, the Superintendent has provided a narrative and detailed spending plan for the unspent funds as shown on the attached Exhibit “B” Scope of Work; and

NOW, THEREFORE, IT IS HEREBY AGREED by the C/CAG and Superintendent that:

1. Clause “B” of ARTICLE I INTRODUCTION of the Agreement will be amended to the following:
  - B. The work to be performed under this contract as described in Article II entitled Statement of Work and the approved CONSULTANT’s Scope of Work dated July 1, 2023. Incorporated by reference, the approved CONSULTANT’s Cost Proposal is included in Exhibit A as Attachment 1, “Cost Breakdown.” Additional Caltrans forms are attached as Exhibit A and are incorporated by reference. If there is any conflict between the approved Scope of Work and this contract, this contract shall take precedence.

2. The attached “Revised Exhibit A – Attachment 1” will replace “Exhibit A – Attachment 1” dated September 1, 2023.
3. The attached “Revised Exhibit B” will replace “Exhibit B” of the Agreement.
4. Except as expressly amended herein, all other provisions of the Agreement shall remain in full force and effect.
5. This amendment shall take effect upon execution by both parties.

IN WITNESS WHEREOF, C/CAG and Superintendent, by their duly authorized representatives, have affixed their hands.

San Mateo County Superintendent of Schools (Superintendent)

\_\_\_\_\_  
Nancy Magee,  
County Superintendent of Schools

\_\_\_\_\_  
Date:

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

\_\_\_\_\_  
Davina Hurt, C/CAG Chair

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Melissa Andrikopoulos  
C/CAG Legal Counsel

\_\_\_\_\_  
Date:

**Revised Budget Breakdown  
September 1, 2023**

Safe Routes to School  
Proposed Budget for FY 23/24

**FY23/24**

<b>Funding Breakdown</b>	<b>23/24</b>
MTC-CMAQ ( NI 88.48%)	<i>\$777,151</i>
Local Match (Measure M, 11.52%)	<i>\$101,184</i>
Local (Measure M)	
<b>Grand Total Budget</b>	<b>\$878,335</b>

<b>Administration – Program Support</b>		<b>2023-2024</b>
.775 Project Coordinator salary & benefits	19.87%	\$174,494
.8 Project Specialist salary & benefits	19.4%	\$169,971
1.0 Admin Assistant salary & benefits	12.97%	\$113,926
Contractual Services <ul style="list-style-type: none"> <li>County-Wide TA - \$120,319</li> <li>Transportation Firm - \$35,000</li> <li>Safe Routes Education Vendors - \$120,000</li> </ul>	31.3%	\$275,319
Materials and Supplies	3.61%	\$32,000
Teacher Stipends/SRTS Learning Collab/Professional Development	0.11%	\$1000
Mileage	0.14%	\$1200
<b>Indirect Costs</b>	12.6%	\$110,425
<b>(ICR is 14.38% - rate is set by California Department of Education)</b>		

<b>Total</b>	<b>\$ 878,335</b>
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\*NI= Non-Infrastructure



## **REVISED EXHIBIT B SCOPE OF WORK**

### **Purpose of the Partnership**

The San Mateo County Office of Education (SMCOE), also referred to as the San Mateo County Superintendent of Schools, will serve as the Lead Educational Agency (LEA) for the implementation of a Safe Routes to Schools (SRTS) Program in San Mateo County.

The City/County Association of Governments (C/CAG) of San Mateo will provide the funding for the program and will hold the San Mateo County Office of Education accountable for carrying out the activities described in this Scope of Work.

C/CAG and SMCOE have a joint interest in ensuring that schools and community agencies effectively implement programs that enable them to use the Federal Surface Transportation Program and Congestion Mitigation & Air Quality Improvement (STP/CMAQ) Program funds productively on behalf of students and the community.

### **Goal**

The overall goal of the program will be to make San Mateo County a healthier, safer, more sustainable, environmentally sound community with better air quality, less traffic congestion, more physically fit students and adults who are well-served by schools and other agencies working collaboratively.

### **Guiding Principles**

In carrying out its responsibilities, SMCOE will adhere to the following guiding principles:

- SMCOE will work collaboratively with C/CAG, districts, schools, cities and all partner agencies.
- The program will recognize the important role of volunteers (such as PTA members and others) in SRTS and will support and promote their involvement.
- The program will build upon existing successful models and programs and provide districts and schools with a range of alternatives they can implement, based on their needs and interests.
- SMCOE will use data to guide program planning and evaluation.
- SMCOE will maintain on-going communication and outreach to districts, schools and partner agencies and cities, to ensure that interested parties and stakeholders have the opportunity to be involved and to have their voices heard during program implementation.

## Outcomes

The specific measurable outcomes of the program will include but are not limited to:

- More favorable attitudes toward walking, biking, carpooling and the use of transit to school, on the part of students, parents, faculty/staff and volunteers.
- Increased numbers of students walking, biking, carpooling and utilizing transit as means of travelling to and from school.
- Increased levels of student, parent, faculty/staff and volunteer participation in education and encouragement activities related to healthy and environmentally sound lifestyles.
- Decreased traffic and congestion around schools, one byproduct of which will be improved air quality.
- Follow-up with priority schools and their respective municipalities in regard to the high injury network analysis
- Continued coordination of the School Travel Fellowship
- Support of and encouragement for county-wide walk and bike to school days
- Increased participation across the count for county-wide walk and bike to school days

## Program Management Approach

SMCOE's approach to program management is to combine three elements: centralized leadership and technical assistance; networks of collaboration and support; and services delivered to school sites in support of program activities that meet local needs and priorities.

### Centralized Leadership and Technical Assistance

SMCOE will provide overall direction, timelines and implementation regulations; be responsible for fiscal management and monitoring; use the strategic plan, developed by a consultant, for program implementation. It will use its existing relationships with school district personnel and its established administrative systems to establish and implement the SRTS program and provide technical assistance. In addition, it will use its regional and statewide contacts with agencies in other counties to share resources and best practices related to county SRTS programs, transportation initiatives, and health.

### Networks of Collaboration and Support

Networks of collaboration will be developed at county and local levels. At the County level, a collaborative network will be fostered among agencies such as city governments, the County Health System, and community organizations through the Safe Routes to School Community Advisory Committee.

At the local level, collaboration will be facilitated through direct outreach to schools for walk and roll to school day participation, bike and pedestrian education, parent/caregiver survey dissemination and student travel tallies.

Networks of collaboration will be developed at the school level through presentations to school administrators and staff, school site councils and PTAs as well as partnerships with school-based

service providers and afterschool service providers.

### Local Services

Local school sites, through engagement with staff, Site Councils, PTAs and similar groups, will design, schedule and implement the specific activities that meet the needs of their students and families and help to achieve the overall goals of the program. Site support services will be delivered either by SRTS program staff or by school staff or consultants, funded by the program.

### **Governance**

SMCOE will be accountable to C/CAG for achieving the goals and outcomes of the program, developing detailed annual action plans and line item budgets, meeting timelines and operating within the budget.

SMCOE will hire staff to manage the program and its budget, be responsible for implementation and submit timely reports. SMCOE will also enter into binding agreements with grant participants (districts or schools) to provide them the resources to carry out their action plans.

SMCOE will convene a Community Advisory Committee to help ensure that the SMCOE receives guidance, input and feedback from a cross-section of the entire community on whose behalf the initiative is being implemented.

The Community Advisory Committee will advise C/CAG and SMCOE on the direction of the program and on related infrastructure grants and strategic issues, thus helping to create a community-wide, holistic approach to a healthier, safer, more sustainable San Mateo County. Members of the Community Advisory Committee will include elected officials; community stakeholders, people who have leadership positions with various partner agencies, who may include, but are not limited to: C/CAG; the San Mateo County Health System; the Metropolitan Transportation Commission; municipal government; law enforcement; other community leaders; etc.

### **Staffing**

SMCOE will staff the program with a SRTS Program Coordinator, a Project Specialist, an administrative assistant and consultants whose responsibilities will be to deliver services to the Networks and school sites. The budget also includes funds for program consultants, who work on specialized tasks.

### **Program Management Strategies**

Outlined below are the program management strategies that SMCOE will use to support program development pursuant to this Agreement.

- Foster relationships with schools and agencies that have existing Safe Routes to School

or similar programs to gather ongoing input regarding best practices.

- Foster relationships with schools and agencies that do not have existing Safe Routes to School programs and provide technical assistance to start addressing Safe Routes to School issues at their sites.
- Foster relationships between districts/schools and their respective municipalities to address issues related to student travel.
- Coordinate School Travel Fellowship and other opportunities for districts/schools and their respective municipalities to collaborate.
- Coordinate county-wide walk and roll to school days
- Coordinate bike and pedestrian education in San Mateo County schools
- Vet all Safe Routes to School vendors for inclusion on the approved vendor list
- Work with consultant to implement recommendations from 21-22 youth-based high injury network analysis
- Provide resources and supplies for all volunteer bike rodeo
- Provide opportunity for SRTS partners to attend a League Certified Instructor Training to increase the number of practitioners who are certified to teach bike skills to San Mateo County students
- Provide bike and pedestrian educational materials
- Conduct student travel tallies at schools receiving SRTS services
- Coordinate Safe Routes to School professional development opportunities
- Plan and deliver program training, based upon the needs and interests of participants and key stakeholders
- Facilitate quarterly Safe Routes to School Community Advisory Committee meetings
- Conduct public information activities that involve media releases and updating the Safe Routes web page on the County Office's Web site
- Foster collaborative networks across the county to strengthen program awareness and implementation
- Complete and submit quarterly activity reports to C/CAG
- Conduct annual evaluation and submit report to C/CAG
- Make program modifications, as needed
- Pursue additional sources of funding to expand the program scope and reach
- Contract with transportation planning firm to complete the following tasks
  - Assist with implementation of recommendations from strategic plan
  - Assist with planning and facilitation of Safe Routes to School Community Advisory Committee meetings
  - Prioritize the following through School Travel Fellowship projects
    - Infrastructure needs at priority locations and areas of concern as identified in the high injury network (HIN) analysis
    - Safety campaign based on crash causes in areas of concern
    - Slow Street School Zones
    - Coordination with Caltrans for Caltrans roads on HIN

## **Budget**

### Estimated Income

The funding model is based on an estimated budget of **\$878,335** that includes **\$777,151** of STP/CMAQ funds and an additional **\$101,184** of local funds provided by C/CAG.

#### Timeframe

The development and implementation of the San Mateo County SRTS Program FY 23-24 is planned for a 12-month period (July 1, 2023 through June 30, 2024).

#### Annual Expenditures

The annual expenditure estimate over the 12-month life of the program (July 1, 2023 – June 30, 2024) are summarized (see attached budget). These expenditures are organized to coordinate budget cycles of both County agencies and school districts (including SMCOE). Once the formal contract is signed and SRTS grants have been awarded, the County Office of Education will develop an itemized line item budget for approval by C/CAG.

## C/CAG AGENDA REPORT

**Date:** September 14, 2023

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

**From:** Sean Charpentier, Executive Director

**Subject:** Review and approval of Resolution 23-80 authorizing the C/CAG Executive Director to execute a Partnership Agreement with the Co-Applicants of the San Mateo County OneWatershed Climate Resilience Framework and Community-Led Plan (Project) and to execute an Agreement with the California Governor's Office of Planning and Research for an amount not to exceed \$649,648 in ICARP grant funds to complete the Project.

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

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### RECOMMENDATION

That the C/CAG Board review and approve Resolution 23-80 authorizing the C/CAG Executive Director to execute a Partnership Agreement with the Co-Applicants of the San Mateo County OneWatershed Climate Resilience Framework and Community-Led Plan (Project) and to execute an Agreement with the California Governor's Office of Planning and Research for an amount not to exceed \$649,648 in ICARP grant funds to complete the Project.

### FISCAL IMPACT

C/CAG will receive \$649,648 in grant award monies on a reimbursement basis from the Governor's Office of Planning and Research to complete the Project. There is no matching fund requirement under the Integrated Climate Adaptation and Resilience Program's Adaptation Planning Grant Program.

### SOURCE OF FUNDS

All Project funds will be provided through the ICARP grant.

### BACKGROUND

After submitting a successful application in March 2023, C/CAG staff received a notice of award from the Governor's Office of Planning and Research (OPR) in June, stating the intent to award C/CAG and its project partners a grant of \$649,648 under the Fiscal Year 2023-24 Integrated Climate Adaptation and Resilience Program's (ICARP) Adaptation Planning Grant Program (APGP) to complete the *San Mateo County OneWatershed Climate Resilience Framework and Community-led Plan* (OneWatershed Framework Project/Project). The OneWatershed Framework Project is a countywide climate resilience planning project in collaboration with C/CAG, Climate Resilient Communities, OneShorline, the Bay Area Water Supply and Conservation Agency (BAWSCA), the San Mateo County Office of Sustainability, the City of San Bruno, and the South San Francisco-San Bruno Regional Water Quality

Control Plant (Partners). The Project builds on years of prior work among and in collaboration with the proposed Partners to address the call to action to collectively and at a regional scale provide immediate and lasting relief from current and future climate impacts. The intent of the Project is to support a holistic “OneWater” approach in San Mateo County, focusing on multi-scale, multi-benefit Green Stormwater Infrastructure (GSI) to address the shared risk of climate change impacts on water infrastructure (stormwater/flood, water supply, wastewater), to provide direct benefits to the most at-risk and vulnerable communities, and, through a community-led process, develop a OneWatershed Climate Resilience Plan for the San Bruno Creek Watershed area. The San Bruno Creek Watershed was selected as a pilot watershed study area for addressing near-term and longer-term GSI implementation and climate risk reduction goals for communities that are heavily impacted by severe flooding from the combined effects of larger and more frequent atmospheric river storms, sea level rise, and periodic drought and for the combination of regional entities, represented by the Project Partners, already engaged in supporting resilience in this watershed, though largely through separate programs. The Project will help find solutions that work across governance and infrastructure silos, leveraging earlier planning efforts, creating a path forward towards increased funding and cost-sharing opportunities to build and maintain much needed infrastructure improvements. As the lead applicant on the grant, C/CAG staff will administer the Project and be the Project Manager coordinating all aspects of project delivery and grant oversight. The Co-applicants (Partners) will support the Project throughout the Project term via participation on a Project Management Team (PMT) and will provide technical input and expertise within each infrastructure type and/or area of focus represented by the Partners, as detailed in the Partnership Agreement (see Attachment 3). The Project timeline is currently conceived of as initiating project kick-off in November 2023 and completing all Project work and deliverables by the end of September 2025.

Building on prior GSI planning led by C/CAG and in collaboration with other agencies and stakeholders in the county, the Project will add a new and critically important dimension to watershed management, which is addressing the shared risk to water infrastructure under future climate conditions, as the guiding principle behind further evaluating and prioritizing new and already identified high priority opportunities for implementing multi-benefit GSI projects. At its core, the Project will also create a model for effective and equitable community engagement, centered on strategies and processes of co-creation/empowerment and trust, leveraging the expertise of the community-based organization, Climate Resilient Communities, located in East Palo Alto, which is a pioneer and trusted leader in climate resilience efforts rooted in social justice. Lastly, the Project is poised to advance implementation and to create a proven and replicable OneWatershed Climate Resilience Infrastructure approach for comprehensive, integrated climate adaptation planning, serving as a novel paradigm in climate resilience and GSI integration for coastal communities throughout the nation, via a planned task to develop a implementation grant for the current National Oceanic and Atmospheric Administration (NOAA) Climate Resilience Regional Challenge grant, for which C/CAG submitted a Letter of Intent on August 28.

As detailed in the Project Work Plan (see Attachment 2), the Project is designed to achieve three primary objectives:

- 1) Establish and advance a **cross-asset climate change adaptation framework and community of practice** as a model for community-led risk and project opportunity area identification throughout San Mateo County and beyond. Includes aggregating existing and new climate risk and resilience

data, integration with C/CAG's Green Infrastructure Tracking and Mapping Tool, and establishing a community-led planning process to drive equitable OneWatershed project planning and implementation;

- 2) Establish **a replicable OneWatershed approach** and expand opportunities for collaboratively managing stormwater, flooding, heat, SLR, and drought hazards cost-effectively and equitably. Includes a focused interagency/stakeholder coordination and collaboration process to align goals and objectives for prioritizing OneWatershed Climate Resilience Infrastructure;
- 3) Create **more resilient neighborhoods and watersheds and demonstrate how to effectively and responsibly breakdown longstanding silos** in water-related infrastructure planning and management to holistically solve climate adaptation challenges related to water. Focus on applying the newly created OneWatershed Framework to the flood prone areas of the San Bruno Creek Watershed and developing a Community-Led OneWatershed Climate Resilience Plan.

The Work Plan, budget, and timeline for the Project are included in Attachment 2 below. Pursuant to the OPR grant requirements, with approval of Resolution 23-80, C/CAG's Executive Director will execute the Partnership Agreement (Attachment 3), outlining the roles and responsibilities of C/CAG as the lead applicant and the Partners as co-applicants on the grant, prior to executing a grant Agreement with OPR (see Attachment 4). Following execution of said Agreements, C/CAG staff will issue a Request for Proposals with support from the OneWatershed PMT in the coming weeks to select a consultant(s) to complete the project. Because a portion of the Work Plan is allocated to Climate Resilient Communities for supporting the development of the Community-Led OneWatershed Climate Resilience Plan for the San Bruno Creek Watershed, C/CAG will develop a separate Agreement with Climate Resilient Communities to execute that portion of the Project.

#### ATTACHMENTS

1. Resolution 23-80
2. Project Work Plan and Budget
3. Partnership Agreement (due to file size the attachment is available via C/CAG's Board of Directors website - <https://ccag.ca.gov/committees/board-of-directors-2/>)
4. OPR Grant Agreement (due to file size the attachment is available via C/CAG's Board of Directors website - <https://ccag.ca.gov/committees/board-of-directors-2/>)



## **RESOLUTION 23-80**

**A 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 PARTNERSHIP AGREEMENT WITH THE CO-APPLICANTS OF THE SAN MATEO COUNTY ONEWATERSHED CLIMATE RESILIENCE FRAMEWORK AND COMMUNITY-LED PLAN (PROJECT) AND TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA GOVERNOR'S OFFICE OF PLANNING AND RESEARCH FOR AN AMOUNT NOT TO EXCEED \$649,648 IN ICARP GRANT FUNDS TO COMPLETE THE PROJECT.**

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

**WHEREAS**, C/CAG manages the Countywide Water Pollution Prevention Program (the Countywide Program) to support its member agencies in meeting regulatory requirements to reduce pollution discharging from municipal storm drainage systems; and

**WHEREAS**, the Countywide Program supports its member agencies to comply with the requirements of the Municipal Regional Stormwater Permit (MRP) administered by the San Francisco Bay Regional Water Quality Control Board via local program support, direct permit compliance, and regional collaboration via the Bay Area Municipal Stormwater Collaborative (BAMS Collaborative); and

**WHEREAS**, in March 2023, C/CAG staff submitted a successful grant application on behalf of the Countywide Program and its regional partners (Co-applicants) for the Integrated Climate Adaptation and Resilience Planning Grant Program (ICARP) under the Adaptation Planning Grant Program (APGP) administered by the Governor's Office of Planning and Research (OPR) to complete the San Mateo County OneWatershed Climate Resilience Framework and Community-Led Plan (Project) for a grant amount of \$649,648; and

**WHEREAS**, C/CAG is the Lead Applicant and the Co-applicants include the Bay Area Water Supply and Conservation Agency (BAWSCA), Climate Resilience Communities, San Mateo County Flood and Sea Level Rise Resiliency District (OneShoreline), City of San Bruno, San Mateo County Office of Sustainability, and City of South San Francisco; and

**WHEREAS**, pursuant to the OPR grant terms and conditions, the Project Partners (C/CAG and the Co-applicants) have developed a Partnership Agreement to be executed prior to execution of said grant Agreement, stating the roles and responsibilities among the Project Partners and the intent to participate in the Project to the Project's completion; and

**WHEREAS**, the primary goals of the Project are to collaboratively establish a OneWatershed Climate Resilience Framework to support enhanced prioritization of new and planned integrated green stormwater infrastructure for improved climate resilience, water quality, ecosystem, and other co-benefits with respect to all water infrastructure and to build the adaptive capacity for the most vulnerable communities in San Mateo County, as demonstrated through a proposed OneWatershed Climate Resilience Plan for the San Bruno Creek Watershed.

**NOW THEREFORE BE IT RESOLVED**, the C/CAG Board of Directors authorizes the C/CAG Executive Director to execute a Partnership Agreement with the above named Co-applicants and to execute a grant

Agreement with the Governor's Office of Planning and Research in an amount of \$649,648 to implement the San Mateo County OneWatershed Climate Resilience Framework and Community-Led Plan. Be it further resolved that the C/CAG Executive Director is authorized to negotiate the final terms of said Agreements prior to their execution, subject to approval as to form by C/CAG Legal Counsel.

**PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF September, 2023.**

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***Davina Hurt, Chair***

## Attachment 2 - Project Work Plan and Budget

Work Plan						
	<b>Proposal Name:</b>	San Mateo County OneWatershed Climate Resilience Framework and Community-led Plan				
	<b>Lead Applicant:</b>	City/County Association of Governments of San Mateo County				
	<b>Project Description: (500 character limit)</b>	The Project Team will develop 1) a Countywide OneWatershed shared-risk water infrastructure asset and community vulnerability data inventory, 2) a OneWatershed Framework considering infrastructure, climate hazards, and community vulnerability criteria for prioritizing projects, then apply the framework to the San Bruno Creek watershed and co-create 3) a OneWatershed Climate Resilience Plan (Plan) including 1-3 project, policy update, or program opportunities.				
	<b>Task 1: Work Plan and Initial Countywide Partner and Community Engagement</b>					
Subtask Number	Subtask	Description <i>Include detail of activities or deliverables</i>	Deliverables / Milestones <i>Major outcomes and/or metrics used to demonstrate success</i>	Timeline <i>No later than January 31, 2026</i>	Partners Involved <i>If the partners are not identified include future plans to engage</i>	APGP Eligible Activities Addressed
1.1	<b>Draft Work Plan and Engagement Plan</b>	Working group of core project partners to develop a draft Work Plan and Engagement Plan.	Draft Work Plan, Draft Engagement Plan	November 2023-December 2023	Project Team (C/CAG, consultant team, and co-applicants). CRC to lead Engagement Plan.	Phase 1
1.2	<b>Equity Priority Community Group formation</b>	Form a Countywide Equity Priority Community (EPC) group, including community-based organizations from around the County, interested County residents, and a San Bruno climate change community (CCC) team (motivated residents of San Bruno's Belle Air neighborhood, leaders in faith/business, and local community-based orgs). Kick off data collection. Have an EPC group kickoff, visioning to identify goals, and review/comment on the draft project Work Plan and Engagement Plan. Specific sequencing and agenda to be identified during Engagement Plan development. Scope for subsequent EPC group workshops is included below and workshops will be spaced at 3-6 months apart.	Establishment of EPC group, charter, and contact list, Establishment of CCC team and contact list, Comment Log tracking EPC group review of Work Plan / Engagement Plan	December 2023 - March 2024	Project Team and EPC group members	Phase 1
1.3	<b>Technical Advisory Committee formation</b>	Form technical advisory committee (TAC) made up of county agencies, regional partners, and other interested parties with technical knowledge of climate resilience, water, and/or emergency planning. Kick off data collection. TAC to review/comment on Work Plan and Engagement Plan. Scope for subsequent EPC group workshops is included below and workshops will be spaced at 3-6 months apart. Specific sequencing and agenda to be identified during Engagement plan development. Scope for subsequent TAC workshops is included below and workshops will be spaced at 3-6 months apart.	Establishment of TAC, TAC charter, and contact list, Comment Log tracking TAC review of Work Plan	December 2023 - January 2024	Project Team and TAC members	Phase 1
1.4	<b>Establish Climate Change Community Team</b>	CRC to lead engagement and hold up to 12 one on one (or small) informal meetings with members of the San Bruno watershed community interested in joining the climate change community (CCC) team. Evaluate relevant experience and capability of participating meaningfully in CCC team.	Meeting agendas and notes	December 2023 - May 2024	CRC and CCC team	Phase 1
	<b>Task 2: Countywide OneWatershed Asset and Community Data Inventory Creation</b>					
Subtask Number	Subtask	Description <i>Include detail of activities or deliverables</i>	Deliverables / Milestones <i>Major outcomes and/or metrics used to demonstrate success</i>	Timeline <i>No later than January 31, 2026</i>	Partners Involved <i>If the partners are not identified include future plans to engage</i>	APGP Eligible Activities Addressed
2.1	<b>Data collection and gap analysis</b>	Identify and gather existing datasets relevant to identified OneWatershed climate hazards and vulnerabilities at Countywide and San Bruno Creek Subwatershed scales from the TAC, EPC group, and other agencies as needed. Create a list of data gaps that need to be filled, and discuss data quality issues with data providers.	Data List (including file names, description, source, and contact info for questions)	December 2023 - February 2023	Project Team	Phase 2

2.2	Inventory development	Develop a Countywide geospatial database inventory of baseline water infrastructure assets (stormwater, water, wastewater, sewer, along with potentially utilities, and transportation), geological/hydrological/water/land use characteristics, relevant climate hazards, and community vulnerability factors.	Geodatabase in ESRI ArcGIS, Inventory slidedoc	March 2024 - June 2024	Project Team	Phase 2
2.3	Vulnerability and risk assessment materials review workshops	Hold 2 virtual workshops with TAC and 2 virtual workshops with EPC group to review data collection, inventory creation, and approach to vulnerability/risk analysis at countywide scale. Develop OneWatershed Framework Approach Memo. Specific sequencing and agendas to be identified during Engagement Plan development.	Workshop agendas, presentations, notes, and recordings; OneWatershed Framework Approach Memo; Comment logs with feedback on database and vulnerability/risk analysis/criteria selection and OneWatershed Framework Approach Memo.	March 2024 - June 2024	Project Team, TAC members, and EPC group	Phase 2
	Task 3: Countywide OneWatershed Climate Resilience Framework Creation					
Subtask Number	Subtask	Description <i>Include detail of activities or deliverables</i>	Deliverables / Milestones <i>Major outcomes and/or metrics used to demonstrate success</i>	Timeline <i>No later than January 31, 2026</i>	Partners Involved <i>If the partners are not identified include future plans to engage</i>	APGP Eligible Activities Addressed
3.1	OneWatershed Infrastructure shared-risk and community vulnerability analysis	Identify, prioritize, and quantify risk values for impacts to "OneWatershed" infrastructure assets and communities from identified climate hazards and community vulnerabilities data. Create GIS maps from analyses showing areas of shared-risk from relevant climate hazards and areas of greatest need and opportunity for OneWatershed multi-benefit stormwater projects.	Spreadsheet tool to evaluate asset risk; Individual GIS maps (and/or storymaps) to illustrate community gathered data, areas of high overlapping asset risk and key areas for project opportunities	July 2024 - November 2024	Project Team, TAC members, and EPC group	Phase 2
3.2	OneWatershed Framework creation and review workshops	Develop OneWatershed Framework with outputs from shared-risk and community vulnerability analysis. Hold 2 workshops with TAC and with EPC group to present and get feedback on the analysis, draft framework, and development of OneWatershed visualization dashboard under Subtask 3.3. Specific sequencing and agendas to be identified during engagement plan development.	Draft/Final OneWatershed Framework slide doc; TAC and EPC workshop agendas, presentations, notes, and recordings; Comment logs with feedback on framework / dashboard mockup	November 2024 - July 2025	Project Team, TAC members, and EPC group	Phase 3
3.3	OneWatershed dashboard/visualization tools	Building on C/CAG's existing Green Infrastructure Mapping and Tracking Tool, and leveraging planned work under C/CAG's stormwater program related to asset management, create new data forms and visualization dashboard features to display OneWatershed data inventory, shared risk layers and prioritized OneWatershed project opportunities.	OneWatershed Dashboard Memo; new data forms and dashboard features for visualizing ranked project opportunities, building on C/CAG's existing tools; Slidedoc user guide	November 2024 - November 2025	Project Team, TAC members, and EPC group	Phase 3
	Task 4: San Bruno Creek OneWatershed Climate Resilience Plan					
Subtask Number	Subtask	Description <i>Include detail of activities or deliverables</i>	Deliverables / Milestones <i>Major outcomes and/or metrics used to demonstrate success</i>	Timeline <i>No later than January 31, 2026</i>	Partners Involved <i>If the partners are not identified include future plans to engage</i>	APGP Eligible Activities Addressed
4.1	Adaptive capacity evaluation and hydraulic and hydrologic modeling coordination/integration	CRC and Project Team to use CRC's Community Vulnerability Assessment (CVA) methodology to evaluate the San Bruno Belle Air neighborhood adaptive capacity. Coordinate with parallel hydraulic and hydrologic modeling efforts of vulnerable areas planned by OneShoreline.	Adaptive Capacity Evaluation Results writeup or presentation; Hydraulic/hydrologic model integration summary	April 2024 - July 2024	Project Team and CCC team	Phase 2
4.2	Apply OneWatershed Framework to San Bruno Creek Watershed	Apply framework to the San Bruno Creek Watershed and leverage community data from San Bruno Creek watershed area (including CVA above) to allow for communication during engagement workshops.	San Bruno Creek OneWatershed prioritization tool spreadsheet outputs, GIS maps showing San Bruno Creek risks/vulnerabilities and prioritized OneWatershed project opportunities; Slidedoc showing outputs (.pptx)	July 2024 - November 2024	Project Team and CCC team	Phase 3

4.3	Project opportunity/policy/program developments	Using past relevant planning work from project partners as a base, identify and develop proposed project/ policy/program opportunities using the prioritization framework for risk reduction along with data, input from community focus groups, and outputs from prior C/CAG multi-benefit green infrastructure planning efforts.	Storymap(s) showing prioritized OneWatershed project opportunities in San Bruno Creek Watershed and proposed policy/program updates	October 2024 - December 2024	Project Team and CCC team	Phase 3
4.4	San Bruno Creek OneWatershed Climate Resilience Plan preparation	Prepare San Bruno Creek OneWatershed Climate Resilience Plan, coinciding with CCC Team meetings and Community Workshops	Draft and Final Plan	January 2025 - August 2025	Project Team and CCC team	Phase 4
4.5	Conceptual Design for one OneWatershed Project	Create a project concept, fact sheet, and rendering of a multi-benefit green stormwater infrastructure project (OneWatershed project) selected using the risk reduction prioritization framework.	Draft/Final OneWatershed Pilot Project Concept Design	May 2025 - August 2025	Project Team and CCC team	Phase 4
4.6	CCC Team Meetings	Hold up to 20 monthly CCC team meetings throughout customization of the Framework to the San Bruno Watershed and creation of the San Bruno OneWatershed Climate Resilience Plan. Involve agencies and/or EPC group in selected focus groups.	Meeting agendas, presentations, notes, and recordings; Comment logs with work product feedback for some meetings.	February 2024 - August 2025	Project Team, CCC team, TAC members, EPC group	Phase 3
4.7	Community workshops and survey	Hold 3-6 interactive workshops (preferably with monolingual community appropriate language sessions) with community members and EPC group led by CCC team to guide application of the watershed framework and development of the San Bruno OneWatershed Climate Resilience Plan	Workshop agendas, notes, and recordings; survey results	March 2025 - August 2025	Project Team, CCC team, EPC group, and community members (public)	Phase 3
	Task 5: Administration and Follow up					
Subtask Number	Subtask	Description <i>Include detail of activities or deliverables</i>	Deliverables / Milestones <i>Major outcomes and/or metrics used to demonstrate success</i>	Timeline <i>No later than January 31, 2026</i>	Partners Involved <i>If the partners are not identified include future plans to engage</i>	APGP Eligible Activities Addressed
5.1	Implementation Grant Application Support	Develop grant application under the NOAA Climate Resilience Regional Challenge Program to support implementation of OneWatershed projects in San Mateo County, focusing on priority projects in various stages of development from C/CAG's prior Green Infrastructure planning and newly identified project concept from the OneWatershed San Bruno Creek Watershed Climate Resilience Plan	Draft/Final grant application materials	November 2023 -February 2024	Project Team	Phase 1
5.2	Project management / administration	Support all grant reporting and documentation requirements, provide monthly invoices, Project Team kickoff and hour-long monthly check-in meetings (virtual).	Progress reports, invoicing, reimbursement request forms, and meeting agendas and summaries via email.	November 2023 - September 2025	Project Team	Program Administration

Budget										
<b>Proposal Name:</b>	San Mateo County OneWatershed Climate Resilience Framework and Community-led Plan									
<b>Lead Applicant:</b>	City/County Association of Governments of San Mateo County									
<b>Cap/Threshold Summary Table</b>	<b>Direct Costs</b>	<b>Indirect Costs</b>								
<b>Cap/Threshold</b>	<b>80-100%</b>	<b>0-20%</b>								
<b>Calculated</b>	<b>100.0%</b>	<b>0.0%</b>								
<b>Total</b>	<b>\$ 649,648.21</b>	<b>\$ -</b>								
Cost Description	Cost Type	Cost per unit (Examples: Hourly rates, fees, etc.)	Number of Units (Example: Hours worked, fee cost, etc.)	Total APGP Funds	Task 1: Work Plan and Initial Countywide Partner and Community Engagement	Task 2: Countywide OneWatershed Asset and Community Data Inventory Creation	Task 3: Countywide OneWatershed Climate Resilience Framework Creation	Task 4: San Bruno OneWatershed Climate Resilience Plan	Task 5: Administration and Follow up	Total APGP Funds [Cross Check]
<b>Consultant Engagement activities</b> , including agendas, presentations and minutes <b>Task 1:</b> TAC, EPG group, and CCC team formation <b>Task 2:</b> Data collection and Inventory review workshops with TAC and EPC group (CCC team in EPC group) <b>Task 3:</b> 2 workshops with TAC and 2 with EPC group (CCC team in EPC group), and event attendance to survey community <b>Task 4:</b> Up to 20 Meetings and focus groups with CCC Team, 3-6 interactive community workshops (note - Other Direct Costs included in CCC Team engagement activities below)	Subcontractor Staff Costs	\$ 173.50	463	\$ 80,362.08	\$ 10,757.00	\$ 12,145.00	\$ 22,066.08	\$ 35,394.00	\$ -	\$ 80,362.08
CRC Executive Director	Co-Applicant / Partner Staff Costs	\$ 125.00	243	\$ 30,375.00	\$ 11,500.00	\$ 2,000.00	\$ 5,000.00	\$ 11,875.00	\$ -	\$ 30,375.00
CRC Outreach Coordinator	Co-Applicant / Partner Staff Costs	\$ 55.00	1,020	\$ 56,100.00	\$ 7,700.00	\$ 2,200.00	\$ 7,700.00	\$ 38,500.00	\$ -	\$ 56,100.00
CRC Program Manager	Co-Applicant / Partner Staff Costs	\$ 85.00	545	\$ 46,325.00	\$ 6,290.00	\$ 1,785.00	\$ 6,800.00	\$ 31,450.00	\$ -	\$ 46,325.00
<b>CCC Team engagement activities and community member compensation:</b> <b>Task 1:</b> participation in EPC group kickoff <b>Task 2:</b> EPC group workshops <b>Task 3:</b> EPC group workshops <b>Task 4:</b> Up to 20 monthly meetings and focus group sessions and leading (together with CRC) 3-6 community workshops	Engagement, Outreach, Education, and Training	\$ 92,600.00	1	\$ 92,600.00	\$ 1,600.00	\$ 1,600.00	\$ 2,400.00	\$ 87,000.00	\$ -	\$ 92,600.00
<b>Data analysis and framework activities:</b> <b>Task 2:</b> Data collection and gap analysis and inventory development <b>Task 3:</b> Infrastructure risk and community vulnerability analysis, OneWatershed approach memo <b>Task 4:</b> Adaptive capacity evaluation/write up and modeling summary; apply framework to San Bruno watershed	Subcontractor Staff Costs	\$ 173.50	708	\$ 122,885.19	\$ -	\$ 58,990.00	\$ 52,665.06	\$ 11,230.13	\$ -	\$ 122,885.19
<b>Project Deliverables:</b> <b>Task 1:</b> - Work Plan and Engagement Plan <b>Task 2:</b> Data List, Geodatabase, Inventory Slidedoc <b>Task 3:</b> Spreadsheet asset-risk tool, GIS maps, OneWatershed framework Slidedoc/ GI Tracking Tool dashboard updates/memo, Slidedoc user guide <b>Task 4:</b> Adaptive capacity writeup, San Bruno watershed maps and results presentation, Storymaps with project /policy/program opportunities, Draft and Final San Bruno Plan, development of 1 Project concept	Subcontractor Staff Costs	\$ 173.50	848	\$ 147,206.94	\$ 6,940.00	\$ 10,410.00	\$ 65,109.87	\$ 64,747.08	\$ -	\$ 147,206.94

<b>Engagement Materials</b> (Fliers, translation and interpretation services) for <b>Task 1:</b> kickoff meetings for TAC and EPC group and food for CCC team one-on-one meetings <b>Task 2:</b> Data collection and inventory creation workshop materials and food <b>Task 3:</b> Vulnerability analysis and Framework workshop materials and food, printing/materials/survey creation for pop up events <b>Task 4:</b> Printing and food for CCC team meetings/focus groups and community workshops. Translator fees for workshops.	Engagement, Outreach, Education, and Training	\$ 13,400.00	1	\$ 13,400.00	\$ 2,450.00	\$ 400.00	\$ 5,450.00	\$ 5,100.00	\$ -	\$ 13,400.00
<b>Project Administration and Follow up:</b> <b>Task 5:</b> Day to day project management, monthly Project Team meetings, and invoicing/progress reports; Develop draft/final implementation grant materials	Subcontractor Staff Costs	\$ 173.50	348	\$ 60,394.00	\$ -	\$ -	\$ -	\$ -	\$ 60,394.00	\$ 60,394.00
<b>Totals</b>				<b>\$ 649,648.21</b>	<b>\$ 47,237.00</b>	<b>\$ 89,530.00</b>	<b>\$ 167,191.00</b>	<b>\$ 285,296.21</b>	<b>\$ 60,394.00</b>	<b>\$ 649,648.00</b>

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-81 authorizing the C/CAG Executive Director to execute an Engagement Agreement and Conflict Waiver for legal services with the San Mateo County Office of the County Attorney.

(For further information, contact Sean Charpentier at [scharpentier@smcgov.org](mailto:scharpentier@smcgov.org))

### RECOMMENDATION

That the C/CAG Board of Directors review and approve Resolution 23-81 authorizing the C/CAG Executive Director to execute an Engagement Agreement and Conflict Waiver for legal services with the San Mateo County Office of the County Attorney.

### FISCAL IMPACT

The C/CAG FY2023-24 adopted budget includes funding for legal services from the County Attorney. Costs associated with this Agreement will be included in future proposed annual budgets.

### SOURCE OF FUNDS

The source of funds is the C/CAG general fund.

### BACKGROUND

C/CAG is a Joint Powers Authority (JPA) and requires legal counsel on routine and periodic topics and matters. Section 16 of the executed Joint Powers Agreement specifies:

“Legal Counsel. Unless the Board of Directors determines otherwise, the County Counsel shall serve as legal counsel to C/CAG and provide all routine legal advice and service necessary including attendance at Board of Directors meetings.”

C/CAG has utilized County Counsel as its legal service provider since inception. To date, C/CAG and County Counsel (now referred to as County Attorney) have not had a codified agreement. To streamline its arrangements and codify expectations, the Office of the County Attorney has been entering into Engagement Agreements and obtaining waivers from the outside agencies to which it provides legal services. The Engagement Agreement and Waiver are for the period between July 1, 2023 and June 30, 2028. Attachment 1 is the authorizing resolution. Exhibit A to Attachment 1 is the Engagement Agreement and Waiver.

### ATTACHMENT

1. Resolution 23-81
  - a) Exhibit A: Engagement Agreement and Waiver



## **RESOLUTION 23-81**

**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 AN ENGAGEMENT AGREEMENT AND CONFLICT WAIVER FOR LEGAL SERVICES WITH THE SAN MATEO COUNTY OFFICE OF THE COUNTY ATTORNEY FOR A PERIOD BETWEEN JULY 1, 2023 AND JUNE 30, 2028.**

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

**WHEREAS**, C/CAG is required to have routine legal services; and

**WHEREAS**, Section 16 of C/CAG's Joint Powers Agreement specifies that unless the Board of Directors determines otherwise, the County Counsel shall serve as legal counsel to C/CAG and provide all routine legal advice and service necessary including attendance at Board of Directors meetings; and

**WHEREAS**, the Office of County Attorney (formerly known as the Office of the County Counsel) desires a formal Engagement Agreement and Waiver from all outside agencies to which it provides legal counsel; and

**WHEREAS**, C/CAG includes funding for legal services in each annual proposed and adopted budget; and

**NOW THEREFORE BE IT RESOLVED**, by the Board of Directors of the City/County Association of Governments of San Mateo County that the Executive Director is authorized execute an Engagement Agreement and Conflict Waiver for legal services with the San Mateo County Office of the County Attorney, for a term of July 1, 2023 to June 30, 2028 (included as Exhibit A).

**PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF SEPTEMBER 2023.**

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*Davina Hurt, Chair*



# COUNTY OF SAN MATEO

## OFFICE OF THE COUNTY ATTORNEY

HALL OF JUSTICE AND RECORDS, 400 COUNTY CENTER, 6<sup>TH</sup> FLOOR • REDWOOD CITY, CA 94063-1662  
TELEPHONE: (650) 363-4250 • FACSIMILE: (650) 363-4034  
[www.smcgov.org/countyatorney](http://www.smcgov.org/countyatorney)

### COUNTY ATTORNEY

JOHN D. NIBBELIN

May 1, 2023

*Via email to [scharpentier@smcgov.org](mailto:scharpentier@smcgov.org)*

Sean Charpentier, Executive Director  
City/County Association of Governments  
C/CAG of San Mateo County

*Re: Engagement Agreement*

Dear Sean:

Thank you for selecting the Office of the San Mateo County Attorney ("County Attorney") to represent the City/County Association of Governments ("C/CAG"). This letter agreement sets forth our mutual understanding concerning the scope and terms of this engagement ("Agreement").

1. The County Attorney shall perform legal services and legal representation, including the handling of litigation, as may be requested by C/CAG. Litigation services shall not include litigation for which C/CAG has insurance coverage. The County Attorney shall also periodically update C/CAG on legal issues and shall be available to provide training as is mutually agreed upon.
2. The parties understand that the County Attorney has been retained to represent the interests of C/CAG as a whole, and the County Attorney shall render such legal advice to C/CAG as may be requested by C/CAG and/or C/CAG's designated representative(s). Attendance of the County Attorney at meetings of the Board of Directors shall be upon request of C/CAG. C/CAG is retaining the office of the County Attorney, not any particular attorney, and the attorney services will not necessarily be performed by a particular attorney. However, prior to changing the currently assigned attorney, the County Attorney will first consult with the Executive Director.
3. This Agreement is for a term commencing July 1, 2023 and extending through June 30, 2028. This Agreement may be terminated at any time by C/CAG by providing a written notice of its intent to terminate, and that provides the date on which it wishes to cease receiving legal services. The County Attorney may withdraw from representing C/CAG at any time as permitted under the Rules of Professional

Conduct of the State Bar of California and/or applicable law by providing a written notice of its intent to terminate, and that it provides the date on which it wishes to cease providing legal services.

4. C/CAG shall pay the County Attorney for services rendered between July 1, 2023 – June 30, 2024 at an attorney hourly rate of \$247 and a paralegal hourly rate of \$136. C/CAG shall pay the County Attorney for services rendered between July 1, 2024 – June 30, 2025 at an attorney hourly rate of \$252 and a paralegal hourly rate of \$138. These rates are subject to change once a year, usually on July 1. Additionally, C/CAG shall pay the actual costs of any out-of-pocket expenses incurred by the County Attorney in connection with the provision of its legal services, e.g., filing fees, extraordinary mailing costs, deposition costs, transcript costs, outside counsel fees, etc.
5. Charges for services rendered pursuant to the terms and conditions of this Agreement shall be billed one month in arrears. Time will be billed in tenth-hour (0.1) increments, rounded off for each particular activity to the nearest tenth-hour. The minimum charged for any particular activity will be one tenth-hour (0.1). Payment shall be made by C/CAG within thirty (30) days of the invoice date.
6. C/CAG understands that the County of San Mateo (“County”) is the County Attorney’s primary client. Should there be a conflict between C/CAG and the County in a matter, C/CAG hereby consents to the County Attorney’s withdrawal of representation of C/CAG in order for the County Attorney to represent the County in any such matters, unless such waiver is inconsistent with state law. Upon execution of this Agreement, C/CAG agrees to execute the Notice and Waiver of Conflict attached hereto as **Exhibit A**, incorporated herein by this reference, so that the County Attorney may continue to represent the County and C/CAG in the absence of actual conflict, as described more fully in Exhibit A.
7. Upon the termination of this Agreement for any reason: (a) subject to any applicable protective order, non-disclosure agreement, statute or regulation, the County Attorney promptly shall, at C/CAG's request, release to C/CAG all of C/CAG's materials and property, which includes correspondence, pleadings, deposition transcripts, experts’ reports and other writings, exhibits, and physical evidence, whether in tangible, electronic or other form, and other items reasonably necessary to C/CAG's representation, whether C/CAG has paid for them or not; and (b) the County Attorney promptly shall refund any part of a fee or expense paid in advance by C/CAG that the County Attorney has not earned or incurred—provided, however, this provision is not

applicable to a true retainer fee paid solely for the purpose of ensuring the availability of the County Attorney for the matter.

Please review this document in its entirety. If you have any questions about its terms, please feel free to ask me or another attorney. If it meets with your approval, please sign below and return the original to me.

Very truly yours,

JOHN D. NIBBELIN, COUNTY ATTORNEY

By: \_\_\_\_\_  
John D. Nibbelin, County Attorney

Agreed and Accepted:

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Sean Charpentier, Executive Director  
On behalf of the City/County Association  
of Governments, C/CAG of San Mateo  
County

## **EXHIBIT A**

### **Notice and Waiver of Conflict**

This Notice and Waiver of Conflict is provided to the City/County Association of Governments of San Mateo County (“C/CAG”) by the Office of the San Mateo County Attorney (the “County Attorney”) in connection with the matters that are subject to the engagement agreement for legal services between the County Attorney and C/CAG (“Matters”).

In accordance with Rule 1.7 of the California Rules of Professional Conduct, this Notice and Waiver of Conflict informs C/CAG of the implications of the County Attorney’s concurrent representation of both C/CAG and the County of San Mateo (“County”) and to seek C/CAG’s consent to such joint representation. In the County Attorney’s opinion, C/CAG and the County are not presently directly adverse to each other, and (1) the County Attorney reasonably believes it will be able to provide competent and diligent representation to each C/CAG and the County; (2) the joint representation of C/CAG and the County is not prohibited by law; and (3) the representation does not involve the assertion of a claim by C/CAG or the County against the other in the same litigation or other proceeding before a tribunal. In addition, we believe the County Attorney can concurrently represent both C/CAG and the County without significant risk that the representation of either will be materially limited by our responsibilities to, or relationships with, the other, a former client or third person, or by our own interests.

In connection with requesting C/CAG’s informed written consent, however, we are obligated to inform you of “the relevant circumstances” and of “the material risks, including any actual and reasonably foreseeable adverse consequences” of the County Attorney’s representation of both C/CAG and the County, which could, for example, include:

- C/CAG’s and the County’s interests may diverge in connection with the Matters due, for example, to differing positions on legal issues or different concerns, expectations, and/or interests;
- A dispute could also arise over the application or interpretation of terms of an existing agreement or in negotiation of a future agreement between C/CAG and the County;
- As a result of new information, facts, law, rules, or any other circumstances, (1) the County Attorney no longer reasonably believes it would be able to provide competent and diligent representation to each C/CAG and the County; (2) the joint representation of C/CAG and the County becomes prohibited by law; and/or (3) the County Attorney no longer believes it can concurrently represent both C/CAG and the County without significant risk that the representation of either will be materially limited by our responsibilities to, or relationships with, the other, a former client or third person, or by our own interests; and/or
- Either C/CAG or the County could request that material information regarding the representation or Matters be kept confidential from the other.

To the last point above, because the County Attorney would be jointly representing C/CAG and the County, we must inform both the County and C/CAG of significant developments relating to the Matters and may not withhold information provided by one of you from the other.

Moreover, under California Evidence Code Section 962 and California case law, in cases of joint representation there is no attorney-client privilege between or among joint clients so that one of you may not claim your communications with the County Attorney are privileged or confidential as to the other with respect to the Matters.

At this time, we believe our office is able to jointly represent C/CAG and the County and to fulfill our ethical obligations to each. However, if at any point during the joint representation we identify any material change in circumstances relevant to our ability to ethically represent both C/CAG and the County, we will disclose those circumstances and, where applicable, obtain new informed written consent or advise you on the need for separate counsel as to any such issues. C/CAG should consider any concern it has about the effect of such a limitation on the County Attorney's representation. Please note that, in accordance with Rule 1.16 of the California Rules of Professional Conduct, should it become necessary for the County Attorney to withdraw from representation of C/CAG, we will not do so until we have taken reasonable steps to avoid reasonably foreseeable prejudice to the rights of C/CAG, such as giving C/CAG sufficient notice to permit C/CAG to retain other counsel and releasing to C/CAG, at C/CAG's request, all C/CAG materials and property pursuant to Rule of 1.16(e). C/CAG understands that the County of San Mateo is the County Attorney's primary Client. Should there be a conflict between C/CAG and the County in a matter, C/CAG hereby consents to the County Attorney's withdrawal of representation of C/CAG in order for the County Attorney to continue to represent the County in any such matters, unless such waiver is inconsistent with state law.

C/CAG should also consider the issue of whether our representation of the County could affect our zealous representation of C/CAG or cause C/CAG to question our loyalty or performance. When an attorney represents multiple parties, there is the theoretical possibility that the attorney may not vigorously represent each client, or may have their independence or judgment compromised in some way. An effective attorney-client relationship requires the client to have confidence in its counsel's loyalty and objectivity. As noted above, however, we do not see any significant potential for such adverse consequences at this time.

Finally, C/CAG should also consider whether C/CAG wishes to obtain the advice of an independent attorney concerning our ability to represent your interests adequately in view of our concurrent representation of the County.

By executing this Notice and Waiver of Conflict where indicated below, you confirm on behalf of C/CAG that you have been fully informed as to the nature of the County Attorney's concurrent joint representation of C/CAG and the County; that you have been provided a reasonable opportunity to seek the advice of independent counsel of your choice regarding the joint representation and waiver of any conflicts of interest; and that you understand that a conflict may arise in the future which may require an additional disclosure and waiver by C/CAG, or, alternatively, the County Attorney's withdrawal from representation of C/CAG.

Additionally, you confirm that you will take the opportunity to retain independent counsel in the event you have any reservations regarding the joint representation, the issues arising from that representation, and/or the waiver of any conflict(s) of interest. Assuming the foregoing accurately reflects your agreement, please sign and date where indicated below, and return the executed Waiver of Conflict to the County Attorney to the attention of Assistant County Attorney David Silberman at [dsilberman@smcgov.org](mailto:dsilberman@smcgov.org).

### Waiver of Conflict

I, Sean Charpentier, Executive Director, on behalf of C/CAG, hereby acknowledge that I have carefully read the foregoing Notice and Waiver of Conflict, informing me that C/CAG's interests may potentially be in conflict with those of the County in connection with the County Attorney's concurrent joint representation of C/CAG's and County's interests in connection with the Matters.

I expressly acknowledge that the concurrent joint representation by the County Attorney of C/CAG's and the County's interests constitutes the representation of potentially conflicting interests, to the extent that C/CAG's and the County's interests are potentially adverse.

I nevertheless knowingly and voluntarily consent on behalf of C/CAG to such concurrent joint representation by the County Attorney. I further expressly acknowledge that C/CAG has been advised that C/CAG has the right to seek independent legal counsel in connection with the advisability of the joint concurrent representation and any associated conflicts, and that C/CAG has had a reasonable opportunity to do so.

#### CLIENT:

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By Sean Charpentier, Executive Director      Date  
City/County Association of Governments  
C/CAG of San Mateo County

#### ATTEST:

 May 1, 2023

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By: John D. Nibbelin, County Attorney      Date

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Receive the Draft 2024 State Transportation Improvement Program (STIP) for San Mateo County.

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

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### RECOMMENDATION

That the C/CAG Board receive the Draft 2024 State Transportation Improvement Program (STIP) for San Mateo County.

### FISCAL IMPACT

There is not any direct fiscal impact to C/CAG other than staff time. Upon CTC approval, the STIP funds will be allocated to project sponsors directly.

### SOURCE OF FUNDS

Funding for the 2024 STIP Program will come from both state and federal funding sources.

### BACKGROUND

The State Transportation Improvement Program (STIP) is the biennial five-year plan for future allocations of state transportation funds. It is a five-year document adopted every two years by the California Transportation Commission (CTC) to program certain portions of the gas tax for transportation projects. The Program is developed in coordination with the Metropolitan Transportation Commission (MTC).

On June 28, 2023, Caltrans presented the draft STIP Fund Estimates for the upcoming five-year period (FY 2024-25 through FY 2028-29) to the California Transportation Commission (CTC). The CTC is scheduled to adopt this estimate at their August 16, 2023 meeting. MTC is scheduled to adopt regional STIP policy and procedures at the September 21, 2023 Commission meeting. MTC Staff shared detailed fund estimates for San Mateo County along with the rest of the Bay Area region on Jun 30, 2023. San Mateo County is projected to receive approximately \$37 million from the 2024 STIP. C/CAG Staff will use this as a working estimate, which may later be adjusted by CTC upon adoption of the final STIP Fund Estimate. The 2024 STIP identifies net new capacity only in the outer two years of the 2024 STIP, FY 2027-28 and FY 2028-29. Therefore, 2024 STIP funds can only be programmed within those two fiscal years.

For San Mateo County, C/CAG is the designated agency responsible for developing the regional share of the STIP. STIP candidate projects must be consistent with the Regional Transportation Plan



as well as the County's Congestion Management Plan. In addition, projects must have an approved Project Study Report (PSR). A full funding plan is required for a project phase in order to program STIP funds. Also, projects in excess of \$50 million in total project cost must include a project level benefit evaluation, including lifecycle cost benefit analysis.

The last adopted cycle of the 2022 STIP covered the period between FY 2022-23 through FY 2026-27. Funds previously programmed for highway projects as adopted in the 2022 STIP are still committed; however, the timing of those funds being available is not guaranteed. CTC may also reprogram current projects into later years.

On July 20, 2023, C/CAG staff reached out to all directors of Public Works and city/county managers via e-mail, soliciting candidate projects to consider with a due date of August 4, 2023. In addition, staff has also been working with partner transportation agencies such as Caltrans and the San Mateo County Transportation Authority (SMCTA) in identifying top regional projects that supports the historical policy in the San Mateo Countywide Transportation Plan of directing STIP funds towards major highway improvement projects of regional significance. This allows major projects to leverage regional and state funding programs.

By the submission deadline, C/CAG received responses from the following jurisdiction:

- City of Pacifica – Requested \$4 million in Plans, Specifications, and Estimates (PS&E) funds for Highway 1/Manor Drive Overcrossing Improvement Project. Because the PS&E phase is scheduled to take place in FY24-25, this does not align with the availability of the 2024 STIP funds.

At the August 17<sup>th</sup> CMP TAC meeting, the City of Redwood City requested that US-101/SR-84 Interchange Project be considered for STIP funding for construction funds. Additionally, the City of Pacifica provided staff additional information on the construction schedule for the Highway 1/Manor Drive Overcrossing Project after the packet for the CMP TAC meeting was released. At the meeting, staff proposed an addendum to the published draft list to include funding the project from the City of Pacifica since the construction phase aligns with the availability of the 2024 STIP funds. The CMP TAC did not take action to allow staff time to gather more information on both projects and will return to the TAC in September.

Upon review of the project timeline, the construction phase of the US-101/SR-84 Interchange Project does not align with the availability of the 2024 STIP funds. Staff collaborated with the SMCTA and Caltrans staff and recommends the proposed draft 2024 Program (Attachment 1). Staff proposes programming the following projects for the 2024 STIP:

- \$29,888,000 in to fund the construction phase of the US-101 Managed Lanes Projects – North of I-380, in FY27-28.
- \$5,000,000 to fund the construction phase of the Highway 1/Manor Drive Overcrossing Improvement Project in FY27-28.
- \$2,230,000 to fund the closeout phase of the US-101 Express Lanes Project – Whipple to I-380. This funding reflects previously allocated STIP funds to this project which was returned to the 2024 STIP Fund Estimate.

An additional programming action is to fund \$1,685,000 million to the 92/101 Area Improvement Project. As part of the 2022 STIP, approximately \$3 million in Coronavirus Response and Relief

Supplemental Appropriations Act (CRRSAA) funds was available for funding projects and the 92/101 Area Improvement Projects received \$1,685,000 and the Northern Cities Smart Corridor Project received \$1,412,000 in CRRSAA funds. When the national debt ceiling negotiations occurred in May 2023, it led to a rescission of all unallocated CRRSAA funds, which originally had an allocation deadline of September 2024.

To save all of the County's CRRSAA funds, a decision was made to move all \$3 million of the funding to the Smart Corridor project, which was ready for construction funding allocation, and backfill the 92/101 Area Improvements Project with regular STIP funding. At the August CTC meeting, the Commission provided \$3 million in state funds in exchange for the federal CRRSAA funds on the Smart Corridor project and will continue on with the construction phase. MTC has instructed staff to formally program \$1,685,000 in regular STIP as part of the 2024 STIP update.

### Recommendation

The CMEQ Committee recommended approval of the draft list at their September 14<sup>th</sup> meeting. The CMP TAC will receive the revised draft 2024 STIP at their September 21<sup>st</sup> meeting for their review and recommendation.

Staff are presenting the draft 2024 STIP to the C/CAG Board in September as an information item. The proposed draft 2024 STIP is a countywide plan and will be presented to this Board again in October for approval to meet MTC's anticipated project submittal deadline.

Upon approval by the C/CAG Board in October, the Proposed 2024 STIP for San Mateo County will be forwarded to the Metropolitan Transportation Commission (MTC) for inclusion in the Bay Area regional STIP proposal. If approved by the MTC, as scheduled on December 20, 2023, the proposal will be forwarded to the California Transportation Commission (CTC) for approval and adoption in March 2024.

### **ATTACHMENTS**

1. Summary of Proposed 2024 STIP for San Mateo County

**2024 STIP Program - San Mateo County**

				Project Totals by Fiscal Year (\$1,000's)							Project Totals by Component (\$1,000's)					
	Lead Agency	PPNO	Project	Prior Info Only	23-24	24-25	25-26	26-27	27-28	28-29	R/W	Const	E & P	PS&E	R/W Sup	Con Sup
Projects	SM C/CAG	668D	SR 92/US 101 Short Term Area Improvements	5,628	1,685								2,411	3,217		1,685
	Redwood City	692K	Woodside Interchange Improvements	8,000							8,000					
	South San Francisco	702D	Produce Interchange - Improvements	5,000										5,000		
	Daly/Bris/Colma	658G	ITS Improvements in San Mateo Northern Cities - (Daly City, Brisbane, and Colma)	9,312								9,312				
	SM C/CAG	658M	US 101 Managed Lane Project North of I-380			5,477	1,700		29,888			29,888		5,477	1,700	
	Caltrans	658D	US 101 Express Lanes Project - Whipple to I-380		2,320							2,320				
	Pacifica	NEW	Highway 1/Manor Drive Overcrossing Improvement Project						5,000			5,000				
Admin	SM C/CAG	2140A	Planning, programming, and monitoring (CMA)	236	236	308	308	309	309							

**2024 STIP**

Available capacity for 2024 STIP: \$37,208

The 2024 STIP Fund Estimate identifies net new capacity only in the two years added to the STIP, FY 2027-28 and FY 2028-29.

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Update on C/CAG Equity Assessment and Framework Development Project and review of proposed actions for comment.

(For further information, contact Kim Springer at [kspringer@smcgov.org](mailto:kspringer@smcgov.org))

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### RECOMMENDATION

Receive an update on C/CAG Equity Assessment and Framework Development Project and review of proposed actions for comment.

### FISCAL IMPACT

The existing Mariposa Planning Solutions agreement is for \$200,000 for the subject agreement.

### SOURCE OF FUNDS

Fund were appropriated from the General Fund for this project will be partially reimbursed from Surface Transportation Program Planning Grant funds.

### BACKGROUND

On April 24, 2022 the C/CAG Board of Directors adopted Resolution 22-16 authorizing the C/CAG Executive Director to execute an agreement with Mariposa Planning Solutions (Consultant) for the C/CAG Equity Assessment and Framework Development Project (Project). The Consultant began work on the project immediately.

This presentation is the fourth of six presentations provided to the C/CAG Board throughout this project. Staff and the consultant intend to present in both October and November of this year, with the intent to adopt the final Equity Assessment and Framework Development project report before the end of the calendar year.

The first presentation was on October 13, 2022 and focused on the scope of the project, the first draft of the Equity Definition, and the first draft of the Historical Perspectives memo. The second meeting was held on February 9, 2023 and included additional updates to both the Equity Definition and Historical Perspective documents, and a new Equity Connections to C/CAG's programs document. The third meeting was on March 9, 2023 and focused on Existing Conditions analysis and identification (mapping) of Equity Focus Areas in San Mateo County. In addition, a proposed final Equity Framework outline was presented.

Through the project the Consultant and staff have held multiple rounds of Working Group meetings with Community Based Organizations and Agency Partners. Community Based Organizations for this project include Youth Leadership Institute, Samaritan House, Nuestra Casa, El Concilio of San Mateo County, Youth United for Community Action (YUCA), and the Housing Leadership Council. Peninsula Conflict Resolution Center has supported coordination of some of these meetings. The Agency Partners engaged include SamTrans, County of San Mateo Equity Office, County Office of Sustainability, Peninsula Clean Energy, and Commute.org. In addition, the C/CAG Board established an Ad Hoc Equity Committee at its March meeting, with participation from Members Hurt, Papan, Taylor, Ortiz, Manalo, and Nicolas. The Ad Hoc Committee has met two times since the last Board meeting to review documents and provide input.

Christopher Lepe, Mariposa Planning Solutions, and staff will provide a presentation to the C/CAG Board, sharing a chronological perspective of the documents developed to date and the timeline through the end of the project.

**For this meeting, staff and the Consultant are requesting C/CAG review and comment on the Draft C/CAG Equity Framework Structure, Procedural Steps, & Action Plan document, which is provided as an attachment to this staff report.**

Looking at the attachment, the Action Plan is structured by Category of actions, Goals, Outcomes, and Actions as follows:

**Category**

- **Goal**
  - **Outcomes**
    - **Action**
      - **Performance Indicators:** Criteria used to evaluate progress or completion of Action.
      - **Reporting:** Describes the reporting process, who reports progress and to whom.
      - **Implementation Timeline:** Staff's estimate of when the Action will be implemented based on Fiscal Year or TBD if further study is required.
      - **Fiscal Impact:** Identifies the level of effort or estimated costs *if* additional budget will be required and represents a rough estimate.
      - **Implementation Status:** Identifies the status of completion, with the qualification that even after the "completion" many of these activities will continuously improve. The following are the categories of completion:
        - Completed
        - Ongoing
        - In Progress – Estimated Completion Date
        - Not Initiated

Also attached in a Summary of Stakeholder Meetings; a list of the Board, Board Equity Ad Hoc, C/CAG Committees, staff, and agency and community working group meetings held and still planned, through this project process. There have been a total of 26 meetings, including 7 public Brown Act agendized meetings. In addition, there will be another 7 scheduled public Brown Act meetings on this topic through November.

After receiving feedback from the C/CAG Board and C/CAG committees in September, Mariposa Planning Solutions will prepare a draft final report, which will include an executive summary, the main body of the report, and appendices with final memo documents, meeting notes, and other documents relevant to the project. The draft final report will be presented to the C/CAG Board at the October 12, 2023 meeting for comment, and final adoption is tentatively scheduled for November 9, 2023.

#### **ATTACHMENTS**

1. Draft C/CAG Equity Framework Structure, Procedural Steps, & Action Plan
2. Summary of Stakeholder Meetings

*The following attachment is available to download on the C/CAG website (See “Additional Agenda Materials”) at: <https://ccag.ca.gov/committees/board-of-directors-2/>*

3. Presentation

8/31/2023

## Draft C/CAG Equity Framework Structure, Procedural Steps, & Action Plan

**Purpose:** Develop an equity framework to convey a shared understanding among C/CAG staff, Board, Committees, Equity Framework Agency Partner, Community Working Group members, and other stakeholders that guides C/CAG on what and how the agency will achieve its equity goals.

**Outcomes:** Establish a structure for the framework and key components needed to advance equity. Identify strategies, actions, and a timeline for implementation - what it means to achieve equity in the context of C/CAG's mission and roles in San Mateo County and how the agency will measure progress.

**Process:**

- Project team shares draft framework and action plan structure, including goals, outcomes, and actions, and accompanying staff internal review summary with C/CAG staff working group for initial input.
- Project team incorporates feedback for a second C/CAG staff working group discussion focused on refinement of goals and outcomes and the creation of proposed actions/strategies.
- Project team incorporates staff working group input & shares with remainder of C/CAG staff for all-staff meeting discussion.
- Project team incorporates all-staff meeting input & shares with staff working group for discussion.
- Project team incorporates staff input & shares with C/CAG Board subcommittee and Agency and CBO Partners for discussion.
- Project team incorporates Board Subcommittee and Agency & CBO Partner input and shares with the full Board for discussion.

## Equity Framework Final Report Elements

- Executive Summary
- San Mateo County Community Context
  - History of racist and discriminatory actions in SMC
  - Equity Focus Areas (EFA's) in San Mateo County - location of high concentrations of historically and currently underserved and impacted populations
  - Existing conditions and disparities
- Agency Context
  - C/CAG's mission and role in the county
  - Equity connections between C/CAG's program areas and equity
  - Where C/CAG has been and where it currently is on its equity journey
    - Strengths
    - Gaps
- C/CAG's Equity Commitments & Approach
  - C/CAG's Equity Definition
  - Board and staff equity commitment statement
  - Intended Equity Goals and Outcomes
  - C/CAG's procedural approach for projects, programs, plans, and funding calls
  - Action Plan
- Appendices
  - External review summary
  - Summary of CBO & Agency Partner input



## **Procedural Steps for Projects, Programs, and Plans**

Set the project direction/scope:

- Establish intended equity goals, outcomes, and performance measures.
- Use an equity lens to identify and integrate potential equity-focused concepts & alternatives.

Assess for optimal outcomes:

- Identify who, what, where, when to focus on to avoid further harm and address historic & existing inequities.
- Identify benefits & burdens of each alternative.
- Select strategies that advance equity and avoid/minimize burdens.

Maintain transparency and accountability and conduct inclusive and meaningful outreach and engagement throughout the planning process.

- Develop a community engagement plan centered around Equity Focus Area geographies and demographics potentially affected (benefited or impacted)
- When feasible, partner with Equity Focus Area-serving Community Based Organizations (CBOs) and community leaders at each step of the process, including co-creation of direction/scope.
- Communicate purpose, scope, and implementation timeline throughout the process, and inform process participants and EFA stakeholders of the final decision/product(s) and how input received was incorporated.
- Create opportunities for ongoing feedback, evaluation, reporting, and iteration as applicable.

## Action Plan Structure:

### Category

- **Goal**
  - **Outcomes**
    - **Action**
      - **Performance Indicators:** Criteria used to evaluate progress or completion of Action.
      - **Reporting:** Describes the reporting process, who reports progress and to whom.
      - **Implementation Timeline:** Staff's estimate of when the Action will be implemented based on Fiscal Year or TBD if further study is required.
      - **Fiscal Impact:** Identifies the level of effort or estimated costs *if* additional budget will be required and represents a rough estimate. There are some activities that will require assistance from outside consultants. All these activities will require C/CAG staff time, which has opportunity costs. To the extent possible, C/CAG will attempt to leverage outside funding sources for discrete activities. C/CAG time required will be higher as these activities are initiated and decrease over time as these activities become normal operating practices for C/CAG. For example, the first annual report will probably take a considerable amount of time and effort. However, subsequent ones will require less time.
      - **Implementation Status:** Identifies the status of completion, with the qualification that even after the "completion" many of these activities will continuously improve. The following are the categories of completion:
        - Completed
        - Ongoing
        - In Progress – Estimated Completion Date
        - Not Initiated

## Action Plan Goals and Outcomes:

### Category 1: Internal Equity (Organization and Administration)

- **Goal 1**: Create and maintain internal reporting, feedback, coordination, and collaboration structures for C/CAG equity advancement efforts.
  - Outcome 1: The Equity Framework and Action Plan's intent and commitments are in a constant state of implementation, with learning and adaptation along the way.
- **Goal 2**: Continually strengthen and maintain internal organizational understanding, resources, and capacity to advance equity.
  - Outcome 1: An increasing number of staff, Board, and Committee members are representative of EFA demographics and/or geographies.
  - Outcome 2: Staff, Board, and Committee members have a greater depth of credentials and/or lived experience relevant in equity advancement work.
- **Goal 3**: Promote economic justice and shared prosperity through programs.
  - Outcome 1: C/CAG contributes to increased opportunities for Disadvantaged Business Enterprises (DBE).<sup>1</sup>

### Category 2: C/CAG Plans, Projects, Policies, and Programs

- **Goal 4**: Infuse a pro-equity approach within all relevant projects, plans, and programs.
  - Outcome 1: Equity is integrated in the design of projects, programs, and other actions and initiatives.
  - Outcome 2: All applicable planning efforts, projects, and programs include an analysis of equity needs, impacts, and benefits.

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<sup>1</sup> "DBEs are for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations. African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis". <https://www.transportation.gov/partners/small-business/dbe-program>

- Outcome 3: Equity analyses/assessments are shared with the public, including C/CAG Committees/Board.
- **Goal 5: Advance equity through the call for projects structure and other funding opportunities for EFA geographies and demographics**
  - Outcome 1: C/CAG staff, Board, and Committees have a clear understanding of the degree to which grant funded programs and projects are advancing equity.
  - Outcome 2: Grant funding trends towards equitable outcomes due in part to changes in C/CAG's approach.
- **Goal 6: Use data and mapping to help ensure C/CAG's equity goals are tracked and achieved.**
  - Outcome 1: C/CAG staff leverage data, mapping, and analytical tools that are augmented and refined over time.

#### **Category 3: EFA Community Engagement, Empowerment, & Accountability**

- **Goal 7: Build and maintain trust, transparency, and lasting relationships with EFA CBO's and leaders and the populations they serve.**
  - Outcome 1: C/CAG staff have an organized and centralized repository of CBO and community leader contacts to share relevant information with, obtain input from, and partner with when opportunities arise.
  - Outcome 2: Decision makers, EFA stakeholders, and the broader community are kept informed of progress towards meeting Equity Framework goals.
  - Outcome 3: EFA-serving CBOs are resourced to support C/CAG in reaching historically and currently impacted, underserved, and hard-to-reach populations and to provide valuable input and perspective.

#### **Category 4: Countywide Leadership, Coalition Building, and Advocacy**

- **Goal 8: Provide countywide equity leadership.**
  - Outcome 1: C/CAG serves and is increasingly seen as a leader in equity advancement efforts in San Mateo County.

### **Category 1: Internal Equity (Organization and Administration)**

- **Goal 1: Create and maintain internal reporting, feedback, coordination, and collaboration structures for C/CAG equity advancement efforts.**
  - **Outcome 1: The Equity Framework and Action Plan's intent and commitments are in a constant state of implementation, with learning and adaptation along the way.**

<b>Actions</b>	<b>Performance Indicators</b> (Internal & community-level, as applicable)	<b>Reporting</b>	<b>Implementation Timeline</b>	<b>Fiscal Impact &amp; Implementation Status</b>
1. Establish an Equity Lead among C/CAG staff to help track, coordinate, and implement the Framework and Action Plan.	Equity Lead established	Annual Report  The equity lead staff person reports to the Executive Director, shares progress, and helps facilitate action at periodic all-staff meetings.	FY 2023-24	Fiscal Impact: <i>Staffing</i>  Status:
2. Provide an annual evaluation of Equity Framework progress, including lessons	Percent of Equity Framework Actions by Status compared to	Annual report shared with Committees and Board of Directors (BOD) and posted	FY 2023-24	Fiscal Impact: <i>Staffing</i>

learned and proposed changes and next steps.	Implementation Timeline.	on C/CAG's Equity Framework webpage, including updates to community equity indicators over time.		Status:
3. Convene and support the C/CAG Board of Directors (BOD) Equity Framework Ad Hoc Committee as needed on an ongoing basis to incubate ideas and assist with Framework and Action Plan implementation.		Ad Hoc Committee provides progress updates to the Board and Action reported in annual report	Ongoing as needed	Fiscal Impact: <i>Staffing</i>  Status:

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- **Goal 2: Continually strengthen and maintain internal organizational understanding, resources, and capacity to advance equity.**
  - **Outcome 1: An increasing number of staff, Board, and Committee members are representative of EFA demographics and/or geographies.**
  - **Outcome 2: Staff, Board, and Committee members have a greater depth of credentials and/or lived experience relevant in equity advancement work.**

Actions	Performance Indicators	Reporting	Implementation Timeline	Fiscal Impact & Implementation Status
4. Consider adding Equity focused seats to the CMEQ and RMCP Committees	Discussion on Board addition of Equity Seats completed, and Seat added if requested by Board	Staff report and Annual Report	FY 2023-24 & FY 2024-2025	Fiscal Impact: <i>Staffing</i>  Status:
5. Incorporate equity criteria in recruitment and selection of new candidates for open public member seats.	Equity criteria integrated into recruitment document and recruitment staff report to Board	Staff reports to Board via staff report and in Committee/BOD Annual Report	FY 2023-24  Upon recruitments	Fiscal Impact: <i>Staffing</i>  Status:

6. Conduct outreach to equity-focused CBO's to fill vacant public member seats for applicable committees (Congestion Management and Environmental Quality Committee (CMEQ) & the Resource Management and Climate Protection Committee (RMCP)).	Use CBO distribution list for recruitments.	Staff reports and Annual report	FY 2023-24 Ongoing	Fiscal Impact: <i>Staffing</i>  Status:
7. Explore developing a stipend policy for public members on C/CAG committees to increase the quantity and diversity of applicants for open committee seats.	Discussion and exploration completed	Annual Report	Conduct study on best practices for stipends for public members.  TBD	Fiscal Impact: <i>Staffing &amp; Stipend costs</i>  Status:
8. Work with the County on all C/CAG HR actions to identify opportunities to leverage their equity-oriented Human Resources Action Plan, staffing, and other HR resources.	Ongoing opportunity discussions with County HR	Provide updates, if any, to C/CAG Board	FY 2023-24	Fiscal Impact: <i>Staffing</i>  Status:
9. To extent possible, Incorporate equity expertise in or as desired and qualifications in job descriptions for all relevant planning, policy, and programmatic positions.	Percent of recruitments in which equity expertise was included as a desired skill	Executive Director reports to C/CAG Board on new hires and includes	FY2023-24	Fiscal Impact: <i>Staffing</i>  Status:



		information on equity credentials, if any/		
10. Ensure that the Equity Framework is included in all onboarding materials for C/CAG Staff, Board members, new staff, and Committee members.	Number of C/CAG, Board members, new staff, and Committee members provided Equity Framework in onboarding	Percent reported in annual Equity Report	FY 2023-24	Fiscal Impact: <i>Staffing</i>  Status:
11. All staff participate in at least one equity-focused training or professional development activity every two years, including County of San Mateo equity trainings available to C/CAG staff.	% of staff participating in equity-focused trainings/professional development activities	Staff report learnings from trainings at all-staff meetings and % reported in annual Equity Report	FY 2023-24 & FY 2024-25	Fiscal Impact: Estimated \$10,000 - \$25,000 per year for equity training/professional development  Status:
12. Seek additional resources to help implement the Framework and Action Plan, including funding, and provide staff and leadership with needed support.	Annual evidence of ongoing Equity Framework resource development	Provide update in annual Equity Report to C/CAG Board	FY 2023-24 & Ongoing	Fiscal Impact: <i>Staffing</i>  Status:

13. Board of Directors (BOD) is provided an annual presentation from an expert in the field on emerging equity themes relevant to C/CAG's activities.	Annual presentation completed	Annual Report	FY 2024-25	Fiscal Impact: Estimated costs of \$5,000-\$10,000 and <i>Staffing</i>  Status:
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- **Goal 3: Promote economic justice and shared prosperity through programs.**
  - **Outcome 1: C/CAG contributes to increased opportunities for Disadvantaged Business Enterprises (DBE).<sup>2</sup>**

Actions	Performance Indicators	Reporting	Implementation Timeline	Fiscal Impact & Implementation Status
14. Explore C/CAG's needs and goals around inclusive procurement and identify next steps and potential tools to achieve those goals.	Assessment of needs, goals, and interventions completed.  % of contracts that include DBE requirements	Update in annual Equity Report	TBD	Fiscal Impact: Estimated <i>Consultant costs of \$75,000</i>  Status:
15. Join a procurement platform so DBE businesses can sign up to receive notification of C/CAG procurement opportunities.	Identification and joining 1-2 most applicable platforms.  Addition of question in RFP asking how proposer (especially DBE's) heard about procurement.	Report outcomes in Annual Report, based on question in RFPs.	FY 2024-25	Fiscal Impact: <i>Staffing a potential cost to join platform.</i>  Status:

<sup>2</sup> "DBEs are for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations. African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis". <https://www.transportation.gov/partners/small-business/dbe-program>

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## **Category 2: C/CAG Plans, Projects, Policies, and Programs**

- **Goal 4: Infuse a pro-equity approach within all relevant projects, plans, and programs.**
  - **Outcome 1: Equity is integrated in the design of projects, programs, and other actions and initiatives.**
  - **Outcome 2: All applicable planning efforts, projects, and programs include an analysis of equity needs, impacts, and benefits.**
  - **Outcome 3: Equity analyses/assessments are shared with the public, including C/CAG Committees/Board.**

<b>Actions</b>	<b>Performance Indicators</b>	<b>Reporting</b>	<b>Implementation Timeline</b>	<b>Fiscal Impact &amp; Implementation Status</b>
16. Center equity and climate resiliency in C/CAG's upcoming strategic planning.	Comprehensive inclusion in Strategic Plan RFP & document	Report to C/CAG Board in annual Equity Report	FY 2023-24  Upon launch of Strategic Planning	Fiscal Impact: <i>Staffing</i>  Status:
17. Use an Equity Evaluation Tool (EET) to assist staff and decision makers in considering a range of equity considerations at the earliest stages of project, plan, program, and funding call design.	Percent of projects, plans, programs, and funding calls for which staff used the EET.	EET use details presented in staff reports to BOD, for discussion and iteration	FY 2023-24	Fiscal Impact: <i>Staffing</i>  Status:
18. Include an appropriately- scaled equity analysis, assessing benefits and burdens of proposed	Percent of projects, plans, programs, and planning efforts for which an equity	Staff reports and Annual Report.	FY 2023-24	Fiscal Impact: <i>Staffing</i>  Status:

Actions	Performance Indicators	Reporting	Implementation Timeline	Fiscal Impact & Implementation Status
actions, in all projects, programs, and planning efforts.	analysis was completed			
19. Provide committees and Board with a new Equity Section within staff reports to share benefits, burdens, recommendations, at the project, plan, program, and funding approval stage.	Section added to relevant staff reports and presented to committees and Board	All Staff reports	FY2023-24	Fiscal Impact: <i>Staffing</i> Status:

- **Goal 5: Advance equity through the call for projects structure and other funding opportunities for EFA geographies and demographics**
  - **Outcome 1: C/CAG staff, Board, and Committees have a clear understanding of the degree to which grant funded programs and projects are advancing equity.**
  - **Outcome 2: Grant funding trends towards equitable outcomes due in part to changes in C/CAG's approach.**

<b>Actions</b>	<b>Performance Indicators</b>	<b>Reporting</b>	<b>Implementation Timeline</b>	<b>Fiscal Impact &amp; Implementation Status</b>
20. Establish equity reporting metrics relevant to C/CAG grant programs to evaluate and report on the percentage of funds benefiting EFA geographies and/or demographics	Equity reporting metrics for C/CAG grants established	Staff reports and Annual Report	FY2023-24	Fiscal Impact: <i>Staffing</i> Status:
21. Periodically, evaluate C/CAG grantmaking spending and consider changes to call for project selection criteria, including the number of points that are allocated for equity outcomes, equitable engagement, and the required local match for projects located in EFA's.	Grantmaking spending evaluated periodically  % of call for project funding allocated within EFAs	Staff reports and Annual Reports	FY 2023-24	Fiscal Impact: <i>Staffing</i> Status:
22. To extent feasible, leverage outside funding to assist EFA's with technical assistance for applicable State and Regional funding applications.	Number of EFA's benefitting from C/CAG technical assistance	Reported in annual Equity Report	FY 2023-24 & Ongoing	Fiscal Impact: <i>Staffing</i> Status:

- **Goal 6: Use data and mapping to help ensure C/CAG's equity goals are tracked and achieved.**
  - **Outcome 1: C/CAG staff leverage data, mapping, and analytical tools that are augmented and refined over time.**

Actions	Performance Indicators	Reporting	Implementation Timeline	Fiscal Impact & Implementation Status
23. Establish and update an online equity dashboard, storyboard, and/or other data reporting and visualization strategies to share progress on data and performance measures relevant to C/CAG's Equity Framework, program areas, and activities.	Establishment of dashboard	Annual Report	FY 2024-25	Fiscal Impact: Estimated \$20,000 <i>to establish online visual</i>  Status:
24. Update Equity Focus Area mapping by each applicable C/CAG program area in 2025, and every five (5) years thereafter based on available data, changing demographics and community conditions, EFA input, and other considerations	Completion of five-year update	Annual Report	TBD  Every five years in alignment with census data updates.	Fiscal Impact: <i>Estimated \$200,000 to update mapping.</i>  Status:
25. Work with other county-level agencies to coordinate on mapping and data use, including opportunities to create unified Equity Focus Area maps.	Completion of unified maps with other participating agencies	Report any updates to C/CAG Board, Committees	TBD	Fiscal Impact: <i>Staffing</i>  Status:



### **Category 3: EFA Community Engagement, Empowerment, & Accountability**

- **Goal 7: Build and maintain trust, transparency, and lasting relationships with EFA CBO's and leaders and the populations they serve.**
  - **Outcome 1: C/CAG staff have an organized and centralized repository of CBO and community leader contacts to share relevant information with, obtain input from, and partner with when opportunities arise.**
  - **Outcome 2: Decision makers, EFA stakeholders, and the broader community are kept informed of progress towards meeting Equity Framework goals.**
  - **Outcome 3: EFA-serving CBOs are resourced to support C/CAG in reaching historically and currently impacted, underserved, and hard-to-reach populations and to provide valuable input and perspective.**

<b>Actions</b>	<b>Performance Indicators</b>	<b>Reporting</b>	<b>Implementation Timeline</b>	<b>Fiscal Impact &amp; Implementation Status</b>
26. Design public participation plans for relevant C/CAG plans and projects; emphasize and sufficiently fund outreach to areas of greatest need and utilize equitable public participation best practices. Use multiple communication and engagement strategies that are most appropriate for target audiences.	Qualitative evaluation of EFA participation in C/CAG projects, programs, plans, and policies	Report to Board via Equity Section in Staff reports and Annual Report	FY 2023-24	Fiscal Impact: <i>Staffing</i> Status:
27. Incorporate adequate budget to support participation and input from EFA-serving CBO's and community leaders in C/CAG projects, grant proposals, and planning efforts.	% of total outreach dollars budgeted for CBO engagement	Staff reports and Annual Report	FY 2023-24	Fiscal Impact: <i>Estimated at \$30,000 per major project. (grant applications would</i>

Actions	Performance Indicators	Reporting	Implementation Timeline	Fiscal Impact & Implementation Status
Obtain feedback on the methodology and funding amount from CBO's.				<i>include funding for CBO participation)</i>  Status:
28. Establish and maintain a database of Equity Focus Area (EFA) contacts that C/CAG staff can use for communications and community engagement purposes.	Establishment and annual update	Report Establishment and updates in the annual Equity Report	FY 2023-24	Fiscal Impact:  <i>Estimated \$5k-\$10k each year</i>  Status:
29. Use C/CAG's EFA database to inform equity-focused CBOs of nonprofit funding opportunities within calls for projects, opportunities to serve on C/CAG Committees, and other opportunities to improve equitable public participation. (Obtain feedback on the methodology and funding amount from CBO's)	Percent of EFA CBOs in the C/CAG database engaged in projects, programs, plans, and policies.  Awareness of C/CAG's programs and opportunities to engage, or actual engagement via Annual CBO survey	Annual Report	FY 2023-24 & Ongoing	Fiscal Impact: <i>Staffing</i>  Status

Actions	Performance Indicators	Reporting	Implementation Timeline	Fiscal Impact & Implementation Status
30. Complete a study on improving language accessibility in C/CAG materials and website with plan for necessary updates.	Completion of study and plan	Report to C/CAG Board on completion of study and plan	TBD	Fiscal Impact: <i>Estimated \$30,000 for consultant review</i> Status:
31. Provide an Equity Framework overview and update at a relevant public meeting each year to report on gaps, progress, lessons learned, and adjustments towards meeting Equity Framework performance measures.	Equity Framework overview and update completed publicly, annually	Annual Report times to budget process, with follow up public meeting.	FY2023-25	Fiscal Impact: <i>Staffing</i> Status:

## **Category 4: Countywide Leadership, Coalition Building, and Advocacy**

**Goal 8: Provide countywide equity leadership.**

**Outcome 1: C/CAG serves and is increasingly seen as a leader in equity advancement efforts in San Mateo County.**

<b>Actions</b>	<b>Performance Indicators</b>	<b>Reporting</b>	<b>Implementation Timeline</b>	<b>Fiscal Impact &amp; Implementation Status</b>
32. Ensure inclusion of equity in annual Legislative Priorities, and actively support legislation that helps advance and does not run counter to C/CAG's Equity Framework.	Inclusion of Equity Section in Legislative Priorities document.	Annual Report	FY 2023-24	Fiscal Impact: <i>Staffing</i>  Status:
33. Help SMC cities and the County meet equity standards in new state/federal requirements, including gaining HCD Pro Housing Designation Housing Supportive Community status by sharing equity best practices and other strategies.	Percent of cities + County that hold HCD Pro Housing designation	Reported annually in C/CAG Equity Report	FY 2024-25	Fiscal Impact: <i>Staffing</i>  Status:
34. Encourage regional and state standards that support C/CAG Equity Framework Goals in grants funding guidelines.	Percent of external sources of funding include equity as a criterion	Reported annually in C/CAG Equity Report	FY 2023-24	Fiscal Impact: <i>Staffing</i>  Status:

35. Send C/CAG's Equity Framework and Action Plan to all elected officials in San Mateo County, with annual updates on progress towards meeting commitments and actions.	Upon comp	Reported annually in C/CAG Equity Report	FY 2023-24	Fiscal Impact: <i>Staffing</i> Status:
36. Support the next generation of equity focused planners and engineers by exploring options for funding relevant external scholarship opportunities for students in our local region, etc.	Partner established and funding a C/CAG scholarship annually	Reported to C/CAG Board when established and reported annually in C/CAG Equity Report. Post info on C/CAG website.	FY 2024-25	Fiscal Impact: <i>Estimated at \$5,000 to \$10,000 and Staffing</i> Status:

## Summary of Stakeholder Meetings

Future dates are listed in **green**:

<b>Body</b>	<b>Dates</b>
C/CAG Board- 4 Public Meetings	April 14, 2022 - Contract October 13, 2022 February 9, 2023 March 9, 2023 <b>September 14, 2023</b> <b>October 12, 2023</b> <b>November 9, 2023</b>
C/CAG Board Ad-Hoc Committee- 2 meetings	May 4, 2023 August 2, 2023 <b>TBD</b>
Staff – C/CAG- 9 meetings	September 27, 2022 December 14, 2022 February 22, 2023 March 14, 2023 April 26, 2023 May 8, 2023 May 15, 2023 June 6, 2023 August 23, 2023
BPAC Committee- 1 Public Meeting	January 26, 2022 <b>September 28, 2023</b>
CMEQ Committee- 1 Public meeting	November 28, 2022 <b>September 25, 2023</b>
CMP TAC	<b>September 21, 2023</b>
RMCP Committee- I Public Meeting	October 19, 2022 <b>September 20, 2023</b>
Agency Partners- 4 Meetings	August 30, 2022 November 30, 2022 March 20, 2023 July 21, 2023
Community Partners- 4 Meetings	September 9, 2022 November 30, 2022 March 20, 2023 July 27, 2023

## C/CAG AGENDA REPORT

Date: September 14, 2023

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](mailto:kspringer@smcgov.org))

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### RECOMMENDATION

C/CAG staff recommend 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.)

### 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 advocate, Shaw Yoder Antwih Schmeltzer & Lange (SYASL). Important or interesting issues and positions taken by vote that arise out of the Legislative Committee meeting are reported to the Board verbally under this item.

The 2023-24 Legislative Session began on the same day as the swearing in of new legislators, December 5, 2022. New bills were introduced through February 17, 2022 and total 2500 plus, many of which originated as placeholder or spot bills. The last day of the session is today, September 14, 2023. All bills must pass by this day to move forward to the governor's desk.

The attached report from SYASL 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 Legislative Committee and Board meeting.

### Key C/CAG Legislative Session Activities

The Legislative Committee approved sending a letter to the legislature requesting additional flexibility in the Brown Act, at the January 12, 2023 meeting. The letter was drafted, reviewed, signed, and delivered through SYASL at the end of January.

At the March 9, 2023 meeting, the Committee voted to support ACA-1 (Aguiar-Curry). In addition, the Legislative Committee took position on two ballot measures: Taxpayer Protection and Government Accountability Act – Oppose, and a ballot measure to repeal the majority voter approval requirement for Low-Rent Housing – Support. The C/CAG Board approved of these positions.

#### Brown Act Legislation

There were five bills related to the Brown Act for this session that SYASL tracked for their value to C/CAG's goals as expressed in the letter. They are listed below. Two of those bills were acted upon by the Legislative Committee and the Board at the March 9, 2023 meeting. At the April 13, 2023 meeting, the Legislative Committee and the Board acted on two additional Brown Act bills:

- AB 557 (Hart) – Support
- AB 817 (Pacheco) – Support
- AB 1379 (Papan) – Support
- SB 411 (Portantino)
- SB 537 (Becker) – Support

Three support letters were sent. Unfortunately, SB 537 (Becker) underwent significant amendments. No action was taken on the Becker bill.

In April the Legislative Committee and Board acted in support in SB 511 (Blakespear) and that letter was sent.

At the May Legislative Committee, four additional positions were taken and presented to the C/CAG Board, which voted to approve. They are as follows:

- AB 321 (Wilson Sales Use Tax Exemption for Public Ferries – Support
- AB 463 (Hart) Prioritization of Service: Public Transit Vehicles – Support
- AB 756 (Papan) Stormwater Runoff Pilot Project – Support
- AB 1525 (Bonta) Transportation Project Impacts to Priority Populations - Oppose

Unfortunately, all four of the bills, for which the Committee and the Board took positions in May, were moved to suspense, so no letters were drafted or delivered.

At the June 8<sup>th</sup> Legislative Committee and Board meetings, both bodies voted to oppose SB 450 (Atkins) and a letter was sent.

At the July 13, 2023 meeting, the Committee motioned and voted to send a letter of concern, SB 532 (Wiener).

The SYASL monthly Legislative Update is attached to this staff report for review. This meeting will consist mainly of discussions on leadership changes, transit funding, state budget, and a roundup on the bills for which the Legislative Committee and Board took positions.

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.

Board members may view the bills being tracked at the following link provided by SYASL: [C/CAG Bill Tracking](#)

#### **ATTACHMENTS**

1. C/CAG Legislative Update, September 1, 2023 from Shaw Yoder Antwih Schmelzer & Lange

Below are informational links:

2. [Recent Joint ABAG MTC Legislation Committee Agendas](#)
3. [California State Association of Counties \(CSAC\) 2021-22 bill positions and tracking](#)
4. [California Associations of Councils of Government \(CALCOG\) bill tracking](#)
5. Daily legislative information and for specific bills at <http://leginfo.legislature.ca.gov/>
6. [2023 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. Bill Tracker for C/CAG by SYASL: [C/CAG Bill Tracking](#)
9. Current client roster for Shaw Yoder Antwih Schmelzer & Lange - <https://syaslparkers.com/clients/>



## Attachment 1

1415 L Street  
Suite 1000  
Sacramento  
CA, 95814  
916-446-4656

September 1, 2023

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 – September 2023**

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### ***Legislative Update***

The Legislature returned from Summer Recess on August 14 to finish the final month of the first year of the two-year Legislative Session. September 1 is the deadline for fiscal committees to hear and report bills to the floor before the Legislature adjourns for the interim recess on September 14. The Legislative Calendar, which sets the deadlines for the year can be viewed [here](#).

### ***New Senate Leader Emerges***

On August 28, after months of speculation, Senate President Pro Tem Toni Atkins and Senate Majority Leader Mike McGuire [announced](#) that Senator McGuire secured the support of Senate Democratic Caucus to follow Senator Atkins as the next Pro Tem of the Senate. The transition will happen in 2024, but no firm date has been released. Senator McGuire represents the North Bay Area counties of Marin and Sonoma.

### ***Bridge Toll Increase for Transit Operations***

On August 21, Senator Wiener announced that he **would not** be moving forward with SB 532 this year. This bill, as drafted, would have temporarily raised tolls on seven state-owned bridges in the Bay Area by \$1.50 for five years, generating approximately \$180 million annually. SB 532 would have directed this revenue to the Metropolitan Transportation Commission to help eligible transit operators avoid service cuts and maintain operations and to transform transit service pursuant to MTC's adopted Transit Transformation Action Plan, or to make specific safety, security, reliability, or cleanliness improvements. In making the announcement, Senator Wiener stated, "I will continue to make transit operations funding a major priority, and I look forward to continuing those discussions into the Fall. If a consensus emerges on a path forward that includes a future regional transit funding measure to generate ongoing funds so that all people have access to reliable, affordable transportation, I also look forward to taking a leadership role in developing and passing authorizing legislation."

### ***State Budget Implementation - Transit Funding***

As you know, the FY 2023-24 Budget Act included [SB 125 \(Committee on Budget and Fiscal Review\)](#), which imposes new accountability and reform requirements on regions and their transit agencies to access the \$5.1 billion in funds authorized under AB 102 (Committee on Budget). SB 125 requires the California State Transportation Agency (CalSTA) to adopt guidelines that provide greater structure and specificity to these accountability and reform requirements.

On August 19, CalSTA released [informal draft guidelines](#) to implement SB 125. When adopted, the guidelines will govern access to the General Fund-supported Transit and Intercity Rail Capital Program and Zero-Emission Transit Capital Program. AB 102 appropriated \$4 billion in General Fund support to the TIRCP over the next two fiscal years as well as \$1.1 billion in Greenhouse Gas Reduction Fund and Public Transportation Account support to the Zero-Emission Transit Capital Program (ZETCP) over the next four years. Of the amounts noted above, the Metropolitan Transportation Commission is estimated to receive \$1.2 billion for suballocation to transit agencies in its jurisdiction.

The release of the informal draft guidelines formally opens a public comment period and will help facilitate the adoption of final guidelines by CalSTA by September 30.

### ***Resources Bonds***

As we have previously reported, there are currently two main resources/climate bond proposals moving through the Legislature – SB 867 (Allen) and AB 1567 (Garcia) – both proposing to spend approximately \$15 billion for various water, agriculture, flood protection, wildfire mitigation, open-space, parks, clean energy, and climate programs. Importantly, the bonds, at varying levels, contain money for storm water management projects, projects to reduce PFAS, water recycling & re-use projects and urban water conservation. The bonds also contain funding to address sea-level rise and protect coastal infrastructure, including transportation and port infrastructure. C/CAG, through CASQA, has been advocating for increased stormwater funding in the final bond agreement. The resources/climate bond will not move forward this year, which means that it will not be on the March primary election ballot. The Legislature and Administration will look to reach an agreement by next summer to ensure the bond makes it on the November 2024 ballot.

### ***Bills with Positions***

#### **SB 450 (Atkins) Updates to Ministerial Approvals for Parcel Subdivisions (SB 9) – C/CAG OPPOSE**

This bill would make several changes to the ministerial approval process created by SB 9 for a housing development of no more than two units in a single-family zone (duplex), the subdivision of a parcel zoned for residential use into two parcels (lot split), or both by requiring that that an application for a duplex or a lot split shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the local agency has not approved or denied the application in that timeframe, it shall be approved. This bill also states that if a local agency denies an application for a duplex or lot split, the permitting agency shall return in writing a full set of comments to the application with a list of deficient items and a description of how the application can be remedied by the applicant. This bill would also prohibit a local agency from imposing objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to developments within the underlying zone. ***This bill is on the Assembly Floor.***

**SB 511 (Blakespear) Local Emissions Inventories – C/CAG SUPPORT**

Before January 1, 2028, this bill would require the California Air Resources Board (CARB) to develop and publish a report on greenhouse gas emission inventories for calendar year 2025 for each city, county, city and county, and special district and to periodically update the report consistent with updates to CARB’s scoping plan. The bill would require CARB to establish a local government advisory committee to inform the development of the inventories. The bill would appropriate \$2,500,000 in the Fiscal Year 2024–25 budget for the bill’s purposes. ***This bill was held in the Assembly Appropriations Committee.***

**ACA 1 (Aguilar-Curry) Lower-Vote Threshold for Local Funding Measures – C/CAG SUPPORT**

This measure would authorize a local government, including a special district, to impose, extend, or increase a sales and use tax or transactions and use tax imposed, or a parcel tax, for the purpose of funding the construction, rehabilitation, or replacement of public infrastructure, defined to include projects for the reduction of pollution from stormwater runoff, improvements to transit and streets and highways and projects for the protection of property from the impacts of sea level rise, as well as for affordable housing, if the proposition proposing that tax is approved by 55% of its voters. ***This measure is on the Assembly Floor.***

**ACA 13 (Ward) Higher-Vote Threshold to Change Local Funding Thresholds**

This measure would requires an initiative constitutional amendment to comply with any increased voter approval threshold that it seeks to impose on future ballot measures. Guarantees in the state constitution the ability of local governments to submit advisory questions to voters. Specifically, this measure: 1) Provides that an initiative measure that includes one or more provisions that amend the California Constitution, and that increases the voter approval requirement to adopt any state or local measure, must receive a proportion of votes in favor of the initiative that is equal to or greater than the highest voter approval requirement imposed by the initiative for the adoption of a state or local measure. 2) Permits a local governing body, at any election, to hold an advisory vote concerning any issue of governance for the purpose of allowing voters within the jurisdiction to voice their opinions on the issue. Provides that an advisory question is approved only if a majority of the votes cast on the question are in favor. Provides that the results of the advisory vote are not controlling on the local governing body. ***This measure is on the Assembly Floor. We recommend C/CAG consider supporting this measure.***

**AB 557 (Hart) Brown Act – Extension of Existing Authority – C/CAG SUPPORT**

Beginning on January 1, 2024, this bill would extend the existing teleconferencing/remote-meeting authority that can be used when a declared state of emergency is in effect and would also extend the period for a legislative body to make the required findings related to the continuing state of emergency and social distancing from 30 days to 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet. ***This bill is on the Senate Floor.***

**AB 817 (Pacheco) Brown Act – Advisory Bodies – C/CAG SUPPORT**

This bill provides a narrow exemption under the Brown Act for non-decision-making legislative bodies to participate in meetings via teleconferencing outside of a declared state of emergency without posting the physical location of members or requiring a quorum to be present at a meeting location. ***This is a two-year bill.***

**AB 1379 (Papan) Brown Act - Remote Meeting Flexibility – C/CAG SUPPORT**

This bill also provides a broad interpretation of the Brown Act for all legislative bodies to participate in meetings via teleconferencing outside of a declared state of emergency without posting the physical location of members or requiring a quorum to be present at a meeting location, but would require a local agency to have a physical meeting location open to the public and follow certain notification procedures and meeting procedures. ***This is a two-year bill.***

***Bills of Interest*****SB 4 (Wiener) Housing Development on Higher Education and Religious Institution Properties**

This bill would require that a housing development be a use by right eligible for streamlined approval on any land owned by an institution of higher education or religious institution on or before January 1, 2024, if the development satisfies specified criteria (including that the development is not adjoined to any site where more than one-third of the site is dedicated to industrial use). The bill would require that 100 percent of these units be affordable to lower income households, except that 20% of the units may be for moderate-income households, and projects are also eligible for density bonuses. The bill would authorize the development to include ancillary uses on the ground floor of the development. The bill would require a development subject to these provisions to provide off-street parking of up to one space per unit, unless a local ordinance provides for a lower standard of parking, in which case the ordinance applies. However, the bill would prohibit a local government from imposing any parking requirement if the development is located within one-half mile walking distance of a high-quality transit corridor or major transit stop, and within one block of a car share vehicle. Finally, the bill would require a local government that determines a proposed development is in conflict with any objective planning standards to provide the developer with written documentation explaining those conflicts under a specified timeframe (90-180 days depending on the development size) and would require a local government to approve a development if the local government fails to provide the requisite documentation explaining any conflicts. ***This bill is on the Assembly Floor.***

**SB 423 (Wiener) SB 35 Extension**

This bill permanently extends the provisions of SB 35 (Wiener) and expands them to cover mixed-income housing developments. SB 35 is scheduled to sunset in 2026. SB 423 will require that cities, including charter cities, approve a housing development application if the project is located on an urban infill site & 75% of the lot borders other developed parcels of land, the site is zoned for residential or mixed uses in the general plan & is consistent with objective design standards, developers pay prevailing wage on all projects with more than 10 units & healthcare benefits to projects with more than 50 units, the project site is not located in farmland, wetlands, a very-high fire risk zone, a hazardous waste site, floodplains and floodways, a habitat for protected species, or land under a conservation plan or easement, and the project follows all other applicable objective laws and ordinances, such as zoning rules & environmental safety rules. SB 423 would also apply in the coastal zone (unlike SB 35). ***This bill is on the Assembly Floor.***

**SB 532 (Wiener) Bridge Toll Increase**

This bill would increase the toll for vehicles for crossing toll bridges in the San Francisco Bay area by \$1.50 until December 31, 2028, and require the revenues collected from this toll to be used by MTC for

allocation to transit operators that provide service within the San Francisco Bay area and experiencing an operations funding challenge. Any transit operator seeking an allocation would be required to submit a 5-year projection of its operating need. ***This is a two-year bill.***

#### **AB 7 (Friedman) Transportation Project Selection**

On and after January 1, 2025, this bill would require CalSTA, Caltrans and the California Transportation Commission to incorporate specified principles into their processes for project development, selection, and implementation, including improving safety for all users, addressing environmental impacts and stormwater runoff, prioritizing infrastructure less vulnerable to climate change, and investing in safe and accessible bicycle and pedestrian infrastructure and zero-emission vehicle infrastructure. This bill would also require future California Transportation plans to include a financial element that identifies cost constraints, and an analysis of how the state is achieving the principles outlined in the Climate Action Plan for Transportation Infrastructure, the federal Infrastructure Investment and Jobs Act of 2021, and the federal Justice40 initiative. ***This bill is on the Senate Floor.***

#### **AB 761 (Friedman) Transit Transformation Task Force**

This bill would require the Secretary of the California State Transportation Agency, on or before July 1, 2024, to establish and convene the Transit Transformation Task Force to include representatives from the department, the Controller's office, various local agencies, academic institutions, nongovernmental organizations, and other stakeholders. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit ridership and improve the transit experience for all users of those services. The bill would require the secretary, in consultation with the task force, to prepare and submit a report of findings based on the task force's efforts to the appropriate policy and fiscal committees of the Legislature on or before January 1, 2025. ***This bill was incorporated into SB 125 (Committee on Budget and Fiscal Review).***

For a full list of the bills we are tracking for C/CAG, please click [here](#).

## C/CAG AGENDA REPORT

Date: September 14, 2023

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

From: Sean Charpentier, Executive Director

Subject: Communications - Information Only (6 Letters)

(For further information, please contact Mima Crume at [mcrume@smcgov.org](mailto:mcrume@smcgov.org))

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### BACKGROUND

This item is for information only and are available for review as attachments at the link provided below.

There are 6 letters:

1. **7/7/2023** – Letter to The Honorable Pete Buttigieg. RE: Support for the Pescadero Creek Road Rural Safety Improvements Project
2. **7/26/2023** – Letter to The Honorable Scott Wiener. RE: SB 532 (Wiener) Bridge Toll Increase for Transit Operations
3. **8/8/2023** – Letter to The Honorable Pete Buttigieg. RE: 2023 Multimodal Discretionary Grant Program Request for United States 101/State Route 84 (Woodside Road) Interchange and Port Access Project
4. **8/21/2023** – Letter to Ms. Eileen White, Executive Officer of the San Francisco Bay Regional Water Quality Control Board. RE: Comment Letter on the Municipal Regional Stormwater Permit (MRP 3.0) Amendment Tentative Order
5. **8/24/2023** – Letter to Patrick Gilster, Director, Planning and Fund Management San Mateo County Transportation Authority for Highway Program Funding for the El Camino Real Pedestrian and Bicycle Improvement Project.
6. **8/28/2023** – Letter of Intent to submit an application to the National Oceanic and Atmospheric Administration for the Climate Resilience Regional Challenge RE: the proposed *San Mateo County OneWatershed Climate Resilience Implementation Project*

### ATTACHMENTS

1. The written communications are available on the C/CAG Website:  
<http://ccag.ca.gov/committees/board-of-directors/>