EXECUTIVE COMMITTEE DISCUSSION AND ACTIONS
DECEMBER 1, 2006

Chairman Mickey Cafagna (North County Inland) called the Executive Committee meeting to order at 9:08 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF MINUTES

Upon a motion by Mayor Jerry Sanders (City of San Diego) and a second by Supervisor Bill Horn (County of San Diego), the minutes of the November 3, 2006, Executive Committee meeting were unanimously approved.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

There were no public comments, communications, or member comments.

CONSENT (3)

3. STATEWIDE INFRASTRUCTURE BOND AND LOCAL TRANSPORTATION SALES TAX ELECTION RESULTS (INFORMATION)

This item summarizes the November 7, 2006, election results for the statewide infrastructure bond measures and various countywide local transportation sales tax measures around California.

Action: Upon a motion by First Vice Chair Mary Sessom (East County) and second by Supervisor Horn, the Executive Committee unanimously approved Consent Item No. 3.

CHAIR’S REPORT (4)

4. PROPOSAL FOR TRIBAL GOVERNMENT REPRESENTATION ON SANDAG (RECOMMEND)

Chair Cafagna stated that the SANDAG Board and the native tribes have had a mutual interest in the becoming more active members on our Board and Policy Advisory Committees (PACs). Robert Smith, Chair of the Southern California Tribal Chairmen’s Association (SCTCA), has been an advisory member on the SANDAG Borders Committee for several months. The SANDAG Board leadership met with Chairman Smith and discussed adding tribal representatives to the SANDAG Board and other PACs. A draft Memorandum of Understanding (MOU) has been developed, which outlines the terms of agreement. He asked Julie Wiley, SANDAG General Counsel, to review the details of the MOU.
Ms. Wiley stated that the draft MOU calls for one tribal advisory member on the SANDAG Board and each of the PACs, except for the Executive Committee. This representation does not require the tribes to give up any of their sovereign nation status, but calls for a partnership between the tribes and SANDAG. Once the SCTCA signs this MOU and makes provision for appointing its representatives, then SANDAG would come back and revise its Board policies to implement its representation commitment.

Supervisor Horn asked what the tribes are going to contribute financially. Ms. Wiley replied that a financial contribution is not being required of the tribes as they will only be an advisory member of SANDAG.

Supervisor Horn commented that at some point the tribes will get money from the state compacts, and some of these dollars should go back into the local infrastructure in the San Diego region.

Mayor Crystal Crawford (North County Coastal) agreed with Supervisor Horn’s comment. She noted that one advantage of this tribal representation is to develop an understanding about important tribal-related issues as well as enable the tribes better to understand where we are with our Regional Comprehensive Plan and other SANDAG plans and programs. She noted that we also have been working with the Reservation Transportation Authority on tribal-related transportation issues.

Imperial Beach Councilmember Patricia McCoy, Borders Committee Chair, said that the tribes are looking for our buy-in as much as we are looking for their buy-in. This representation is a matter of respect. It would be too complicated to put in a voting structure to accommodate the tribes, but this gives them an opportunity to have a seat at the table. We will be the first in the state to have tribal representation on our Board. If we don’t do something on our own, it will be done for us. She urged the Committee to move forward on this item.

Chair Cafagna stated that the Governor vetoed the bill that would have enabled the tribes to be voting members of the Southern California Association of Governments.

Supervisor Horn said that our biggest issue with the tribes is the environmental effects of proposed tribal-related projects. Only two tribes have agreed to comply with environmental impact analysis and mitigation requirements. He supported the tribes being at the table, but he would like some of the money that the state is collecting from the tribes to come to the region for infrastructure purposes.

Second Vice Chair Lori Holt Pfeiler (North County Inland) said that the tribes don’t currently have a structure to receive the information that the cities receive as members of SANDAG.

Mayor Ron Morrison (South County) indicated that this issue of tribal representation was brought up at a recent California Council of Governments meeting, and it was felt that the SANDAG model for representation should be used throughout California.

Action: Upon a motion by Mayor Morrison, and a second by Mayor Sanders, the Executive Committee recommended that the SANDAG Board of Directors approve the proposal for tribal government representation on SANDAG. The proposal includes adding SCTCA as an advisory member to the Board of Directors and the Transportation, Regional Planning, and
Public Safety Committees. SCTCA is currently an advisory member of the Borders Committee. The proposal is incorporated into the draft MOU between SANDAG and SCTCA, which is attached to the agenda report.

**REPORTS (5 through 8)**

5. **DRAFT 2007 LEGISLATIVE PROGRAM (RECOMMEND)**

Kim Kawada, Executive Program Manager, indicated that the proposed 2007 Legislative Program has been reordered and renumbered in response to Executive Committee direction at last month’s meeting. She described the key goals under each of the three program sections, noting that one of the key sponsored items this year is to seek funding from the recent statewide infrastructure bond measures. The first section lists the items that SANDAG will sponsor, the second section are items that SANDAG will Support/Oppose, and the last section includes items to Monitor. The Executive Committee is asked to recommend that the SANDAG Board of Directors approve the 2007 Legislative Program at its December 15, 2006, meeting.

Councilmember Jim Madaffer (City of San Diego) commented that Ms. Kawada did a great job in reorganizing this list. It is more easily understandable for Board members and the public. He suggested that the legislative program be revisited as needed throughout the year.

Supervisor Horn indicated that the funding process for the transportation infrastructure bond measure (Proposition 1B) was discussed at a recent California State Association of Counties meeting, which also was attended by Caltrans and California Transportation Commission (CTC) members.

Chair Cafagna noted that we should be competitive in that area, as we have major transportation projects that are ready to go.

**Action:** Upon a motion by Mayor Sanders, and a second by Mayor Christy Guerin (North County Coastal), the Executive Committee recommended that the SANDAG Board of Directors approve the 2007 SANDAG Legislative Program.

6. **PROPOSED AMENDMENTS TO BOARD POLICIES (RECOMMEND)**

Ms. Wiley reported she would not review the policy revisions that were considered at the last Executive Committee meeting unless desired by the Committee. Hearing no objection, she began with Board Policy No. 016, on page 39 in the agenda report. The substantive revision for this policy is related to raising our simplified procurement dollar amount from $50,000 to $100,000. On page 44, Section 6.1, the change would delete Executive Director approval with the prior change to increase the procurement dollar amount. The change in Section 6.4 would clarify the Executive Director’s authority to approve changes that exceed the project budget up to $100,000; anything over that amount would go to the Board for approval. Section 6.5 is a change to allow purchase orders without federal funds to be issued up to $50,000. On Page 45, there are changes concerning ethics. This set of changes also appears in three other Board policies and deal with the procurement of services. On Page 46, Section 7.7, if an actual or apparent conflict of interest arises, the issue will be brought to the Executive Committee.
Ms. Wiley said we have been able to resolve any issues of potential conflicts without coming to the Executive Committee and, as a result, staff recommends striking the word “potential” in that section. On Page 47, Section 9.1, the change relates to purchase orders up to $50,000 rather than $25,000. On Page 50, Section 12.2, the change is a clarification that both of the Vice Chairs can authorize or approve amendments to project budgets when a delay could potentially increase the cost of the change.

Chair Cafagna was concerned that there is no cap to this budget change amount. Discussion ensued related to the need for a cap for this section. It was ultimately determined that Ms. Wiley would strengthen the language of this section to clarify that this would only be applicable under urgent circumstances and when we are not able to call a special Board meeting.

Ms. Wiley continued the review of policy revisions with Board Policy No. 017, Section 4.10, which allows SANDAG to accept reimbursements from member agencies for work done through SANDAG on-call consultants.

First Vice Chair Sessom asked if jurisdictions could use this to circumvent going through the competitive process, and if SANDAG is liable if a member agency does not go through the competitive process? Leslie Campbell, Director of Administration, responded that government agencies are allowed to piggyback onto other public agency contracts, and there would be no liability incurred by SANDAG.

Ms. Wiley said that Section 5 of Board Policy No. 017 referenced SANDAG Administrative Rules and Regulations. The Human Resource Manager would like to rename the Administrative Rules & Regulations so this title was changed to a reference to SANDAG “administrative manuals, policies, and procedures.”

Ms. Wiley stated that changes to Board Policy No. 023, relates to the procurement of equipment and supplies. Section 2 increases the purchase order amounts to $50,000. On page 56 there are changes related to the ethics language discussed in Policy No. 016.

Ms. Wiley said that the change to Board Policy No. 024, on page 57, is related to Procurement and Contracting – Construction. On page 69, Section 6, there are the same changes as discussed earlier related to conflicts of interest.

Ms. Wiley said that in Board Policy No. 030, on page 71, there are changes under the heading of “Qualifying Uses of the Reserve Fund.” Renée Wasmund, Director of Finance, requested that we clarify that expenditures from the Reserve Fund should only be used for one-time nonrecurring purposes unless approved by the Executive Committee.

Ms. Wiley noted that throughout Board Policy No. 031, beginning on page 73, we have changed the word “policy” to “rule” to avoid confusion. These are the TransNet-related policies. On page 76, Rule #7, Program of Projects Approval Process and Amendments, there is a change to add clarifying language with regard to SANDAG expectations and requirements for Regional Transportation Improvement Program amendments. If this change is approved, SANDAG would send out a memo to its member agencies informing them of the change. On page 83, two new rules are proposed: Rule #18, related to the 70/30 guidelines regarding the
use of TransNet Extension local street and road revenues for maintenance purposes and Rule #19, related to “Conflict of Interest for Independent Taxpayer Oversight Committee (ITOC) Representatives.” This rule would clarify that the SANDAG conflict of interest interpretation is not stricter than state conflict of interest law.

Chair Cafagna asked about the difference. Ms. Wiley replied that state law provides an exemption for monies coming from a public agency. Presently, anyone who has any connection potentially with any member agencies cannot serve on ITOC. So, this current practice, which is stricter than state law, limits the number of qualified candidates for this committee.

Ms. Wiley noted that the final change is one for Board Policy No. 007, on page 87. The SANDAG “Administrative Rules and Regulations” is now referred to as the “administrative manual, process, and procedures.”

Ms. Wiley asked if she should come back to the Committee with the one change that was requested on Board Policy No. 016 or if she should modify that language and move the policies forward to the Board for action. The Committee agreed with moving forward.

Councilmember Madaffer asked if Assembly Bill (AB) 1234 is applicable to SANDAG. Ms. Wiley responded affirmatively. She added that most of SANDAG staff has been through the required ethics training. The deadline for the training is December 31, 2006. This training has been incorporated into Board Policy No. 004, Section 4.4.1, where ethics training is required every two years. Ms. Wiley added that the ITOC does not fall under this rule, but she will be providing them with the ethics training.

Action: Upon a motion by Mayor Guerin, and a second by Supervisor Horn, the Executive Committee recommended that the SANDAG Board of Directors approve the proposed revisions/amendments to Board policies as discussed.

7. LEASE AMENDMENT AT 401 B STREET (RECOMMENDED)

Ms. Campbell reported that SANDAG has an option to expand our office space under the terms of the current lease agreement at $2.075 per square foot. There is 5,200 square feet available on the third floor of the 401 B Street building, and we would not have to start paying rent until January 2008. We won’t have another lease option until 2010. Costs in the downtown area are ranging from $2 to $4 per square foot. Total cost for this additional third floor space is $10,000 per month or $125,000 per year. The deadline for accepting this lease option is February 1, 2007.

Chair Cafagna asked if there would be a cost savings with sitting consultants in this space. Ms. Campbell agreed that this office space could be used by a number of consultants, for example, FasTrak® and/or 511 personnel. We are investigating those opportunities.

Mayor Morrison reiterated that we don’t have to start paying for this additional office space until January 2008. He asked if the space would be available to us until the end of our current lease. Ms. Campbell agreed that was the case.
Action: Upon a motion by Mayor Morrison, and a second by Mayor Guerin, the Executive Committee recommended that the SANDAG Board of Directors delegate authority to the Executive Director to sign a lease amendment for 401 B Street, San Diego.

8. REVIEW OF DRAFT DECEMBER 15, 2006, BOARD AGENDA (APPROVE)

Diane Eidam, Chief Deputy Executive Director, reviewed the proposed agenda for the December 15, 2006, SANDAG Board meeting. She mentioned that the order of some of the items would be changed. Items 15 and 16 would be placed immediately after the Consent Calendar and before the Chair’s Report. Item 15 is the second reading of the TransNet Ordinance and the amended Ordinance needs a two-thirds vote of the entire Board for approval. Item 16 is a proposed revision to the TransNet Early Action Program (EAP). The proposed EAP changed to accommodate funding for the TransNet Environmental Mitigation Program will put us in a better place to compete for infrastructure bond funding. Under the Chair’s Report, we will add an item for recognition of outgoing Board members. She reviewed the proposed items under the Reports section. She noted that we have to submit projects to the CTC by the middle of January 2007 to be considered for the infrastructure bond funding, and Item 18 request Board action on the proposals to submit to the CTC.

First Vice Chair Sessom indicated that she attended the Tijuana mayor’s recent State of the City address. He is resigning early so he can run for Governor of Baja California. She invited both the current Tijuana Mayor and the Governor of Baja California to the SANDAG Board holiday luncheon.

Chair Cafagna noted that the Governor of Baja California has not yet responded to the holiday luncheon invitation.

Mayor Pfeiler suggested that the introduction of the Governor of Baja California and the recognition of outgoing Board members occur before the discussion of Items 15 and 16.

Action: Upon a motion by First Vice Chair Sessom, and a second by Supervisor Horn, the Executive Committee voted to approve the agenda as revised for the SANDAG Board meeting on Friday, December 15, 2006.

9. UPCOMING MEETINGS

The next Executive Committee meeting is scheduled for January 12, 2007, at 9 a.m.

10. ADJOURNMENT

Chair Cafagna announced that this was Mayor Guerin’s last Executive Committee meeting and thanked her for her tremendous efforts on behalf of SANDAG. Mayor Guerin indicated that she will not be at the December Board meeting but will attend the Board holiday luncheon.

Chair Cafagna adjourned the meeting at 10:03 a.m.

Attachment: Attendance Sheet
## Confirmed Attendance
### SANDAG Executive Committee Meeting
### December 1, 2006

<table>
<thead>
<tr>
<th>GEOGRAPHICAL AREA</th>
<th>JURISDICTION</th>
<th>NAME</th>
<th>MEMBER/ALTERNATE</th>
<th>ATTENDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North County Coastal</td>
<td>City of Encinitas</td>
<td>Christy Guerin</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>City of Del Mar</td>
<td>Crystal Crawford</td>
<td>Alternate</td>
<td>Yes</td>
</tr>
<tr>
<td>North County Inland</td>
<td>City of Poway</td>
<td>Mickey Cafagna</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>City of San Marcos</td>
<td>Pia Harris-Ebert</td>
<td>Alternate</td>
<td>No</td>
</tr>
<tr>
<td>East County</td>
<td>City of Lemon Grove</td>
<td>Mary Sessom</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>City of Santee</td>
<td>Hal Ryan</td>
<td>Alternate</td>
<td>No</td>
</tr>
<tr>
<td>South County</td>
<td>City of National City</td>
<td>Ron Morrison</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>City of Chula Vista</td>
<td>Steve Padilla</td>
<td>Alternate</td>
<td>No</td>
</tr>
<tr>
<td>City of San Diego</td>
<td>___</td>
<td>Jerry Sanders</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>----</td>
<td>Jim Madaffer</td>
<td>Alternate</td>
<td>Yes</td>
</tr>
<tr>
<td>County of San Diego</td>
<td>----</td>
<td>Bill Horn</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>----</td>
<td>Ron Roberts</td>
<td>Alternate</td>
<td>No</td>
</tr>
<tr>
<td>Ex Officio, 2nd Vice Chair</td>
<td>City of Escondido</td>
<td>Lori Holt Pfeiler</td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>