Chairman Mickey Cafagna (North County Inland) called the Executive Committee meeting to order at 8:06 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF MINUTES

Upon a motion by Supervisor Bill Horn (County of San Diego) and a second by Mayor Crystal Crawford (North County Coastal), the minutes of the October 13, 2006, Executive Committee meeting were unanimously approved.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

There were no public comments or member communications.

CONSENT (3)

3. LEGISLATIVE STATUS REPORT (INFORMATION)

This item summarizes activities completed during the 2005-2006 state legislative session and the second session of the 109th Congress.

Action: Upon a motion by Supervisor Horn and second by First Vice Chair Mary Sessom (East County), the SANDAG Board voted to approve Consent Item No. 3.

REPORTS (4 through 6)

Gary Gallegos, Executive Director, asked that item No. 4 be trailed until Julie Wiley, General Counsel, arrives at the meeting.

5. DRAFT 2007 LEGISLATIVE PROGRAM (DISCUSSION/POSSIBLE ACTION)

Kim Kawada, Executive Program Manager, reported that each year the Executive Committee recommends a legislative program in a priority order to the Board of Directors for the ensuing calendar year. The draft program includes policies and proposals for possible federal and state legislation and local activities. The program is organized into three distinct sections that generally relate to the level of effort needed to support corresponding legislative activities: (1) Sponsor, (2) Support/Oppose, and (3) Monitor. Ms. Kawada explained that the 2006 program included 32 separate legislative goals; those goals that have been completed or that are no longer relevant have been deleted, modifications that have been made to some existing goals, and new goals for 2007 that are proposed. She reviewed those changes from last year’s program.
There are four new goals proposed by staff: Infrastructure Bond Funding, Implementation of Adopted Plans and Programs, Freeway Transit Lanes, and a general goal for legislative fixes to provide us with flexibility for modifications to policies at the state or federal level. She noted that the Executive Committee either can take action today or at its meeting next month.

Chair Cafagna asked if we still want to conduct meetings in Mexico. Ms. Kawada responded that Senator Denise Ducheny had asked us to do some legal analysis. Ms. Wiley is conducting that analysis, which is nearly complete. Following the SANDAG analysis, Senator Ducheny was going to request Legislative Counsel for an opinion on the issues. Mr. Gallegos said that we have found legitimate ways for Board members to meet in Mexico and remain consistent with the Brown Act; however, we still want to hear the opinions from our General Counsel and the Legislative Counsel.

Councilmember Jim Madaffer (City of San Diego) thought that legislative goal Nos. 11, 14, and 15, which have the highest priority, should be moved up in the Legislative Program. He noted that goal No. 11, related to legislation increasing revenues for transportation projects, was especially important given Propositions 1A and 1B on the November 7 ballot. He suggested that these goals be moved to the top of the list since they represent our agency’s main focus. More housing is consistent with the Regional Comprehensive Plan. He also suggested that goal No. 26, related to legislation resulting in cost efficiencies and savings, should have a higher priority.

Second Vice Chair Lori Holt Pfeiler agreed that we should either eliminate it or decide what to do with it.

Councilmember Madaffer commented that it doesn’t look good to have it low on the list. If there was a bill related to making local government more efficient, we would make it a priority at that point.

Mr. Gallegos stated that staff does not recommend that goal No. 26 be eliminated but rather that it be made a guiding principle or your highest priority.

Chair Cafagna asked what chance there is to obtain legislation to lower the two-thirds voter requirement for special purpose taxes (goal No. 16). Ms. Kawada replied that the chance is not very good, but it remains one of the highest priority goals.

Ms. Kawada explained that the legislative program is broken up into three categories: Sponsor, Support/Oppose, and Monitor. She asked for clarification from the Executive Committee members about how to revise this list to make it clearer. Councilmember Madaffer stated that his comments relate more to the appearance standpoint and the public’s perspective. Mr. Gallegos agreed to rearrange this list to reflect the agency’s priorities in a clearer fashion.

First Vice Chair Sessom noted that there is a big difference between Support and Sponsor.

Mr. Gallegos suggested that a bill not be sponsored unless it directly relates to SANDAG.
Chair Cafagna asked what the difference is between from highest to lowest priority. Mayor Crawford answered that it provides direction to staff to work with our lobbyists and in the allocation of staff resources. Ms. Kawada added that the priority also lets staff know which bills Board members want to sponsor in the upcoming legislative session so that we can approach members of the State Legislature.

Mr. Gallegos pointed out that last year the Executive Committee reorganized the legislative program into the current format in order to identify which specific legislative items SANDAG would be sponsoring.

Mayor Crawford asked how the public would see the summary of these goals. Ms. Kawada replied that the annual legislative program is published on our Web site. However, this page does not get a lot of “hits,” as it is more of an internal tool for staff and our lobbyists.

Mayor Crawford suggested that we provide language that clarifies the overriding direction for the agency with these goals. Communication is the key here, not only from staff to the Executive Committee to the Board but also to the public.

Councilmember Madaffer suggested a different format for this information. On page 4, after the word “Sponsor,” put an A in brackets. Then change the 1 under 3 to 1A and add the “support/oppose,” put a B in brackets and No. 11 would be 1B, No. 14 would be 2B, and No. 15 would be 3B. Ms. Kawada noted that in the past we had the running order that grouped all of the highest goals together, followed by the higher goals, etc. Last year we separated the goals into the three categories or Sponsor, Support/Oppose, and Monitor.

Supervisor Horn stated that when we are sponsoring a specific legislative item, we need to be prepared. He did not have a preference on how the information was presented.

First Vice Chair Sessom said she would like to see how this new format would look, and asked that staff bring it back to the next Executive Committee meeting.

Action: The Executive Committee provided direction to staff to report back on the revised 2007 Legislative Program at the next Executive Committee meeting on Friday, December 1, 2006.

4. PROPOSED AMENDMENTS TO BOARD POLICIES (DISCUSSION/POSSIBLE ACTION)

Ms. Wiley reported that staff conducted a review of the current Board Policies and determined that some updates are necessary to reflect changes over the past year and that some additions are necessary to clarify roles and responsibilities. If these changes are acceptable, they will go to the Board for approval. She noted that she would only be reviewing the substantive changes.

Ms. Wiley referred to Board Policy No. 001, on page 6 of the agenda report. This proposed change to the Executive Committee Membership and Responsibilities would allow Transportation Committee review of Board policies that are under its subject matter purview. There also is a reciprocal change in the Transportation Committee Membership and Responsibilities section in item 21, on page 7.
First Vice Chair Sessom thought that the Executive Committee had directed that all of the Board policy changes would be vetted through the Executive Committee so they would all come from a single Policy Advisory Committee. She thought that direction should be kept so that the Board understands there is a consistent body looking at all of these suggested policy changes.

Councilmember Madaffer asked for the reasoning behind this suggestion. Ms. Wiley replied that it was just an efficiency issue of having applicable policy amendments going to the Policy Advisory Committees before the Board. The suggested amendment would eliminate one step for certain transportation-related Board policies.

Councilmember Madaffer agreed with First Vice Chair Sessom on her concern. He suggested that perhaps the Executive Committee could be apprised of a policy change by the Transportation Committee.

Chair Cafagna commented that reviewing the Board policies is what the Executive Committee does and expressed a preference for keeping Board policy review at the Executive Committee level. Mr. Gallegos pointed out that the Board policies are reviewed every year, so if a change doesn’t work it can be reviewed again the following year.

Supervisor Horn said that since both the City of San Diego and the County of San Diego are on the Executive Committee, it’s helpful to know if there is a conflict between these two agencies before an item goes before the full Board.

Ms. Wiley agreed to strike that proposed change under the Executive Committee and Transportation Committee Membership and Responsibilities sections of Board Policy No. 1.

Ms. Wiley referred to page 6, No. 5, for Transportation Committee Membership Responsibilities. Currently, the Transportation Committee has the ability to approve amendments to the Regional Transportation Improvement Program (RTIP) and the State Transportation Improvement Program. Staff is requesting that the Transportation Committee also have the ability to approve State Transit Assistance claim amendments. This prior omission was an oversight.

Ms. Wiley referred to page 7, No. 17, under the Transportation Committee responsibilities concerning the ability to conduct hearings for fare setting and fare ordinance amendments. This would save time and give the operators a vote on fare-related issues. The Executive Committee agreed with this proposed change.

Ms. Wiley stated that No. 18 would allow the Transportation Committee to accept for distribution, hold public hearings regarding, and adopt/certify certain environmental documents for the transportation projects and plans already delegated to the Transportation Committee.

Mayor Crawford asked for an example. Rob Rundle, Principal Planner, provided the Miramar Transit Station as an example. The Executive Committee agreed with the proposed change.
Ms. Wiley referred to No. 19 to allow the Transportation Committee to approve loans of TransNet funds when such loans are incorporated into an RTIP amendment requiring an exchange of TransNet funds for funds from another source. The Executive Committee agreed with this proposed change.

Ms. Wiley referred to No. 20 that would allow the Transportation Committee to provide oversight and approvals for the Coordinated Transportation Services Agency (CTSA) matters and appoint a Transportation Committee representative to the CTSA Board. The Executive Committee agreed with this change.

Ms. Wiley referred to No. 6 under the Borders Committee Membership and Responsibilities section, to update the policy to incorporate the fact that the Borders Committee already has the authority to review and comment on regionally significant projects in adjoining counties.

Mr. Gallegos mentioned that the Borders Committee looked at the issue related to the State Route 241 Toll Road and decided to refer this matter to the Transportation Committee and possibly the Board.

Ms. Wiley referred to Policy No. 002, on page 9, Section 1.5, and said that this is an update for consistency purposes for changes already approved to the Public Safety Committee membership. The Executive Committee agreed with this proposed change.

Ms. Wiley referred to page 10, Section 4.1, and noted that the intent of this proposed change is to clarify when appointments from the governing bodies of member agencies take effect. The proposed change indicates that each member agency shall confirm the appointment of its primary and alternate Board members by sending a written letter to the SANDAG Clerk of the Board by January 10, and that all such appointments shall go into effect immediately following approval by the member agency’s governing body. This timing would allow the Board Chair to have time to make the selection of the Chair/Vice Chair appointments for the Policy Advisory Committees by January 31.

Vice Mayor Ron Morrison (South County) wondered if you should add “receipt by the SANDAG Clerk of the Board of the letter appointing a member.” Ms. Wiley said that receipt by the SANDAG Clerk of the Board could be via letter, e-mail, or fax, but clarified that the SANDAG appointment takes effect when the action is taken by the member agency’s governing board.

Mayor Crawford stated her preference that the action should be effective when the city council or board takes its action.

First Vice Chair Sessom agreed that this is clear because it says the appointment will take effect immediately upon action by the member agency’s governing body.

Ms. Wiley referred to page 11, indicating a similar change in Section 6, appointments for the Chair/Vice Chair appointments to the Policy Advisory Committees to go into effect immediately upon an action to appoint.

Ms. Wiley referred to Board Policy No. 004, Section 1, pages 13-14, which are revisions to implement the change that was proposed in Board Policy No. 001 that allows the Transportation Committee the ability to review and approve fare ordinances.
Ms. Wiley referred to page 23, Section 6.6, which relates to the creation of new committees at SANDAG. Under the Brown Act, whenever a legislative body approves the creation of a committee, that committee comes under the Brown Act. She said that not every committee, especially technical advisory working groups, has to fall under the Brown Act requirements. The proposed change would allow the Executive Director, with Board Chair concurrence, to approve the creation of new SANDAG committees.

Councilmember Madaffer clarified that if a committee is created by a Policy Advisory Committee or the Board it would fall under the Brown Act; however, if it was created by the Executive Director, then it would not fall under the Brown Act.

Mr. Gallegos said that he was initially uncomfortable with this change until they added the stipulation of the concurrence by the Board Chair.

Councilmember Madaffer stated that all committees come up for an annual review, and wondered if a committee created by this process also would be subject to that annual review. Ms. Wiley responded affirmatively and noted that the creation of the committee by the Executive Director also would be included in the monthly report to the Board on the Executive Director’s delegated actions. Ms. Wiley said another change was that the annual review of committees would come to the Board once a year rather than twice a year.

Mayor Crawford asked for the reason behind this proposed change to allow the Executive Director to create a committee with Board Chair concurrence. Ms. Wiley explained the formality of falling under the Brown Act. Sometimes staff would like to create a technical or advisory working group of staffs from other agencies. In this case the public does not need to be informed because items from this committee will be vetted by a higher policy body where the public will have an opportunity to provide input. Staff is trying to keep down the number of committees yet make sure that the Board and Policy Advisory Committees are aware of what is being done.

Mayor Crawford reiterated that we are not trying to prevent public input but are trying to be more efficient. Ms. Wiley responded affirmatively.

Supervisor Horn asked if a member of the public could attend meetings of these informal committees. Ms. Julie replied affirmatively.

Mayor Crawford asked about the hierarchy if the Board Chair is unavailable; would the Executive Director then obtain the concurrence of the First or Second Vice Chair. Ms. Wiley indicated that the Bylaws already provide for this delegation of authority so no additional changes would be necessary as part of this Board policy.

Ms. Wiley continued with her review and stated that as SANDAG has become responsible for constructing transit capital improvement projects, we have become the subject of more complaints/claims and litigation than in the past. She referred to Board Policy No. 008, page 27, and said that this proposed change clarifies the delegation of authority procedure for legal documents, including declarations, pleadings, and other documents.
Ms. Wiley referred to Board Policy No. 015, on page 35, regarding new rules of procedures regarding electronic discovery. She said that e-mails and electronic documents are subject to the public records act and the legal discovery process. The proposed changes would state that SANDAG e-mail should be reviewed for professionalism, accuracy, and objectiveness before being sent.

Ms. Wiley referred to page 36 of Board Policy No. 015, Records Management, Section 3.2, to clarify that the two-year minimum timeline doesn’t begin until after a document has been finalized.

Ms. Wiley referred to page 37, Section 4, Project File Maintenance, and explained that this is an update to make this section more accurate. We now have a Contracts and Procurement division at SANDAG, which is responsible for keeping the lists of documents noted in the policy.

Ms. Wiley referred to page 40, Board Policy No. 016, related to the upper limit for the procurement of services. She stated that Senate Bill 1703 (SB 1703) includes language allowing simplified procurements for services up to $100,000. Current Board policy allows simplified procurements for services up to $50,000. The proposed change would increase this limit to $100,000 consistent with SB 1703.

Councilmember Madaffer asked staff to clarify how the $100,000 limit is applied. Ms. Wiley replied that this limit would be per contract. It enables staff to get three quotes without having to go through a formal invitation to bid or a request for proposal process for service procurements of $100,000 or less. The simplified procurements are still awarded on a competitive basis.

Supervisor Horn said that the County of San Diego and North County Transit District only allow the Executive Director to approve up to $50,000. He was inclined to stay at that level.

Ms. Wiley clarified this is for the procurement process on an approved budget item. It does not seek to increase the Executive Director’s delegated authority.

Chair Cafagna asked in the interest of time if we could put the balance of this item on the next Executive Committee agenda. We will pick up the review at Policy No. 016, page 42.

**Action:** The Executive Committee directed staff to report back at the next meeting to continue the review of the remaining amendments to Board Policies.

6. **REVIEW OF NOVEMBER 17, 2006, DRAFT BOARD AGENDA (APPROVE)**

Diane Eidam, Chief Deputy Executive Director, reviewed the draft Board agenda for the November 17, 2006, Board meeting. She mentioned one item of note is Item No. 13, related to the First Reading of an Ordinance to amend the TransNet Expenditure Plan and Program to include completion of the SPRINTER project. Our commitment to the Federal Transit Administration was that we would have a funding package for the SPRINTER in place by the end of the calendar year.
Mr. Gallegos said that this item also lays out options for the Board to consider if the statewide transportation infrastructure bond measure passes. If Proposition 1B passes, staff would come back with proposed changes to the TransNet Early Action Program.

First Vice Chair Sessom expressed a concern related to Item No. 14 about the Energy Working Group (EWG) recommendation on the Sunrise Powerlink Transmission Project. She wondered if it should come to the November Board meeting or to a future meeting. Mr. Gallegos said this would be an informational item on the November 17, 2006, Board agenda. What came out of the EWG meeting is that they don’t have enough information to provide a definitive recommendation to the Board on the project. However, the Board should hear a progress report from the EWG on this matter and may consider providing direction to the Regional Planning Committee and EWG on any needed follow up actions.

**Action**: Upon a motion by First Vice Chair Sessom, and a second by Vice Mayor Morrison, the Executive Committee voted to approve the agenda for the SANDAG Board of Directors meeting on November 17, 2006, as amended.

7. **UPCOMING MEETINGS**

The next meeting of the Executive Committee is scheduled for Friday, December 1, 2006, at 9 a.m. **Please note that the December Executive Committee meeting will be held on the first Friday of the month to accommodate the December holiday schedule.**

8. **ADJOURNMENT**

Chair Cafagna adjourned the meeting at 9:07 a.m.

Attachment: Attendance Sheet
## CONFIRMED ATTENDANCE
### SANDAG EXECUTIVE COMMITTEE MEETING
#### NOVEMBER 3, 2006

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<tr>
<th>GEOGRAPHICAL AREA</th>
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<td>Mickey Cafagna</td>
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