EXECUTIVE COMMITTEE AGENDA

Friday, April 13, 2007
9 to 11 a.m.
SANDAG, 7th Floor Conference Room
401 B Street
San Diego

AGENDA HIGHLIGHTS

- FY 2007 BUDGET AMENDMENT: GOODS MOVEMENT POLICY MANAGER
- PROPOSED AMENDMENTS TO BYLAWS AND BOARD POLICIES
- LEGISLATIVE STATUS REPORT

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Welcome to SANDAG. Members of the public may speak to the Executive Committee on any item at the time the Committee is considering the item. Please complete a Speaker’s Slip, which is located in the rear of the room, and then present the slip to Committee staff. Also, members of the public are invited to address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Speakers are limited to three minutes. The Executive Committee may take action on any item appearing on the agenda.

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EXECUTIVE COMMITTEE
Friday, April 13, 2007

ITEM #

+1. APPROVAL OF MARCH 9, 2007, MEETING MINUTES

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Members of the public will have the opportunity to address the Executive Committee on any issue within the jurisdiction of the Committee. Speakers are limited to three minutes each and shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Committee members also may provide information and announcements under this agenda item.

REPORTS (3 through 6)

+3. FY 2007 BUDGET AND OVERALL WORK PROGRAM AMENDMENT: COASTAL REGIONAL SEDIMENT MANAGEMENT PLAN (Shelby Tucker)

The Executive Committee is asked to amend the FY 2007 Overall Work Program and Budget to accept $150,000 in funding from the California Department of Boating and Waterways (DBW), and authorize the Executive Director to enter a revenue agreement with DBW and procure a consultant for development of a Coastal Regional Sediment Management Plan.

+4. FY 2007 BUDGET AMENDMENT: GOODS MOVEMENT POLICY MANAGER (Bob Leiter)

Staff proposes reclassifying a Senior Regional Planner position (Class No. 22) in the current FY 2007 Budget to a Goods Movement Policy Manager position (Class No. 30). Partial funding for the position would be provided by the San Diego Unified Port District. The Executive Committee is asked to recommend that the Board of Directors approve the position reclassification in the FY 2007 Budget, and authorize the SANDAG Executive Director to enter into an agreement with the Port District in substantially the same form as attached to the report.

+5. PROPOSED AMENDMENTS TO BYLAWS AND BOARD POLICIES (Julie Wiley)

The need for updates to the SANDAG Bylaws and Board Policy Nos. 002, 004, and 031 has arisen since the annual updates in December 2006. The Executive Committee is asked to discuss and provide feedback on the proposed amendments.
6. LEGISLATIVE STATUS REPORT (Kim Kawada)

A. State Legislative Status Report: This status report presents a summary of the pending state bills related to the implementation of Proposition 1B.  

B. Federal Legislative Status Report: This status report provides an update on federal legislative activities.

7. SENATE BILL 10: AIRPORT AUTHORITY REFORM ACT OF 2007 (Julie Wiley)

As directed by the Board of Directors in February, staff has continued to work with Senator Christine Kehoe (D-39th District), the San Diego County Regional Airport Authority, the City of San Diego, and others on Senate Bill 10, the San Diego County Regional Airport Authority Reform Act of 2007. The Executive Committee is asked to discuss the proposed provisions that are summarized in the report, and consider a possible recommendation to the Board of Directors.

8. PROPOSED LEGISLATION FOR INCREASING HOUSING PRODUCTION IN THE SAN DIEGO REGION THROUGH REGIONAL CONTRIBUTION AGREEMENTS (Susan Baldwin)

The Executive Committee is asked to discuss a legislative proposal for increasing housing production in the San Diego region through regional contribution agreements. The proposal is summarized in the attached memorandum from Poway Mayor Mickey Cafagna.

9. REVIEW OF APRIL 27, 2007, DRAFT BOARD AGENDA

10. UPCOMING MEETINGS

The next meeting of the Executive Committee is scheduled for Friday, May 11, 2007, at 9 a.m.

9. ADJOURNMENT

+next to an agenda item indicates an attachment
Chair Mary Sessom (East County) called the Executive Committee meeting to order at 9:01 a.m. The attendance sheet for the meeting is attached.

1. **APPROVAL OF MINUTES**

   Upon a motion by Second Vice Chair Jerome Stocks (North County Coastal) and a second by First Vice Chair Lori Holt Pfeiler (North County Inland), the minutes of the February 9, 2006, Executive Committee meeting were unanimously approved.

2. **PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS**

   Chuck Lungerhausen, a member of the public, asked for sponsorship donations for the 2007 Multiple Sclerosis Walk that will be held on Friday, April 11. On the transportation side, he is still putting forth the idea that some additional sales tax measure may be needed to support the purchase of additional low-floor trolley cars to update the entire San Diego Trolley system. He stated that for the future system improvements, it will be essential for these low-floor vehicles to serve downtown San Diego, and it will take some type of tax measure to do that.

   Don Stillwell, a member of the public, provided ideas that would allow public transportation to operate at higher speeds, thereby attracting more people out of their cars. One suggestion was to add dedicated lanes on Interstate 15 (I-15) for buses, and operate express bus services to various destinations.

3. **DRAFT FY 2008 BUDGET (INCLUDING THE OVERALL WORK PROGRAM) (APPROVE)**

   Tim Watson, Budget Program Manager, stated that this draft FY 2008 Budget reflects our efforts to date in the budget development process incorporating direction from the Executive Committee at its February 9, 2007, meeting. Federal and state Overall Work Program (OWP) guidelines require that a draft budget be submitted to the funding agencies in March of each year. Upon Executive Committee approval, the draft FY 2008 Budget including the OWP will be sent to the state and federal agencies that oversee program funds. In April, staff will review the input received, and will then bring the budget back to the Executive Committee in May.
Mr. Watson reported that preliminary revenue and expense estimates indicate that the recurrent program funds are basically flat for this fiscal year. He reviewed the FY 2007 accomplishments and FY 2008 highlights in the following departments: Planning, Mobility Management and Project Implementation, Technical Services, Executive, Administration, Communications, and Finance. He also referred to Attachment 2 of the agenda item that showed what percentage of the OWP Budget relates to the agency’s strategic goals. The FY 2008 Contingency Reserve includes a deposit of $650,000 in nonrecurring revenues, which brings the balance at the end of FY 2008 to $5.3 million (11 percent), exceeding the Board policy of a 5 percent reserve.

Mr. Watson indicated that this year, in keeping with the relatively flat revenue projects, staff is recommending a reduced merit pool of 3 percent (down from a 4 percent merit pool in FY 2007) as well as a 2 percent general salary increase (GSI) to keep up with the cost of living. These amounts will allow SANDAG to be competitive among other comparable public agencies. Staff is also proposing new positions. For FY 2007, we are recommending the addition of a Principal Management Internal Auditor, an Intelligent Transportation System (ITS) Technical Manager, and an ITS Network Analyst. For FY 2008, we are recommending the addition of one position (Human Resources Analyst II), conversion of two limited-term positions to regular positions, and conversion of a contracted staff position to a regular position.

Mr. Watson provided a chapter-by-chapter overview of the budget document. On May 11, staff will come back to the Executive Committee incorporating any comments received on the draft FY 2008 Budget and OWP.

Councilmember Jim Madaffer (City of San Diego) said that the amount in the Contingency Reserve shows really good fiscal prudence on behalf of staff. He also was in support of the creation of the Principal Management Internal Auditor position. However, when he compared the description of this position in the original agenda item with the “blue sheet,” he noted the omission of language related to “unbiased and objective assessments.”

Chair Sessom said that they had extensive discussion of this language with staff at the Chair/Vice Chairs briefing. She had difficulties with the original wording. To the public, the word “auditor” indicates independence; however, this audit function will report to SANDAG executive management.

Second Vice Chair Stocks added that we didn’t want to oversell this position, since it will not be an independent external auditor. We will still have outside auditors to review our financial statements. This position, however, would be a direct SANDAG employee who would report to executive management.

Chair Sessom stated that we wanted to make sure that the public understands the work that is being audited is being done by the agency itself.

Councilmember Madaffer suggested that the language in the original agenda item be kept and to clarify that this is a position that reports to executive management.
Councilmember Matt Hall (North County Coastal) asked about the timing of submitting changes to the draft budget. Mr. Watson responded that changes can be made up to the time of final Board action approving the budget.

Gary Gallegos, Executive Director, noted that the budget is scheduled to be adopted in May. However, throughout the year as new things come up, it is not uncommon to come back and amend the budget, especially if we receive additional discretionary funds or if other work priorities arise.

Supervisor Ron Roberts (County of San Diego) asked for additional clarification concerning the proposed 3 percent merit pool and 2 percent general salary increase in addition to the 5 percent increase in the overall salary structure. He stated that he had never seen an across-the-board salary structure increase without documentation. Leslie Campbell, Director of Administration, explained that SANDAG does not use a stepped program like other public agencies. Instead, staff is recommending continuation of a merit and performance-based program (a 3 percent pool) plus a 2 percent across-the-board GSI.

First Vice Chair Pfeiler asked staff to explain the merit increase and the GSI. She said this is not an automatic 3 percent increase for everyone. Mr. Gallegos said that what this agency has historically done is to provide a pool equal to a certain percent of the budget. Each employee goes through an evaluation process through his/her supervisor, and then the evaluation goes to the Chief Deputy Executive Director and him for review. Salary recommendations are made at that time. Some employees may get more than 3 percent and others may get less than that. At the end of the year it balances out. SANDAG also has a provision for a bonus when an employee does something extraordinary. However, this is all done within the budget capacity of what the Board approves. Historically, we have had salary savings at the end of the year. The reason we are recommending a 3 percent merit pool this year compared to a 4 percent last year is that revenues are flat.

**Action:** Upon a motion by First Vice Chair Pfeiler, and a second by Second Vice Chair Stocks, the Executive Committee voted to accept the Draft FY 2008 Budget (including the Overall Work Program), authorize distribution of the document to the funding agencies for review, and recommend that the SANDAG Board of Directors approve (1) the Draft FY 2008 Budget and OWP, and (2) the hiring of an internal auditor position and conversion of two limited term positions to regular positions in FY 2007. The motion passed with Supervisor Roberts voting in opposition.

4. **SERVICE BUREAU MID-YEAR STATUS REPORT AND STRATEGIC MARKETING PLAN (INFORMATION/POSSIBLE ACTION)**

   A. **Mid-Year Status Report and FY 2006 SourcePoint Audited Financial Statements (INFORMATION/POSSIBLE ACTION)**

   Karen Lamphere, Principal Research Analyst, reported that the Service Bureau is into its second year. She highlighted this year’s project activities and financial performance. The Service Bureau offers products and services to member agencies and public and private sectors to help them make informed decisions and generate revenue to support the Regional Information System (RIS). We established a 17 percent RIS fee over and above project costs for this purpose. The Service Bureau
has committed revenue of $690,300, and expected expenses of $578,200, resulting in revenues that exceed costs by 19 percent. She reviewed the type of projects conducted this year and the revenue generated by each. The Geographic Information System (GIS) analysis and maps is one of our most popular services. We also have assisted jurisdictions with housing studies and transportation modeling work, development of strategic plans, and demographic and economic analyses. On the horizon are the following projects: a Chula Vista Police Department survey (law enforcement), United Way Outcome Measurement Tools (a literacy project), and Salt Works/South Bay Feasibility study (a study of surrounding land uses).

**Action:** This item was presented for information only.

B. **Strategic Marketing Plan (INFORMATION/POSSIBLE ACTION)**

Cheryl Mason, Senior Research Analyst, reported that the Strategic Marketing Plan is an effort to take the Service Bureau to the next level. She introduced the consultant, Greg Brooks with the West Third Group. For this effort Mr. Brooks teamed up with Doug Perkins with the Pacific Gateway Group.

Mr. Brooks said that SANDAG staff was smart in how the Request for Proposals (RFP) was put together. The Service Bureau needed a more strategic approach to address the incredible market potential. He reviewed the Service Bureau’s needs, including growth, predictability, measurability, and realistic expectation. The Service Bureau does not have a lot of staff so we needed to make this marketing plan easy to implement. The solution is to have an active, process-driven marketing plan with measurable objectives and both short- and long-term goals. There are no new labor/consultant costs with this plan.

They found after talking with current and prior customers that the Service Bureau customers are largely satisfied with the service provided, those unaware of the Service Bureau were able to quickly grasp the concept, and the pricing was very competitive versus available private sector alternatives. It appears that visibility was the primary issue. The analyses included a market assessment, a SWOT exercise (strengths weakness, opportunities and threats), and an Ansoff’s Matrix analysis (a classic marketing tool for growth companies). Under the marketing assessment, traffic modeling is the only constrained market. There are hundreds of potential new clients for the GIS/mapping analysis function, and demographic/economic studies. Growth in the Service Bureau will be a function of new and existing product offerings.

The marketing plan is based on a classical framework with goals, objectives, strategies, and tactics/tools. The emphasis is on market penetration and all assumptions are with existing in-house labor levels. He reviewed the goals for market penetration, market development, product development, diversification, and administration. The execution can begin rapidly, can be “pushed down” (with management time spent on strategic activities and customer relationships), and is measurable from the start. The conclusions are the notable expansion potential and effective marketing means.
Chair Sessom stated that the Executive Committee serves as the policy board for the Service Bureau.

Chair Sessom noted there was one request to speak on this item.

Robert Hoffman, a member of the public, said that as he went through this agenda item he saw the word "market" in a government agenda. He had not seen that before. He noted that the purpose of the Service Bureau is to offer products and services that meet the needs of decision makers. He thought the market was the customer who uses that service. He noted his preference for the automobile over transit, Maglev, and other modes in terms of speed, comfort, convenience, and economy.

Supervisor Roberts shared with Mr. Hoffman that the existing Maglev line in Shanghai, China, is 19 miles long, and can reach speeds of 260 miles per hour.

Mayor Cheryl Cox (South County) asked if the Service Bureau is designed to be a profit center or revenue neutral. If it is a profit center, you need to market the program to increase revenues. Ms. Mason stated that the 17 percent fee is partly to reinvest in the Regional Information System to improve the data available to customers.

**Action:** This item was presented for information only.

5. ADVISORY MEMBERSHIP ON THE SANDAG BOARD OF DIRECTORS (DISCUSSION/POSSIBLE ACTION)

Garry Bonelli, Communications Director, stated that this item relates to a review of SANDAG policy dealing with advisory members and the process and criteria for selecting advisory members. He provided a brief report that outlines the policy and a history of membership for advisory members.

Mayor Ron Morrison (South County) commented that what we want is efficient governance and to bring in as many different viewpoints as possible. The current policy is very broad; any and everything can fall into the category of advisory membership. He suggested that we take a re-look at the policy and how we have structured our policy advisory committees (PACs). The PACs currently work extremely well. We should place advisory members where it makes the most sense, and look at adding potential advisory members where we would get the best representation. He suggested that a subcommittee be developed to deal with this issue and to bring back some ideas and suggestions to the Executive Committee and full Board.

Mayor Jerry Sanders (City of San Diego) said that the original request from the United States Marine Corps seemed straightforward to him. They deal with everything we do in transportation, they have land use authority, and they should sit in on regional discussions before we make decisions that affect their bases. He thought that the action should include them as advisory members on the Board.
Mayor Morrison stated that there are a number of issues that remain to be addressed. We already have a representative from the Department of Defense (DoD), and felt that this needed to be looked at within a broader context of advisory membership. We need to decide how inclusive we should be and what is the best fit.

Mayor Mickey Cafagna (North County Inland) said that if we look at the history, the issue comes down to whether we split a current single DoD seat into two --- one for the Navy and one for the Marines. He agreed that we need to deal with that issue, and that we should relook at this policy.

Second Vice Chair Stocks stated that the value to the organization of advisory members goes both ways. We want them at the table so they can participate in what we are doing as well as let us know what they are doing. This policy hasn’t been modified in quite a while. There is no harm in having a subcommittee to look at the matter.

Councilmember Madaffer asked about the timing of a subcommittee. Chair Sessom said that there is no specific timeline, but she hoped the subcommittee could report back in a couple of months.

Mayor Pfeiler agreed that with the Regional Comprehensive Plan, we need to incorporate everyone’s plans and understand how we are building a regional transportation and land use system. That is why we have expanded some of the PAC memberships. It is appropriate to look at who should be brought to the table and which table is most appropriate.

Supervisor Roberts expressed mixed feelings about this. He agreed with the comments from Mayor Sanders regarding the Marine Corps; however, they are currently a subset of the DoD representation. We need to decide where to draw the line. When we have gone to talk to the Marines, they have referred us to the Navy. At the state level, they are represented with a single DoD voice. Perhaps the DoD should decide who should represent it. He noted that the tribes are all sovereign nations, yet they agreed to a single advisory membership structure. It would bode well to have some clarifying language in our policy related to advisory membership.

Mayor Art Madrid (La Mesa) said that this organization has to change to be successful. Advisory membership has been more of a situation where people come to us asking for representation. We need to look at this objectively and make sure it is relevant to what we are trying to do. It is time for us to reassess this. He also suggested a quid pro quo with reciprocal representation at other organizations. He urged this Committee to create a subcommittee for the purpose of reviewing this policy.

Councilmember Hall agreed that we should look at this in a greater context, including who we want to be on our Board and the boards on which we would want to be. He thought that Chair Sessom should be on the subcommittee.

Chair Sessom said that this would be a short-term ad hoc subcommittee. She suggested that Mayor Cafagna, as the past Chair, lead the subcommittee. Any motion on this item should include direction about the ad hoc subcommittee membership.
Supervisor Roberts said the discomfort is not being able to articulate why we are doing this. He wants some language back that says this is the reason why we are doing it. Supervisor Roberts suggested that staff could be directed to bring back language and a draft policy.

First Vice Chair Pfeiler said that we should evaluate our policy for advisory membership in terms of who we need at the table to make the Regional Comprehensive Plan work.

Chair Sessom said the Board asked the Executive Committee to look at the advisory membership policy and see if it is still appropriate in light of where SANDAG is today as an agency.

Councilmember Madaffer expressed a concern about the timing related to the sensitivity to the Marine Corps’ request. He hoped someone would contact them and let them know what is going on.

Mayor Sanders stated that the Marine Corps and Navy are very different in how they deal with various issues. We need to recognize how we affect everyone, especially in light of the expanded role that SANDAG has taken over the past several years. We need to rethink how we are doing business because we are speaking for a lot of people in this region.

Councilmember Hall agreed with Mayor Sanders that we have to rethink the role that SANDAG plays in the region.

Action: Upon a motion by Second Vice Chair Stocks, and a second by First Vice Chair Pfeiler, the Executive Committee approved the creation of a short-term ad hoc subcommittee to review the advisory membership component of Board Policy No. 004, appointed Mayor Mickey Cafagna as the chair of this subcommittee, and approved Board Chair Mary Sessom appointing the remaining of the subcommittee.

6. LEGISLATIVE STATUS REPORT

A. State Legislative Status Report (DISCUSSION/POSSIBLE ACTION)

Kim Kawada, Executive Program Manager, said that on the state side, there are two proposed bills that we would like the Executive Committee to weigh in on. One is a proposed Government Energy Producers bill. The Energy Working Group (EWG) has recommended that SANDAG support pending legislation to allow local municipalities to have clean distributed generation power. State Senator Christine Kehoe has expressed an interest in sponsoring legislation on behalf of SANDAG. No bill has yet been drafted; only draft language included as Attachment 3 to the report is currently available. If SANDAG is in support of the proposal, this language could be amended into a spot bill in early April.

Councilmember Henry Abarbanel (EWG Co-Chair) said that under current regulations, it is difficult for an entity to install a power generation facility and use that same produced energy at another location, and local entities would have to sell the power produced to the local provider at wholesale prices and buy it back at retail prices. This is a negative incentive. This issue was originally brought to our
attention by QUALCOMM, and a bill was introduced last session, but it did not survive. After discussions with Senator Kehoe, it was decided that we would attempt to implement legislation limited to public municipalities. There was a unanimous vote at the EWG meeting in support of the proposed legislation, including the San Diego Gas & Electric (SDG&E) representative. At the same time, the SDG&E representative to the EWG stated that it preferred to work without legislation through an administrative process, if possible. The EWG consensus was if this can be done without legislation, that would be fine, but the EWG thought that we should at least pursue a parallel track with legislation in case it was needed.

Mayor Cafagna thought that it has been the utilities that have blocked these kinds of legislative proposals.

Councilmember Abarbanel agreed that SDG&E traditionally has been opposed to prior legislation, but expressed a willingness to work on this issue with the public agencies.

Mayor Cafagna stated that if the utilities oppose this legislation it will not get passed.

Steve Castañeda (City of Chula Vista), EWG member, noted that there is an example of this throughout the state. In Chula Vista, there are two water purveyors, and they don't have a need for the power onsite, but could generate power for use at another local government facility. When you consider the utilities' interest, they don't want erosion of their market base. We want to keep the bill narrow to look at specific public sector applications.

Mayor Cafagna asked about who would pay for the cost of management and operation of the transmission facilities. Mr. Castañeda replied that as the bill is drafted, it would use the existing transmission system and only the wheeling cost would be paid. Management of the transmission facilities would still rest with the utility.

Councilmember Abarbanel pointed out that the statewide focus on clean energy and renewables has changed the political environment this year. There is a chance for such a bill to pass.

First Vice Chair Pfeiler mentioned that prior bills include the large private sector entities, but this bill has limited the application to public municipalities.

Councilmember Abarbanel said that QUALCOMM tried to get this concept passed last year and it failed.

First Vice Chair Pfeiler stated that if this bill can pass, then we can focus on how to incorporate the private sector in future legislation.

Councilmember Abarbanel said that we should wait and see how it works with the public municipalities.
Councilmember Castañeda indicated that the EWG interest in this bill was to make more use of renewables and expand the purchasing power of taxpayers.

Councilmember Madaffer stated that the City of San Diego has tried to do something similar and the cost was prohibitive. As time goes forward, this concept should be expanded to apply to private industry as well, but this is a good first step. We need to generate as much power in the region as we can.

Councilmember Madaffer noted that the City of San Diego owns 14 reservoirs that could generate power.

Second Vice Chair Stocks clarified that this bill doesn’t say you can generate renewable energy and transmit it to a different government office. It says that a government agency can buy back the power it generates at same price as it is sold to them. This is not a technical generation issue; it’s a financial issue.

Councilmember Abarbanel stated that current regulation prohibits the municipality from selling the power it generates.

Councilmember Castañeda said that as the utility, SDG&E has to maintain a certain load and spread the cost to provide that service across its rate base.

Second Vice Chair Stocks said we will still be using the grid and leasing the transmission line. He wondered if municipalities will have to pay for any upgrades to transmission facilities.

Mr. Gallegos commented that in addition to the money, the bill creates an incentive for government to generate more renewable energy to achieve your Regional Energy Strategy goals.

Councilmember Castañeda stated that to be able to generate renewable energy is especially attractive for jurisdictions like Chula Vista that are trying to get rid of power plants.

Supervisor Roberts said that Councilmember Abarbanel mentioned redistributed generation. Does this bill focus only on renewables? Councilmember Abarbanel responded affirmatively.

Councilmember Hall asked about the response of SDG&E at the EWG meeting. Councilmember Abarbanel replied that the SDG&E representative voted in favor of this, but also asked that we work with them to figure out how to make this work without legislation. It was agreed that both efforts should move forward in parallel.

Councilmember Hall stated that we need to clearly understand the issues. If we can accomplish this without legislation, that would be great.

Ahmad Solomon, representing SDG&E Public Affairs, commented that they would prefer to work on an administrative approach. They would be willing to support
SANDAG when this matter goes before the California Public Utilities Commission (CPUC).

Chair Sessom noted that there are two separate bills addressed under this agenda item, and it should be bifurcated. Senator Kehoe has asked us to weigh in on this issue.

**Action Taken:** Upon a motion by Supervisor Roberts and a second by Mayor Morrison, the Executive Committee took a support position on the proposed Government Energy Producers bill. The motion passed with Second Vice Chair Stocks voting in opposition.

Ms. Kawada stated that Assembly Bill (AB) 4 was introduced by new Assemblymember Joel Anderson. This bill would extend the hours of operation of the Caltrans District 11 Traffic Management Center (TMC) to 7 days a week, 24 hours a day. The TMC currently operates 5 days a week, 24 hours a day. The Assemblymember has asked that SANDAG take a position on this bill. No funding was specifically addressed for this increased operation. The bill states that to provide the 24/7 operations, Caltrans and the California Highway Patrol (CHP) should reallocate staff from different facilities/funcions. SANDAG staff recommends that no position be taken and that we remain neutral as this is outside of SANDAG’s purview.

Mr. Gallegos recommended that the Assemblymember work with Caltrans Director Will Kempton. This change would result in an equivalent of an additiona 2.6 people. There may be a way to resolve this without legislation.

Supervisor Roberts asked what the current hours of operation are and what we would gain from expanding those operating hours. Pedro Orso Delgado, Caltrans District 11 Director, stated that currently our first shift starts at 4:30 a.m. on Monday and there are three different shifts that work around the clock until 7:30 p.m. on Friday evening. Then we go dark. CHP has 911 operators and dispatchers who work a full 7 days a week, 24 hours a day. Our goal is traffic management operations. We get notice that there is an incident and will deploy units to try to facilitate that incident. The only difference is that on weekends if there is a major incident, the CHP will contact a Caltrans employee at home to get resources out to that incident.

Supervisor Roberts asked what happens if there is an incident in the middle of the night. Jack Boda, Director of Mobility Management and Project Implementation, stated that if there are spills Caltrans will go out with sand or gravel to help clean up the incident.

Chris Marsh, Assemblymember Anderson’s office, said that we need a reallocation of Caltrans resources. Other major centers in California are all operating at 24/7. San Diego has a lot of tourism on the weekends. Hopefully, these extended hours of operation will ease traffic congestion and provide aid quicker when accidents occur on the roadways. They are not asking for a major resource reallocation as the need equals roughly 2.6 people.
Mayor Cafagna reiterated that if there is an accident on the weekend that requires guardrail repair we have the ability to take care of it.

Mayor Morrison commented that you can be more responsive if you have people in place—it’s all related to response time.

Mr. Orso-Delgado said that it would be a good idea for all of us to talk to the Caltrans Director about this.

Mayor Morrison stated that you need to be creative, but wanted to be sure the reallocation of resources for this issue is not taking away from somewhere that is providing a greater benefit.

Second Vice Chair Stocks said that he spoke with Assemblymember Anderson. We need our fair share of resources in San Diego.

Mayor Morrison thought we should pursue all avenues.

Mr. Gallegos reminded everyone that the Department of Transportation works for the Administration, and any bill has to be signed by the Governor. We are talking about a minimal impact out of the about 25,000 state employees. He thought this matter could be resolved with staff working with the Caltrans Director.

Supervisor Roberts said he had some concerns when he first heard about this. It seems to be a major question on how you are using resources. However, he would support this bill.

Mayor Cafagna supported the legislation but encouraged the local Caltrans District Director and the SANDAG Executive Director to work on a solution to this problem with the Caltrans Director.

**Action:** Upon a motion by Supervisor Roberts, and a second by Second Vice Chair Stocks, the Executive Committee voted to support Assembly Bill 4 regarding extending the hours of operation for the Caltrans District 11 Traffic Management Center.

B. **Federal Legislative Status Report (INFORMATION)**

Ms. Kawada noted that several Board members and staff will go to the American Public Transportation Association (APTA) Legislative Conference, March 11-14, 2007, in Washington, D.C., and will meet with our legislative delegation.

**Action:** This item was presented for information only.
7. **GLORIA McCLELLAN AWARD (DISCUSSION/POSSIBLE ACTION)**

Mr. Bonelli reported that the Gloria McClellan Award was established in 2002 to recognize the contribution of local elected officials. It has only been made once—to Congressman Ron Packard. This award was to perpetuate Mayor Gloria McClellan’s memory, and the significant contributions of an elected leader. The criteria established by the Executive Committee are listed in the agenda report. La Mesa Mayor Art Madrid asked the Board to reestablish this award.

Mr. Bonelli said that he has asked the San Diego Chapter of the League of California Cities to develop a group of nonpartisan people to judge the nominations. A draft timeline has been proposed. Two pieces of correspondence have been received from the City of Vista in support of this award.

Mayor Cafagna said that this is still a viable program, but an award doesn’t have to be given out every year. It is more of a reward to a person based on merit rather than an annual award.

Mayor Morrison agreed that it should be based on merit. This award should be presented as someone rises to the occasion.

Mayor Cafagna thought perhaps we need a procedure to discuss it.

Councilmember Hall agreed that we should have a procedure for this award. As the SANDAG Board changes, how many people would even know about this award? We need a trigger throughout the year to bring awareness of the award.

Mayor Madrid mentioned that the first time this award was presented, it went to a Congressmember rather than to a local elected official and, at the time, this caused concern among some SANDAG Board members.

Chair Sessom thought that staff could assist us in a process. We need to exercise caution as it is the city who is the member of SANDAG rather than the individual.

Mayor Morrison stated that perhaps we should include in the criteria the requirement that the person is no longer in elected office.

Chair Sessom said that staff should be directed to come back with a procedure for this award.

**Action:** The Executive Committee directed staff to develop a procedure related to the Gloria McClellan Award, and to devise a way to keep Board members apprised of this Award on a regular basis.
8. REVIEW OF MARCH 23, 2007, DRAFT BOARD AGENDA (APPROVE)

Diane Eidam, Chief Deputy Executive Director, reviewed the items on this draft agenda. She noted that Item No. 6, Lake Hodges Bicycle and Pedestrian Bridge Funding, will be moved from the Consent calendar to a formal Report. The action on Item No. 10, Status Report on Senate Bill 10: Airport Authority Reform Act of 2007, will be changed from “information” to “information/possible action.”

Mr. Gallegos thought that Item No. 17 on the Proposed Budget Increase: Automated Fare Collection Project, should be discussed at this time rather than waiting until April. Mr. Boda noted that a more comprehensive presentation on this item will be scheduled in April to show how the initial project is working.

Ms. Eidam continued with her review of the remainder of the draft agenda.

First Vice Chair Pfeiler asked about the topic for the April 13 Policy Board meeting. Ms. Kawada said that the topic for the April Policy Board meeting is the Regional Transportation Plan and in May it is Regional Stormwater Management.

Action: Upon a motion by Mayor Morrison and second by First Vice Chair Pfeiler, the Executive Committee voted to approve the agenda for the March 23, 2007, SANDAG Board of Directors meeting as amended.

9. UPCOMING MEETINGS (INFORMATION)

The next meeting of the Executive Committee is scheduled for Friday, April 13, 2007, at 9 a.m.

10. ADJOURNMENT

Chair Sessom adjourned the meeting at 11:10 a.m.

Attachment: Attendance Sheet
## CONFIRMED ATTENDANCE
### SANDAG EXECUTIVE COMMITTEE MEETING
#### MARCH 9, 2007

<table>
<thead>
<tr>
<th>GEOGRAPHICAL AREA</th>
<th>JURISDICTION</th>
<th>NAME</th>
<th>MEMBER/ALTERNATE</th>
<th>ATTENDING</th>
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<tbody>
<tr>
<td>North County Inland</td>
<td>City of Escondido</td>
<td>Lori Holt Pfeiler, 1st Vice Chair</td>
<td>Member</td>
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</tr>
<tr>
<td></td>
<td>City of Poway</td>
<td>Mickey Cafagna</td>
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<tr>
<td>North County Coastal</td>
<td>City of Encinitas</td>
<td>Jerome Stocks, 2nd Vice Chair</td>
<td>Member</td>
<td>Yes</td>
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<td></td>
<td>City of Carlsbad</td>
<td>Matt Hall</td>
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<tr>
<td>South County</td>
<td>City of National City</td>
<td>Ron Morrison</td>
<td>Member</td>
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<td></td>
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<tr>
<td>City of San Diego</td>
<td>----</td>
<td>Jerry Sanders</td>
<td>Member</td>
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<td></td>
<td>----</td>
<td>Jim Madaffer</td>
<td>Alternate</td>
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<tr>
<td></td>
<td>----</td>
<td>Toni Atkins</td>
<td>Alternate</td>
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<tr>
<td>County of San Diego</td>
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<td>Ron Roberts</td>
<td>Member</td>
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<td></td>
<td>----</td>
<td>Greg Cox</td>
<td>1st Alternate</td>
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<tr>
<td></td>
<td>----</td>
<td>Bill Horn</td>
<td>2nd Alternate</td>
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Introduction

Pending action at its April 6, 2007, meeting, the Regional Planning Committee (RPC) recommends that the Executive Committee amend the FY 2007 Overall Work Program (OWP) and Budget to accept $150,000 from the California Department of Boating and Waterways (DBW) for the preparation of a Coastal Regional Sediment Management Plan (Management Plan), and authorize the Executive Director to enter into a revenue agreement with DBW and procure a consultant for the plan’s development.

Discussion

This item was discussed by the Shoreline Preservation Working Group (SPWG) at its March 1, 2007, meeting, and the recommendation was presented to the RPC in April.

Background

DBW is funding three pilot Management Plans. In December 2006, DBW requested letters of interest from coastal regions throughout the state. SANDAG staff submitted a letter of interest and was chosen to prepare a Management Plan for the San Diego region. The award is for $150,000 with a 10 percent inkind contribution for project management.

The Management Plan is intended to formulate consensus-driven regional sediment management guidance and policy in order to: (1) restore and maintain coastal beaches and other critical areas of sediment deficit; (2) reduce the proliferation of protective shoreline structures; (3) sustain recreation and tourism; (4) enhance public safety and access; and (5) restore coastal sandy habitats throughout the region. The Management Plan is focused on regional management of sediment, both onshore and offshore sources.

The final product will consist of a comprehensive guidance and policy document discussing how regional management of sediment targeted at coastal erosion can be implemented in an expeditious, cost-effective, and resource protective manner throughout the region. Regions with completed Management Plans will better be able to compete for state funds as DBW continues implementation of the state Sediment Master Plan, which looks at coastal sediment deficit and surplus issues throughout the state.
This work is consistent with existing tasks in the OWP, specifically implementation of shoreline management strategies as identified in the Regional Comprehensive Plan (RCP/OWP Task No. 02). The RCP calls for the continued implementation of the Regional Shoreline Preservation Strategy, improvement of existing programs and development of new programs to restore and maintain beach sand, and exploration of new programs to help restore natural systems, thereby reducing sand depletion.

Additionally, the preparation of the Management Plan will use existing SANDAG resources and data collected for the Regional Shoreline Monitoring Program (OWP Task No. 01) and Sand Compatibility and Opportunistic Use Program (OWP Task No. 06). Management Plan preparation will utilize the existing SANDAG reporting structure. Participation and input from the SPWG will be vital to the success of the project (OWP Task No. 07).

SANDAG staff has worked successfully with DBW on many projects. Most recently, funds were provided by DBW for the preparation of the Sand Compatibility and Opportunistic Use Program. Additionally, DBW was a partner in the implementation of the 2001 Regional Beach Sand Project.

Next Steps

After final approval, SANDAG staff will prepare a Request for Proposals, contract with a qualified consultant, and begin work on Management Plan preparation. The Management Plan should be completed by summer 2008.

BOB LEITER
Director of Land Use and Transportation Planning

Attachment: 1. Revised OWP element 30028 - Regional Shoreline Management and Other Public Facilities

Key Staff Contact: Shelby Tucker, (619) 699-1916, stu@sandag.org

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1 The Regional Shoreline Preservation Strategy was adopted in 1993. It proposes an extensive beach building and maintenance program for the critical shoreline erosion areas in the region. It contains a comprehensive set of recommendations on the beach building program, on financing and implementation, and provides guidance on methods available to reach the goal of protecting and restoring beaches in the region.
PROGRAM WORK ELEMENT: 30028.12
TITLE: REGIONAL SHORELINE MANAGEMENT AND OTHER PUBLIC FACILITIES

FY 2007 BUDGET: $547,852 $397,852
STRATEGIC GOAL: ENCOURAGE QUALITY OF LIFE IMPROVEMENTS

<table>
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<tr>
<th>Funds Source</th>
<th>Funds Application</th>
<th>Amount</th>
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<tr>
<td>FTA MPO Planning (5303)</td>
<td>Salaries, Benefits, Indirect</td>
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<tr>
<td>FTA Transit Planning (5307)</td>
<td>Other Direct Costs</td>
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<td>FHWA Metropolitan Planning</td>
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<td>FHWA CMAQ (5309)</td>
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<tr>
<td>Federal Other*</td>
<td>Contracted Services</td>
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<td>State Other**</td>
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<td>TDA Planning/Administration</td>
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<td>TransNet Program</td>
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<td>Member Assessment</td>
<td>$62,482</td>
<td></td>
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<tr>
<td>Local Other***</td>
<td>$116,620</td>
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TOTAL $547,852 $397,852

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**•** Navy Corp of EngineersUnited States Department of the Navy funds (transferred from reserve account and paid for mitigation on the 2001 Regional Beach Sand Project)

**•** Fill in state funding sourceCalifornia Department of Boating and Waterways

*****Contribution from Local Cities for Shoreline Monitoring and Retention-Sand Compatibility and Opportunistic Use Programs (additional $21,620 carried over from FY 2006)

OBJECTIVE

THE OBJECTIVES OF THIS WORK ELEMENT ARE TO: (1) DEVELOP FUNDING STRATEGIES TO ENABLE CONTINUING IMPLEMENTATION OF THE RESTORATION OF ERODED BEACHES ON A REGIONAL BASIS; (2) CONTINUE THE REGIONAL SHORELINE MONITORING PROGRAM, AND IMPLEMENTATION OF SHORELINE MANAGEMENT STRATEGIES IN SUPPORT OF THE REGIONAL COMPREHENSIVE PLAN (RCP); (3) DEVELOP AN EXPENDITURE PLAN FOR LONG-TERM BEACH NOURISHMENT AND OTHER...
SHORELINE PRESERVATION ACTIVITIES; AND (4) CONTINUE INVOLVEMENT IN REGIONAL WATER QUALITY AND WATER SUPPLY PLANNING.

PREVIOUS AND ONGOING WORK

In FY 2006 staff, through the Shoreline Preservation Working Group (SPWG), coordinated with state and federal agencies on continuing the development of the California Coastal Sediment Management Master Plan (Master Plan). The purpose of the Master Plan is to provide an opportunity for gathering information on local sedimentation and shoreline erosion problems and solutions, identifying local sediment management-related activities, and identifying coordination and data sharing opportunities with local groups.

Work on the Sand Compatibility and Opportunistic Use Program (SCOUP), which is a component of the Master Plan, was continued and finalized in FY 2006. The SCOUP project provides protocols and templates for a generic regional opportunistic sand program for California based on an application to Oceanside Beach in the San Diego region and prepares environmental documentation sufficient to successfully obtain permits.

A contract was prepared for the preparation of an environmental document similar to the one prepared for the SCOUP. The cities of Coronado, Encinitas, Imperial Beach, and Solana Beach had expressed interest in participating in the SCOUP project, but the SCOUP project only included funding for one pilot site in Oceanside. Staff started the environmental analysis necessary to obtain permits for similar programs within their jurisdictions. Funding has come from the participating local jurisdictions and the California Department of Boating and Waterways.

The SPWG elected to continue a modified version of the Regional Shoreline Monitoring Program (Program) and in FY 2006 the consultant contract was finalized and work continued. The Program provides physical measurements of the region’s beaches essential to the design and evaluation of efforts to replenish beaches and manage the region’s shoreline. Funding for the basic monitoring portion of the Program has been provided by the region’s coastal cities since 1996.

Committee(s): Regional Planning Committee; Working Group: Shoreline Preservation Working Group; Project Manager – Shelby Tucker

PRODUCTS, TASKS, AND SCHEDULES

<table>
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<tr>
<th>LEVEL OF MANDATE</th>
<th>TASK / PRODUCT DESCRIPTION(S) / SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MANDATED</strong></td>
<td>01 - 45%. Preparation of Coastal Regional Sediment Management Plan for the San Diego region; Final Report. (June 2008)</td>
</tr>
<tr>
<td><strong>COMMITTED</strong></td>
<td>02 - 2010%. Continue the Regional Shoreline Monitoring Program for evaluating beach erosion and replenishment; Regional Beach Monitoring Program Annual Report. (Ongoing)</td>
</tr>
<tr>
<td><strong>OPTIONAL</strong></td>
<td>03 - 10%. Implement shoreline management strategies as identified in the Regional Comprehensive Plan. (Ongoing)</td>
</tr>
<tr>
<td><strong>HIGH</strong></td>
<td>04 - 1%. Provide general support and assistance on water quality and water supply planning. (Ongoing)</td>
</tr>
<tr>
<td><strong>MED</strong></td>
<td>05 - 2010%. Develop a needs assessment that will identify costs for a long-term regional beach nourishment program for inclusion in a comprehensive environmental program needs assessment; needs assess-</td>
</tr>
<tr>
<td><strong>LOW</strong></td>
<td></td>
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</table>
LEVEL OF MANDATE

<table>
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<tr>
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<th>COMMITTED</th>
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<tbody>
<tr>
<td></td>
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<td>HIGH MED LOW</td>
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<table>
<thead>
<tr>
<th>TASK / PRODUCT DESCRIPTION(S) / SCHEDULE</th>
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<tbody>
<tr>
<td>Ment. (June 2007)</td>
</tr>
<tr>
<td>05–06 - 188% Work toward decisions by local, state, and federal governments, in conjunction with OWP work elements 30002, RCP Implementation and 30027, Environmental Resource Planning and Coordination to design, finance, and implement a long-term beach replenishment program for the region. (Ongoing)</td>
</tr>
<tr>
<td>06–07 - 190% With information gained from the SCOUP, encourage, coordinate, and facilitate opportunistic beach sand replenishment projects to put sand on the region’s beaches and coordinate and encourage the streamlining of state and federal permits for beach-building projects. (Ongoing)</td>
</tr>
<tr>
<td>07–08 - 5% Provide administrative support and assistance to the Shoreline Preservation Working Group; agendas, reports, memos, and additional materials, as needed. (Ongoing)</td>
</tr>
<tr>
<td>08–09 - 5% Participate as members of the American Shore and Beach Preservation Association and California Coastal Coalition; membership. (December 2006)</td>
</tr>
<tr>
<td>09–10 - 21% Provide support to local jurisdictions as part of SANDAG’s responsibilities as the Integrated Waste Management Local Task Force and evaluate continued role. (Ongoing)</td>
</tr>
<tr>
<td>10–11 - 12% Determine the need and role for a regional funding program for water quality planning and implementation. (Ongoing)</td>
</tr>
</tbody>
</table>

FUTURE ACTIVITIES

As part of this ongoing work element over the next five years, the Regional Shoreline Management program will prepare a shoreline and nearshore coastal habitat management plan and will plan for a regional beach nourishment program and funding initiative.
Introduction

The FY 2007 Budget includes a new Senior Transportation Planner position to coordinate SANDAG goods movement planning activities. Following the approval of this position in the budget, SANDAG conducted a recruitment process for this position, but it was unsuccessful. As a result, the SANDAG Executive Director has discussed with the Executive Director of the San Diego Unified Port District (Port District) the concept of hiring a “goods movement policy manager” at a higher classification, who would provide policy level support to both SANDAG and the Port District on goods movement project and program initiatives. SANDAG and the Port District would share the costs of funding this position.

Discussion

As discussed above, under this proposal SANDAG and the Port District would enter into an agreement to hire a Goods Movement Policy Manager with substantial expertise in the area of goods movement planning, project development, and operations, who would represent both agencies in a variety of interagency initiatives aimed at improving the San Diego region’s capacity to efficiently handle increased goods movement activities over the coming years. Some of the major activities in which this individual would participate include the Southern California Multi-County Goods Movement Action Plan, the West Coast Corridor Coalition, and development of proposals for Proposition 1B Trade Corridor Improvement Fund and Emission Reduction funding allocations.

Under the proposed agreement, the Port District would pay SANDAG $50,000 per year to help cover the costs of the position, which is expected to continue for a term of three years. The individual in this position would report to the SANDAG Director of Land Use and Transportation Planning; however, SANDAG would confer with the Port District staff regarding the selection of the employee, and the selection of specific work assignments for this employee. Additional details regarding the position are described in the attached draft agreement (Attachment 1).
The position would have no financial impact to SANDAG during FY 2007 since the Senior Transportation Planner position was budgeted and has not been filled. The position also would be recommended for inclusion in the FY 2008 Budget, and would result in increasing expenditures on this position by $95,500, with offsetting revenues from the Port District of $50,000.

BOB LEITER
Director of Land Use and Transportation Planning

Attachment: 1. Draft Memorandum of Understanding between San Diego Unified Port District and San Diego Association of Governments Regarding Sharing of Goods Movement Policy Manager

Key Staff Contact: Bob Leiter, (619) 699-6980, ble@sandag.org
MEMORANDUM OF UNDERSTANDING
BETWEEN SAN DIEGO UNIFIED PORT DISTRICT
AND SAN DIEGO ASSOCIATION OF GOVERNMENTS
REGARDING SHARING OF GOODS MOVEMENT POLICY MANAGER

The following recitals are a substantive part of this Memorandum of Understanding (MOU):

WHEREAS, both the San Diego Unified Port District (Port District) and the San Diego Association of Governments (SANDAG) engage in goods movement planning for the San Diego region; and

WHEREAS, the Port District and SANDAG have identified the need to retain an individual at a management level that would coordinate goods movement planning and project development activities for the region; and

WHEREAS, neither the Port District nor SANDAG have the need or ability to fund a full-time person as a goods movement policy manager (Position); and

WHEREAS, the Port District is willing to fund a portion of the compensation for an individual (Employee) to fill the Position on the conditions that a mutually acceptable Employee is selected, the Port District is provided with an opportunity to provide input into the selection of projects to which Employee is assigned, and Employee performs satisfactorily; and

WHEREAS, SANDAG is willing to hire Employee as an at-will contract employee to fill the Position, fund the balance of Employee's compensation, and allow the Port District to provide input into the selection of the Employee and the work assignments of the Employee; and

WHEREAS, it is in the best interest of the citizens of the San Diego region for the parties to this MOU to implement a plan that will allow for coordination of the parties’ goods movement planning;

NOW THEREFORE, the parties hereto enter into this MOU effective as of this _____ day of April, 2007 and resolve:

1. SANDAG shall hire Employee as an at-will contract employee to fill the Position for a period of up to three years.

2. Port District shall pay SANDAG at the rate of $50,000 per year for the period beginning at the Employee's start date and ending on June 30, 2008. SANDAG and the Port District shall review the Port District’s payment rate prior to June 30, 2008, and may reach agreement on a higher payment rate for the remaining portion of the Employee’s contract. The maximum amount payable by Port under this MOU is estimated at $150,000, plus any additional amount mutually agreeable to SANDAG and the Port District.

3. SANDAG shall bill Port District annually on or about May 1 of each year for Port District’s portion of the Position funding. Port District shall pay SANDAG within 30 days of being invoiced. In the event Employee's employment is terminated, or this MOU is terminated by SANDAG, SANDAG shall reimburse Port District its proportionate share of funds contributed for the applicable year of the employment contract between SANDAG and Employee.
4. Employee shall report to the SANDAG Director of Land Use and Transportation Planning (Planning Director). The Planning Director shall meet with designated staff members from the Port District to confer regarding the selection of the Employee and the selection of work assignments for the Employee.

5. Port District shall provide input to the Planning Director regarding Employee’s performance. Should Employee fail to perform satisfactorily, the parties will consult with each other concerning whether terminations of SANDAG’s contract with Employee and/or this MOU are appropriate.

6. In case of any unforeseen circumstances or a dispute relating to this MOU, SANDAG and Port District will meet in good faith to resolve issues.

7. This MOU shall commence effective on the date set forth above and shall continue until three years after Employee is hired for the Position, or until one of the parties elects to terminate the MOU, whichever occurs first. Port District or SANDAG may terminate this MOU by providing the other party written notification of intent to terminate. Termination becomes effective 60 days after receipt of such notification.

GARY L. GALLEGOS                   BRUCE HOLLINGSWORTH
Executive Director                Executive Director
San Diego Association of Governments    San Diego Unified Port District

APPROVED AS TO LEGALITY AND FORM:   APPROVED AS TO LEGALITY AND FORM:
SANDAG Office of General Counsel     Legal Counsel for Port District
PROPOSED AMENDMENTS TO BYLAWS AND BOARD POLICIES

Introduction

At the end of 2006, proposed amendments to several Board Policies were approved by the Board as part of an annual review and update of the Policies. The effective date of Senate Bill (SB) 1296 (Kehoe), which added a second seat for the County to the Board, was pending at that time. Updates are now needed to the Bylaws and Board Policy No. 002 as a result of SB 1296 going into effect on January 1, 2007. In addition, staff has requested a modification to Board Policy No. 031 to remove a redundancy in the TransNet rules. Finally, since the amendments were made to Board Policy Nos. 002 and 004 last year, and people have begun referring to those modified policies, it has been noted that the policies overlap in subject matter. The proposed amendments rename and clarify the scope of the two affected Board Policies, and make other updates to all three policies based on staff recommendations since December 2006.

Discussion

A summary of the substantive proposed amendments follows. The exact changes proposed are shown in the attached copies of the Bylaws (Attachment 1) and Board Policies (Attachments 2-4).

Bylaws:

- Removal of the definition of “Regional Board” is proposed for Article II since the provisions for the Regional Planning and Growth Management Review Board were removed during the last amendment cycle for the Bylaws.

- Article III, Section 3 has been amended to clarify the role and voting status of the First and Second Vice Chairs of the Board on the Executive Committee.

- Article IV, Section 5 has been amended to distinguish between a preliminary action and a final action and to provide for preliminary voting procedures so that in the event a quorum cannot be achieved the deadlock can be broken with one or more preliminary voting cycles. This section also is modified to account for the County’s ability to split its vote between its two members.

- Article V, Section 1 is amended to make clear that only primary members of the Board can serve as officers, and only primary members of the Policy Advisory Committees (PACs) can serve as PAC Committee Chairs and Vice Chairs. Section 3 of this Article contains clarifications regarding the officer nomination and election process.
Board Policy No. 002: Policy Advisory Committee Memberships

- Section 1.1.1 is amended to recognize the County’s additional seat on the Board.

- Changes are proposed to Sections 1.5 and 4.4 to add the City of San Diego Police Chief as an Associate voting member on the Public Safety Committee (PSC), as recommended by the PSC on March 16, 2007. An amendment is shown to Section 4.3 to add a representative from the Southern California Tribal Chairmen’s Association to the Public Safety Committee consistent with the Memorandum of Understanding approved by the Board in December 2006.

- Section 6 clarifies that the officers of the PACs (except for the Executive Committee, whose officers are dictated by statute) can be primary or alternate members of the Board, but must be primary members of the PAC they will chair.

- The sections concerning quorums, voting, and working group and subcommittee membership in this policy have been moved to Board Policy No. 004 and the policy is renamed to clarify that the scope of the policy is PAC membership.

Board Policy No. 004: Rules Of Procedure For Board Of Directors, Policy Advisory Committees And Other Legislative Bodies

The only changes proposed for this policy are additions of verbiage proposed for deletion from Board Policy No. 002, which are more suited to the scope of Board Policy No. 004.

Board Policy No. 031: TransNet Ordinance and Expenditure Plan Rules

This policy contains a set of TransNet rules. One of the rules (No. 17), provides implementing guidelines for the required annual TransNet audits of the TransNet recipients (the 18 cities, the County, Caltrans, North County Transit District, and Metropolitan Transit System). One of the purposes of Rule No. 17 (Section III) was to ensure that the audits identify the status of each project funded with TransNet funds and that appropriate actions are taken with respect to completed projects, projects with negative balances, and inactive projects.

After completing the first year of audits under the new TransNet rules, we have concluded that Section IV of Rule No. 17 is redundant with Section III. Section IV says that an agency that maintains a balance of more than 30 percent of its annual apportionment must use the remaining balance to fund projects, and that SANDAG will defer payment until the unused balances fall below the 30 percent threshold. The purpose of Section IV was to ensure that agencies were not holding funds in completed or inactive projects. We have found that Section III accomplishes this purpose, and are therefore proposing deleting Section IV of Rule No. 17.
Next Steps

As specified in the Bylaws, proposed Bylaws amendments are required to be taken to the Executive Committee preliminarily for review and discussion, and then brought to the Committee at a subsequent meeting for a recommendation for approval to the Board. Staff will return to the Executive Committee in May for further discussion regarding the Bylaw and Board Policy changes proposed in this report.

JULIE D. WILEY
General Counsel

Attachments: 1. Bylaws
               2. Board Policy No. 002
               3. Board Policy No. 004
               4. Board Policy No. 031

Key Staff Contact: Julie D. Wiley, (619) 699-6966, jwi@sandag.org
SAN DIEGO ASSOCIATION OF GOVERNMENTS

BYLAWS

ARTICLE I

NAME AND PURPOSE

Section 1

The name of this Organization shall be the San Diego Association of Governments (hereinafter referred to as SANDAG).

Section 2

The purposes of this Organization are as set forth in SB 1703 (Chapter 743 of the Statutes of 2002), as established by state and federal law, and as approved by the Board of Directors. The primary purpose for which this organization is created is to engage in regional cooperative comprehensive planning, programming and where authorized, implementation thereof, and to assist the Member Agencies.

ARTICLE II

DEFINITIONS

The following terms shall have the meanings ascribed to them within this section unless the content of their use dictates otherwise:

a. “Region” shall mean that territory physically lying within the boundaries of San Diego County.

b. “Regional Board” shall mean the Regional Planning and Growth Management Review Board.

c. “Population” of any Member Agency shall mean that population as defined in SB 1703.

d. “Fiscal Year” shall mean that year beginning July 1, and ending June 30.

e. “Member Agencies” shall mean the cities within San Diego County and the County of San Diego collectively.

f. “Subregion” shall mean one of the five following portions of San Diego County: "North county coastal," which includes the Cities of Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside; "North county inland," which included the Cities of Vista, San Marcos, Escondido, and Poway; "South county," which includes the Cities of Chula Vista, National City, Imperial Beach, and Coronado; "East county," which includes the Cities of El Cajon, Santee, La Mesa, and Lemon Grove; and "San Diego region," which includes the territory located within the boundaries of San Diego County.
ARTICLE III

MEMBERSHIP AND ORGANIZATION

Section 1

Membership in this Organization shall be as provided in state law and these Bylaws.

Section 2

a. All powers of this Organization shall be exercised by the Board of Directors. The Board of Directors may choose to delegate several of its responsibilities from time to time in accordance with Board policy.

b. Only the duly selected official representative(s), or in his or her absence, his or her duly selected alternate or alternates, shall be entitled to represent his or her Member Agency in the deliberations of the Board of Directors.

c. When changes occur, names of the official representatives and alternates shall be communicated in writing to the Organization by each participating Member Agency.

Section 3

There shall be at least five standing committees which shall be known as policy advisory committees with the membership set forth in SB 1703 or Board Policy.

a. The procedure for City and County of San Diego and subregional appointments to the policy advisory committees shall be established by Board policy. In the case of the subregional appointments, the policy shall ensure a noticed, formal process wherein all Board members (including alternates) from each subregion are provided an opportunity to participate in the selection process. Each subregion shall ensure that SANDAG staff is notified of the date, time, and location for that subregion’s meeting. After the meeting for each subregion is set by the primary Board members, SANDAG staff shall provide Board alternates from each subregion advance notice of the meeting. A majority of the primary members present at the subregion meeting shall make a selection by January 31. An alternate member may vote in the absence of the primary member. In appointing persons to the Transportation Committee, to the extent possible, the subregions and other agencies should avoid duplication of representation from any city other than the City of San Diego.

b. Procedures for policy advisory committee attendance and voting shall be established by Board policy. The policy shall ensure the formal delineation of the voting membership at each meeting.

c. The Board Chair, First Vice Chair, and Second Vice Chair may serve as ex-officio non-voting members of the policy advisory committees.
d. The Board Chair shall select the chair and vice chair of all policy advisory committees except the Executive Committee, annually in February. When serving on the Executive Committee, the Board Chair, First Vice Chair, and Second Vice Chair shall serve as the Chair, First Vice Chair and Second Vice Chair of the Executive Committee. The First and Second Vice Chairs of the Board shall serve as voting members of the Executive Committee if one or both of the Vice Chairs represent an area of the region that is different from the area of the region represented by the Chairperson or other Vice Chair. If such an overlap occurs, a Vice Chair that cannot be the primary member shall be the alternate.

Section 4

The Board of Directors shall have the authority to appoint all additional committees or working groups and may provide for the appointment of alternates to these committees.

a. Additional standing committees may be appointed by the Board of Directors as may be required to carry out general and continuing functions and may be abolished only upon specific action by the Board of Directors.

b. Ad hoc specialized subcommittees or working groups may be appointed by the Board of Directors as the need arises to accomplish specific tasks. The policy advisory committees may appoint working groups to advise them. Upon completion of its assignment, each ad hoc subcommittee or working group shall disband.

Section 5

In addition to any compensation mandated by state law for Board meetings, the rates below shall apply. Persons must be present for at least 1/2 of the time set for the meeting or the duration of the meeting, whichever is less, in order to be eligible for compensation.

a. For attendance by Board members, or alternates in their absence, at Board meetings, $150 per meeting.

b. For meetings or events attended by Board members, other than committee meetings of SANDAG, where the members are officially representing the Board, $150 per meeting or event. The Board may adopt and amend from time to time a list of such meetings and events.

c. For members and alternates of policy advisory committees, $100 per meeting.

d. The limit on the total number of paid meetings for Board and policy advisory committee members or alternates per individual is six meetings per month.

e. The Chair of the Board shall receive additional monthly compensation of $500 per month.

f. Both the Vice Chairs of the Board shall receive additional monthly compensation of $250 per month.
ARTICLE IV

MEETINGS

Section 1

a. A quorum for a meeting of the Board of Directors shall be as provided for in Section 5 of this Article.

b. A quorum shall be required for the conduct of any business of a committee. No business shall be conducted by a committee without a quorum. A simple majority of the appointed members of a committee shall constitute a quorum. All decisions by a committee shall be by simple majority of the quorum.

Section 2

Parliamentary procedure at all meetings shall be governed by Roberts Rules of Order except as otherwise modified by state law, Board policy, or these Bylaws. The Secretary shall forward written notice of the meetings of the Board of Directors and each standing committee, stating the time, location, and the agenda of business to each member’s agency and to the respective members and alternates of the Board of Directors or the standing committees, at the earliest time possible, but in no event less than 72 hours prior to meetings, except that such written notice of regular Board of Directors’ meetings may be forwarded by first class mail or other appropriate means not less than seven days prior to such meeting.

Section 3

All meetings of SANDAG, including without limitation regular, adjourned regular, and special meetings of the Board of Directors, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code). Closed session items should be heard by the Board of Directors unless timeliness requires consideration by the Executive Committee or, for transportation matters the Transportation Committee. In any event, the Transportation Committee is authorized to convene closed sessions and make final decisions with regard to real property transactions related to transportation projects, however, this delegation does not include the authority to make a Resolution of Necessity or to commence litigation. The Transportation Committee will report real property transaction purchase amounts at the next regular meeting of the Board occurring after final execution of the purchase documents.

Section 4

The Board and committees shall meet according to the following schedule:
a. The Board of Directors and policy advisory committees shall hold their regular meetings on Fridays unless otherwise determined from time to time by the Board of Directors or policy advisory committee. Regular meetings of the Board of Directors shall be held on the second and fourth Friday mornings of the month at the offices of the Organization or at other locations within San Diego County, unless otherwise provided by the Board. Special meetings of the Board of Directors or policy advisory committees may be called from time to time by their respective Chair.

b. Other committees shall meet whenever called by their respective Chair.

Section 5 (Section 132351.2 of the Public Utilities Code)

a. A majority of the Member Agencies constitute a quorum for the transaction of business. In order to take final action on any item, except consent items which only require the vote specified in paragraph (1), the following voting formula in both paragraphs (1) and (2) shall apply:

(1) A majority vote of the members present on the basis of one vote per agency.

(2) A majority of the weighted vote of the Member Agencies present.

b. In the event a majority vote pursuant to Section 5(a) cannot be obtained to allow final action on an item, one or more preliminary votes may be taken using the method in Section 5 (a)(1) in order to narrow the options sufficiently to obtain a majority vote on the final action as required by Public Utilities Code Section 132351.2.

c. The City and County of San Diego shall determine how to allocate its single agency vote and its weighted votes between its two members.

d. For the weighted vote, there shall be a total of 100 votes, except additional votes shall be allowed pursuant to subdivision (f). Each representative shall have that number of votes determined by the following apportionment formula, provided that each agency shall have at least one vote, no agency shall have more than 40 votes, and there shall be no fractional votes:

(1) If any agency has 40 percent or more of the total population of the San Diego County region, allocate 40 votes to that agency and follow paragraph (2), if not, follow paragraph (3).

(2) Total the population of the remaining agencies determined in paragraph (1) and compute the percentage of this total that each agency has.

(A) Multiply each percentage derived above by 60 to determine fractional shares.

(B) Boost fractions that are less than one, to one and add the whole numbers.

(C) If the answer to subparagraph (B) is 60, drop all fractions and the whole numbers are the votes for each agency.
(D) If the answer to subparagraph (B) is less than 60, the remaining vote(s) is allocated one each to that agency(s) having the highest fraction(s) excepting those whose vote was increased to one in subparagraph (B) above.

(E) If the answer to subparagraph (B) is more than 60, the excess vote(s) is taken one each from the agency(s) with the lowest fraction(s). In no case shall a vote be reduced to less than one.

(3) Total the population determined in paragraph (1) and compute the percentage of this total that each agency has.

(A) Boost fractions that are less than one, to one and add the whole numbers.

(B) If the answer to subparagraph (A) is 100, drop all fractions and the whole numbers are the votes for each agency.

(C) If the answer to subparagraph (A) is less than 100, the remaining vote(s) is allocated one each to that agency(s) having the highest fraction(s) excepting those whose vote was increased to one in subparagraph (A) above.

(D) If the answer to subparagraph (A) is more than 100, the excess vote(s) is taken one each from that agency(s) with the lowest fraction(s). In no case shall a vote be reduced to less than one.

ed. When a weighted vote is taken on any item that requires more than a majority vote of the board, it shall also require the supermajority percentage of the weighted vote.

fe. The weighted vote shall be recomputed in the above manner every July 1.

gf. Any other newly incorporated city shall receive one vote under the single vote procedure and one vote under the weighted vote procedure specified above until the next recomputation of the weighted vote, at which time the new agency shall receive votes in accordance with the formula specified in subdivision (b). Until this recomputation, the total weighted vote may exceed 100.

ARTICLE V

OFFICERS AND THEIR DUTIES

Section 1

The Board of Directors shall have as officers a Chair, First Vice Chair, and Second Vice Chair, who are primary members of the Board. Standing committees shall have as officers a Chair and Vice Chair, who are primary members of their respective committees. The Executive Director shall be the Secretary of the Board and each standing committee.
a. The Chair shall preside over Board and committee meetings, and have general supervision
of Board and committee affairs. The Chair shall sign all official documents when directed to
do so by the Board and committees respectively.

b. The First Vice Chair shall perform the duties of the Chair in his or her absence and perform
any duties that the Chair may require. The Second Vice Chair shall perform the duties of the
First Vice Chair in his or her absence and perform any duties that the Chair may require.

c. In the event of the absence of the three officers of the Board of Directors or both officers of
other standing committees, the Immediate past Chair may preside or the quorum of
members present shall elect a Chair Pro Tempore to preside for that meeting. The Secretary,
with a quorum present, shall call the meeting to order and preside during such election of a
Chair Pro Tempore; he or she shall immediately relinquish the chair upon completion of the
election.

Section 2

The Board may delegate authority to the Board Chair for action consistent with Board approved
criteria on categories of items.

Section 3

Election of officers of the Board of Directors shall be held annually during a regular December
meeting. Officers for the Board of Directors shall be elected in the following manner:

a. In or around July of each year, application forms will be made available on the Board of
Directors page of the SANDAG Web site for persons interested in applying for the Chair or a
Vice Chair position on the Board of Directors. Applications shall be structured to screen for
the best regional leaders from among the primary members and shall include questions
concerning the candidate’s vision statement for SANDAG and his/her qualifications.
Applications shall be due within 30 days after the application forms are posted. Only
candidates who submit an application by the deadline or who are primary members
nominated from the floor on the day of election will be considered for office.

b. The Chair shall appoint up to a six-person nominating committee, who shall be members of
the Board from each of the subregions and a Board member from the City and the -County
of San Diego, The nominating committee appointments shall be announced at a regular
meeting in or around September of each year. The nominating committee shall not,
however, include Board members from jurisdictions that have applicants for the Chair or a
Vice Chair position on the Board of Directors._The nominating committee shall interview
the candidates and submit a slate of nominees for the three Board offices in writing for
mailing to Board members in or around November. Additional nominations for any office
may be made by Board members at the election meeting.

c. In choosing the nominees from the Board membership, the nominating committee shall
take into account the nominee’s availability, experience, skills, geographic diversity, and the
benefits associated with having the First Vice Chair succeed the outgoing Chair and the
Second Vice Chair succeed the outgoing First Vice Chair.
d. The officers shall be elected by a majority of the votes including weighted votes of those Board members present.

e. All officers shall be elected for a term(s) of one year and shall serve until their successors are elected. They shall begin their term of office on January 1.

f. In the event that the Board member who has been elected Chair, First Vice Chair, or Second Vice Chair is no longer a primary member of the Board of Directors, the office shall be considered vacant.

g. Any vacated office of Chair, First Vice Chair, or Second Vice Chair shall be filled at the next regular Board meeting by nominations from the floor, and a majority of votes from the members present. A member must be a primary member to be nominated from the floor.

Section 4

a. The Board of Directors shall appoint an Executive Director who shall hold office until he or she resigns or is removed by the Board of Directors. The Executive Director shall be the chief executive officer of SANDAG. The Executive Director shall have charge of all projects and property of the Organization and shall file with the Director of Finance of SANDAG an official bond in the minimum amount of $100,000 or such larger amount as the Board of Directors specifies, guaranteeing faithful performance of his or her duties. The Executive Director will be responsible to the SANDAG Board of Directors as set out in the Administrative Rules and Regulations for the administration of SANDAG’s business, including: (1) development of program objectives, definition, directions and priorities; (2) management of SANDAG programs and coordination of staff and support services; (3) the development of financial support programs for SANDAG activities; (4) the recommendation and submission of an annual SANDAG program budget to the Board of Directors; and (5) execution of the adopted personnel, purchasing, and budgetary systems. The Executive Director shall perform such other and additional duties as is necessary to carry out the objectives and function of SANDAG and as directed by the Board of Directors.

b. Any additional staff support services provided by Member Agencies or others shall be coordinated by the Executive Director.

c. The Executive Director is hereby enabled to promulgate an administrative manual, as well as all other administrative policies governing the administrative procedures of the Organization.
ARTICLE VI

FINANCIAL

Section 1

The Board of Directors shall approve a preliminary budget no later than April 1 of each year. The Board of Directors shall adopt a final budget no later than June 30 of each year. A copy of the preliminary budget when approved and a copy of the final budget when adopted shall be filed with each Member Agency.

Section 2

Responsibility for supplying funds for that portion of the budget for SANDAG which is to be supplied by the Member Agencies, as adopted by the Board of Directors, shall be divided among the Member Agencies based on their population with each Member Agency including within its budget as funds to be supplied to SANDAG that sum of money determined by taking the ratio its population bears to the total population of the region and multiplying it by that portion of the approved budget to be supplied by the Member Agencies. Payment of this determined sum of money shall be made by each Member Agency by July 15 of each year. If payment by a Member Agency has not been made by September 1 of each year, that Member Agency shall no longer vote as a member of the Board of Directors. A delinquent Member Agency will be allowed to vote when full payment has been made, including interest computed from July 15 at the established legal rate.

Section 3

The Director of Finance of SANDAG shall establish and maintain such funds and accounts as may be required by good accounting practice, state and federal law, and these Bylaws. The books and records of SANDAG in the hands of the Director of Finance shall be open to inspection at all reasonable times by representatives of the Member Agencies. The Director of Finance of SANDAG within 120 days after the close of each fiscal year shall give a complete written report of all financial activities for each fiscal year to Member Agencies.

Section 4

The Director of Finance of SANDAG shall receive, have the custody of, and disburse SANDAG funds upon the warrant or check-warrant of the Finance Manager pursuant to the accounting procedures developed under Section 3 above, and shall make the disbursements required to carry out any of the provisions or purposes of the Organization. The Director of Finance of SANDAG may invest SANDAG funds in accordance with state and federal law. All interest collected on SANDAG funds shall be accounted for and posted to the account of such funds.

Section 5

Delegation of authority from the Board of Directors for final financial/contracting approvals, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting
budget amendment to serve as a limitation applicable to a particular job or program (not to be exceeded on a serial basis), shall be as follows:

a. Up to $100,000 to the Executive Director, subject to increase by Board action.

b. Up to $500,000 to the Executive Committee for any item, subject to increase by Board action.

c. Up to $500,000 to the Transportation Committee for transportation items, subject to increase by Board action.

d. Up to $500,000 to the Public Safety Committee for ARJIS and Criminal Justice Division items, subject to increase by Board action.

e. The Executive Director, Executive Committee, Public Safety Committee, and Transportation Committee shall report approvals under this section to the Board of Directors at least quarterly.

ARTICLE VII

RELATIONSHIPS AND RULES OF PROCEDURE

Section 1

The functions of the Board of Directors and policy advisory committees shall be established by Board policy. The Board of Directors may delegate functions to the policy advisory committees as it deems appropriate.

Section 2

The Board of Directors shall provide guidance to committees and working groups. The Board may advise Member Agencies on the coordination of general plans, or on the resolution of conflicts between the general plans of agencies in the San Diego region.

Section 3

Conflicts between governmental agencies should be resolved among the affected agencies. In matters affecting more than one local government, and where requested by the affected agencies, the Organization shall have the authority to hear and make recommendations if the conflicts are not resolved to the satisfaction of each affected agency. Regional plans should serve as the guideline for the resolution of conflicts.
Section 4

Each action taken by the Organization which requires implementation should include designation of the agency or agencies directly responsible for such implementation.

Section 5

The general and specific references to the construction authority of SANDAG in SB 1703 shall be interpreted as applicable solely to its responsibilities for project development and construction of transit projects which were previously within the purview of the transit development boards and are consolidated under the authority of SANDAG.

ARTICLE VIII

REGIONAL COMPREHENSIVE PLAN

In addition to the purposes and powers set forth by law and these Bylaws, pursuant to Public Utilities Code Section 132360 et seq., the Organization shall be responsible for preparing and adopting a regional comprehensive plan based on the local general and regional plans that integrates land uses, transportation systems, infrastructure needs, and public investment strategies, within a regional framework, in cooperation with member agencies and the public.

ARTICLE IX

INFORMATION AND EVALUATION

Section 1

a. The Organization shall disseminate information concerning its work program and activities. The required information system should be organized and categorized so that it will continue to allow full and efficient use of information by the public and private sectors.

b. Adequate provision for citizen participation shall be provided as required by law and as directed by the Board of Directors.

c. The Board shall perform an annual evaluation of the Organization’s goals, purpose, structure, and performance, directed toward continually improving the planning, coordination, and implementation process.

ARTICLE X

AMENDMENTS

Section 1

The Board of Directors shall be responsible for making all amendments to these Bylaws.
a. Proposed amendments may be originated by the Board of Directors, the Executive Committee, or any member of the Board of Directors.

b. Prior to being taken to the Board of Directors for approval, proposed amendments should be taken to the Executive Committee preliminarily for review and discussion and then brought to the Executive Committee at a subsequent meeting for a recommendation for approval to the Board.

c. A copy of any proposed amendments shall be forwarded by the Secretary to the official representative of each Member Agency, his or her alternate and the Agency itself, at the same time as the proposed amendments are mailed as a report attachment to the agenda for the preliminary Executive Committee meeting referred to in subsection b of this section.

d. Amendments to these Bylaws (except those provisions mandated by state law) shall require the vote of a majority of the Member Agencies which also represents at least 51 percent of the weighted vote of Member Agencies.

Adopted July 2003 by the SANDAG Board of Directors
Revised November 2003 by the SANDAG Board of Directors
Amended November 2004 by the SANDAG Board of Directors
Amended January 2006 by the SANDAG Board of Directors
Amended May 2007 by the SANDAG Board of Directors
POLICIES AND PROCEDURES FOR POLICY ADVISORY COMMITTEE MEMBERSHIPS

1. Membership

1.1 Executive Committee: Six members to include the City and County of San Diego Board members, and a Board member from each subregion (South County, East County, North County Coastal, North County Inland).

1.1.1 Alternates may be the second City of San Diego Board member or Board alternate, the second County of San Diego Board member or alternate, and alternates selected from each subregion who shall be primary members of the Board.

1.2 Transportation Committee: Nine members to include the mayor or a councilperson from the City of San Diego; a member of the County of San Diego Board of Supervisors, a Board member or alternate from each subregion, and a member of NCTD, MTS and the Airport Authority appointed by those agencies. There may be nine alternates chosen in the same manner.

1.3 Regional Planning Committee: Six members to include the mayor or a councilperson from the City of San Diego, a member of the County of San Diego Board of Supervisors, and a Board member or alternate from each subregion. There may be six alternates chosen in the same manner.

1.4 Borders Committee: Seven members to include the mayor or a councilperson from the City of San Diego, a member of the County of San Diego Board of Supervisors, a Board member or alternate from each subregion, and a mayor, councilmember, or supervisor from the County of Imperial. There may be seven alternates chosen in the same manner.

1.5 Public Safety Committee: Six members to include the mayor or a councilperson from the City of San Diego, a member of the County of San Diego Board of Supervisors, a Board member or alternate from each subregion. The nineeight Associate Member organizations taking part in this committee shall have the following representation: two members from the County Chiefs'/Sheriff’s Association, a member selected by the County Sheriff, a member of the Regional Homeland Security Committee, a member selected by the State public safety agencies, a member representing the San Diego County District Attorney’s Office, a member from regional Fire/Emergency Medical Services, a member representing the City of San Diego Police Chief, and a member from the regional transit agencies. In addition, there will be fivefour nonvoting Advisory Members selected as follows: Two persons selected by the Federal public safety agencies, one person selected from the San Diego County Probation Department Offices, and one person selected by the military, and one representative of the Southern California Tribal Chairmen’s Association. There may be alternates chosen in the same manner.
2. **Limitation on Committee Memberships**

No Board member or alternate may serve as the primary member of more than two Policy Advisory Committees (“PACs”) at any one time. Committee membership may be expanded by the Board.

3. **Ex Officio Members**

A PAC may include ex officio members if appropriate to roles and responsibilities of the committee. The Board Chair, first Vice Chair, and Second Vice Chair may serve as ex officio members on any of the PACs. Unless otherwise stated in a Board Policy or Board action applicable to a particular committee, all ex officio members on SANDAG’s Board or committees shall be nonvoting members.

4. **Appointments**

4.1 **Public Agencies**

4.1.1 The mayor and council of the City of San Diego and the governing body of each of the other member agencies will make their appointments to the Board annually by January 10, and when vacancies occur. 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. All such appointments shall go into effect immediately following approval by the member agency’s governing body.

4.1.2 The SANDAG Chair will provide notice requesting that Board members from each of the subregions appoint a Board member or alternate as authorized to serve as a primary member on each PAC and one to serve as an alternate to each PAC. At the time this notice is given, all primary and alternate Board members will be provided with an attendance record for all primary and alternate members currently serving on the Board or a PAC. Each subregion shall ensure that SANDAG staff is notified of the date, time and location for that subregion’s meeting. After the meeting is set by the primary members of each subregion, SANDAG staff shall provide Board alternates from each subregion advance notice of the meeting. A majority of the primary members present at the subregion meeting shall make a selection. An alternate member may vote in the absence of the primary member. The Chair shall be sent a letter from the subregion’s representatives informing him/her of the names of the persons who have been selected for appointment to each PAC. Appointments will be made by January 31 or as vacancies occur. Appointments shall go into effect immediately upon approval by the subregion.

4.2 **Associate Members**

In addition to the members appointed pursuant to Section 4.1, the Public Safety Committee shall have voting members appointed from the organizations listed below by their respective appointing authorities by January 31 of each year:

4.2.1 County Chiefs'/Sheriff’s Association – 2 voting members
4.2.2 County Sheriff – 1 voting member
4.2.3 Regional Homeland Security Committee – 1 voting member
4.2.4 State Public Safety Agency Association – 1 voting member
4.2.5 San Diego County District Attorney’s Office – 1 voting member
4.2.6 Regional Fire/Emergency Medical Services – 1 voting member
4.2.7 Regional Transit Agencies – 1 voting member
4.2.8 City of San Diego Police Chief – 1 voting member

4.3 Advisory Members

In addition to the voting members appointed pursuant to Sections 4.1 and 4.2, the Public Safety Policy Advisory Committee shall have the following nonvoting members appointed from the following organizations by their respective appointing authorities by January 31 of each year:

4.3.1 County Criminal Justice Association – 1 advisory member
4.3.2 Federal Justice Agency Association – 2 advisory members
4.3.3 Courts – 1 advisory member
4.3.4 Department of Defense – 1 advisory member
4.3.5 Southern California Tribal Chairmen’s Association – 1 advisory member

4.3.5 If any subregion fails to make an annual appointment to a PAC by January 31 or within three weeks of mailing of the notice to proceed to appoint to fill a vacancy, the Chair of SANDAG shall make the appointment. If any organization referred to in Sections 4.1, 4.2 or 4.3 fails to make an appointment to the Public Safety Policy Advisory Committee, the current representative shall continue to serve until a replacement appointment is made by his/her organization.

5. Vacancies

Vacancies on PACs shall be filled as they occur in the same manner as appointments.

6. Chair/Vice Chair

The Chair and Vice Chair of the PACs, other than the Executive Committee, shall be appointed by the Board Chair in February or as vacancies occur. The officers of the PACs (except for the Executive Committee, whose officers are dictated by statute) can be primary or alternate members of the Board, but must be primary members of the PAC they will chair. The appointments shall go into effect immediately unless otherwise directed by the Board Chair. The Board Chair, First Vice Chair, and Second Vice Chair when serving as a member of the Executive Committee, shall serve as the Chair, First Vice Chair, and Second Vice Chair of the Executive Committee. The Vice Chair conducts the meetings in the absence of the Chair. In the event of the absence of the Chair, First Vice Chair and Second Vice Chair for the Executive Committee or both the Chair and Vice Chair for a PAC or other standing committee, the quorum of members present shall elect a chairperson pro tempore to preside for that meeting. The Executive Director or a Chief Deputy Executive Director, with a quorum present, shall call the meeting to order and preside during such election of chairperson pro tempore; he/she shall immediately relinquish the chair upon completion of the election.
7. **Attendance**

7.1 Primary and alternate members are strongly encouraged to attend all Committee meetings. Roll call shall be taken by the Chair at the beginning of the meeting to determine the voting members present at that time. The voting members shall be seated collectively in order for the public to recognize them as such. Other nonvoting alternates in attendance may participate in Committee discussion but shall not be authorized to act on any item.

7.2 If an organization with voting rights or a subregion is unrepresented at three consecutive Committee meetings a letter will be sent to that organization’s governing board members, all other members and alternates of the Committee, and the Board of Directors members and alternates concerning the absences.

7.3 In order to ensure a quorum, full participation, fairness, and comprehensive knowledge of the items discussed at SANDAG meetings, members who are eligible for compensation for attendance at a SANDAG meeting must be present for at least 1/2 of the time set for the meeting or the duration of the meeting, whichever is less, in order to be eligible for compensation in accordance with Article III, Section 5 of the Bylaws.

8. **Quorum**

A simple majority of members (either primary or alternates) constitute a quorum.

9. **Voting**

Primary members vote on all committee actions. Alternates vote only when their corresponding primary member from their area is absent. A simple majority of the quorum of primary and eligible alternate members voting constitutes approval. A quorum shall be required for the conduct of any business of a PAC.

10. **Compensation**

Primary and alternate members of the PACs will be compensated $100 per meeting attended subject to the limitations on number of meetings per month set forth in the SANDAG Bylaws.

11. **Meetings**

PAC meetings should normally be held on Fridays or when called by the committee Chair. Parliamentary procedure at all meetings shall be governed by Roberts Rules of Order, Newly Revised.

12. **Working Groups & Subcommittees**

The PACs shall have the authority to appoint PAC working groups and may provide for the appointment of alternates to these working groups. Ad hoc working groups may be appointed by the Board or PACs as the need arises to accomplish specific tasks. Upon completion of its assignment, each working group shall disband. Standing subcommittees may be appointed by the Board as may be required to carry out general and continuing functions and may be abolished only
upon specific action by the Board. As the Board creates standing subcommittees, it shall specify the method for appointing persons to those subcommittees.

Adopted January 2003
Amended December 2003
Amended November 2004
Amended December 2005
Amended December 2006
Amended May 2007
RULES OF PROCEDURE FOR BOARD OF DIRECTORS, POLICY ADVISORY COMMITTEES AND OTHER LEGISLATIVE BODIES

This policy is intended to define and clarify Rules of Procedure for the Board and incorporate them in Board policy.

From time to time over the last 30 years the Board has utilized and amended rules of procedure. It is desirable to have these rules contained in Board Policy for ease of reference.

Procedures for the Board and Policy Advisory Committees

1. **Ordinances**

   1.1 Every ordinance shall be signed by the Chair of the Board, or for the comprehensive fare ordinance the Chair of the Transportation Committee, and attested by the Clerk of the Board.

   1.2 Upon the passage of an ordinance, the votes of the Board members or Transportation Committee members, as appropriate, shall be entered in the minutes.

   1.3 Ordinances shall not be passed within five days of their introduction, nor at any meeting other than a regular meeting. An urgency ordinance may, however, be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Board or Transportation Committee members present, all ordinances shall be read in full at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

   1.4 The Clerk of the Board shall cause a proposed ordinance or proposed amendment to an ordinance, and any ordinance adopted by the Board or Transportation Committee to be published at least once in a newspaper of general circulation in SANDAG’s area of jurisdiction.

   1.5 The publication of an ordinance as required by this policy, may be satisfied by either of the following actions:

      1.5.1 Publication of a summary of a proposed ordinance or proposed amendment to an ordinance. The summary shall be prepared by the Clerk of the Board and the Office of General Counsel. The summary shall be published and a certified copy of the full text of the proposed ordinance or proposed
amendment shall be posted in the office of the Clerk of the Board at least five days prior to the meeting at which the proposed ordinance or amendment is to be adopted. Within fifteen (15) days after adoption of the ordinance or amendment, the Clerk of the Board shall publish a summary of the ordinance or amendment with the names of the Board or Transportation Committee members voting for and against the ordinance or amendment and the Clerk of the Board shall post in the office of the clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those members voting for and against the ordinance or amendment; or

1.5.2 If the person designated by the Board determines that it is not feasible to prepare a fair and adequate summary of the proposed ordinance or amendment, and if the Board or Transportation Committee so orders, a display advertisement of at lease one-quarter of a page in a newspaper of general circulation in SANDAG’s area of jurisdiction shall be published at least five (5) days prior to the meeting at which the proposed ordinance or amendment is to be adopted. Within fifteen (15) days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and prove information regarding, the adopted ordinance or amendment including information sufficient to enable the public to obtain copy of the complete text of the ordinance or amendment, and the name of those members voting for and against the ordinance amendment.

1.6 Ordinances and amendments shall take effect thirty (30) days after their final passage. Exceptions to this effective date are: 1. When the ordinance is for the immediate preservation of the public peace, health or safety, and contains a declaration of facts constituting urgency, and is passed by a two-thirds vote of the Board or Transportation Committee, the ordinance or amendment will take effect immediately; and 2. If otherwise provided by law.

2. **Board Policies**

2.1 Board policies shall be reviewed to determine if updates are needed no less often than every three years.

2.2 Once updated, policies shall contain a footer identifying the last date they were modified by the Board.

3. **Public Comment**

3.1 Persons wishing to provide comment or testimony shall be permitted to address the Board or Policy Advisory Committee after submitting a written request to speak, identifying themselves and the agenda item on which they want to be heard. Ordinarily, each speaker will be allowed no more than three minutes. The Chair, however, may extend or limit the time for each presentation or may permit additional time to speakers representing a group of individuals or organizations to avoid duplicative testimony or for other reasons that are in the best interest of the
Board or committee in the Chair’s discretion. Testimony must be limited to issues relevant to the agenda item.

3.2 Public comment on matters not on the agenda will be permitted on items of interest to the public that are within the subject matter jurisdiction of the Board or committee. Persons wishing to comment during the general public comment period must submit a written request in advance identifying themselves and the subject matter on which they wish to speak. The Chair may limit the time for each speaker. Ordinarily, each speaker will be allowed no more than three minutes.

4. Standards of Conduct & Ethics Applicable to All of SANDAG’s Legislative Bodies

4.1 This policy shall be supplemental to the SANDAG Conflict of Interest Code and is not intended to supersede such Code or any provisions thereof. All Board and Policy Advisory Committee members, and all other members of committees or working groups covered by the Brown Act, including alternates, shall file a Statement of Economic Interests with SANDAG upon request by the SANDAG Office of General Counsel.

4.2 Each Board member and alternate occupies a position of public trust that demands the highest moral and ethical standards of conduct. All references to “Board members” in Section 4 of this Policy shall be read to include all Board and Policy Advisory Committee members, and all other members of committees or working groups covered by the Brown Act, including ex officio members and alternates.

4.3 Board members shall not engage in any business or transaction or have a financial or other personal interest, actual, potential, or apparent that is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of such duties. Such business, transaction, or interest shall constitute a conflict of interest.

4.4 Generally, no Board member shall engage in any enterprise or activity that will result in any of the following:

4.4.1 Using the prestige or influence of the Board office for private gain or advantage of the member or another person.

4.4.2 Using time, facilities, equipment, or supplies of the Board for the private gain or advantage of the member or another person.

4.4.3 Receiving or accepting money or other consideration from anyone other than the Board or another government agency for the performance of acts done in the regular course of duty.

4.4.4 Receiving or accepting, directly or indirectly, any gift or favor from anyone doing business with the Board under circumstances from which it could reasonably be inferred that such was intended to influence such person in their duties or as a reward for official action.
4.4.5 Soliciting any gift or favor in the member’s official capacity, either directly or indirectly, when such solicitation might reasonably be inferred as to have a potential effect on the member’s duties or decisions, or when the individual’s position as a Board member would in any way influence the decision of the person being solicited.

4.5 Prohibited Interests

4.5.1 It is unlawful for any current SANDAG Board member to render a decision where a party to the decision has given the SANDAG Board member, promised to give the SANDAG Board member, or acted as an intermediary for the SANDAG Board member to have, an opportunity for compensation. For purposes of this section, opportunities for compensation provided to a SANDAG Board member include opportunities for compensation provided to the SANDAG Board member’s immediate family. When such an opportunity for compensation is provided to a member of the SANDAG Board member’s immediate family, the SANDAG Board member shall not participate in a decision involving a party to the decision unless the SANDAG Board member had no knowledge or involvement in securing the opportunity for compensation.

4.5.2 It is unlawful for any current SANDAG Board member to make, participate in making, or use his or her Board member position to influence a decision involving the interests of a person with whom he or she is seeking, negotiating, or securing an agreement concerning future employment.

4.5.3 It is unlawful for any current SANDAG Board Member to be financially interested in any contract made by them in their Board member capacity. It is also unlawful for any contract to be made by SANDAG or any board or commission established by SANDAG if any individual member of the body has a financial interest in the contract.

4.5.4 Definitions

4.5.4.1 For purposes of the prohibitions set forth in this section, the term “financial interest” means any interest, other than a remote interest as prescribed in California Government Code section 1091 or a noninterest prescribed in California Government Code section 1091.5, that would prevent SANDAG Board members involved from exercising absolute loyalty and undivided allegiance to the best interests of SANDAG.

4.5.4.2 For purposes of this section, "material financial effect" has the same meaning as that term is used in title 2, sections 18705 through 18705.5 of the California Code of Regulations.

4.5.4.3 For purposes of this section, "render a decision" means to take part personally and substantially in the project by rendering a decision, approval, or disapproval; by making a formal written
recommendation; by conducting an investigation; by rendering advice on a significant basis; or by using confidential information.

4.5.4.4 For purposes of this section, "project" means any matter where a private business has made an application to SANDAG for discretionary funding or discretionary entitlements, or where SANDAG exercises discretion to enter into a lease, agreement, or contract with a private business.

4.5.5 Any SANDAG Board Member with a remote financial interest in a prospective contract of SANDAG must disclose the existence of the remote interest to the body of the board in which the SANDAG Board member is a member if that board has any role in creating, negotiating, reviewing, or approving the contract; and the SANDAG Board member must abstain from influencing or participating in the creation, negotiation, review, or approval of the contract.

4.5.6 It is unlawful for any SANDAG Board member to knowingly influence a decision of the SANDAG Board if it is reasonably foreseeable that the decision will have a material financial effect on:

4.5.6.1 the SANDAG Board member or a member of his or her immediate family, if the material financial effect is distinguishable from its effect on the public generally; or any of the following economic interests:

4.5.6.1.1 any business entity in which SANDAG Board member or a member of SANDAG Board member’s immediate family has invested $2,000 or more; and

4.5.6.1.2 any business entity for which a SANDAG Board member or a member of the SANDAG Board member’s immediate family is a director, officer, partner, trustee, employee, or holds any position of management; and

4.5.6.1.3 any real property which SANDAG Board member or a member of SANDAG Board member’s immediate family has invested $2,000 or more; and

4.5.6.1.4 any person from whom a SANDAG Board member or a member of the SANDAG Board member’s immediate family has received (or by whom you have been promised) $500 or more in income within twelve months prior to the decision; and

4.5.6.1.5 any person from whom a SANDAG Board member or a member of the SANDAG Board member’s immediate family has received gifts that total $300 or more within twelve months prior to the decision;
4.5.6.1.6 the personal expenses, income, assets, or liabilities of a SANDAG Board member or a member of SANDAG Board member’s immediate family.

4.5.7 Prohibitions Applicable to Former Board Members

4.5.7.1 It is unlawful for any former SANDAG Board Member who received compensation from SANDAG to render a decision on a particular project during his or her SANDAG service to engage in direct communication with SANDAG, for compensation, with regard to any pending application for discretionary funding or discretionary entitlements before SANDAG relating to that particular project on behalf of any person other than a public agency for a one year period immediately following the last payment from SANDAG to the Board Member.

4.5.7.2 It is unlawful for any former SANDAG Board member, for compensation, to knowingly counsel or assist any person other than a public agency in connection with an appearance or communication in which the former SANDAG Board Member is prohibited from engaging pursuant to subsection 4.5.7.1 for a one year period immediately following termination of service with SANDAG.

4.6 Lobbying and Campaign-Related Activities

4.6.1 It is unlawful for any SANDAG Board Member to engage in campaign-related activities, such as fund-raising, the development of electronic or written materials, or research, for a campaign for any elective office using SANDAG facilities, equipment, supplies, or other SANDAG resources. Nothing in this section, however, shall prohibit the use of SANDAG resources to provide information to the public about the possible effects of any bond issue or other ballot measure relating to SANDAG activities, operations, or policies, provided that:

4.6.1.1 the use of public resources is otherwise legally authorized; and

4.6.1.2 the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

4.6.2 It is unlawful for any former SANDAG Board Member to engage in direct communication for the purpose of lobbying SANDAG if all of the following circumstances apply:

4.6.2.1 the former SANDAG Board Member served as a SANDAG Board Member within the previous twelve months; and
4.6.2.2 the former SANDAG Board Member received compensation from SANDAG for his or her service as a SANDAG Board Member; and

4.6.2.3 the former SANDAG Board Member is receiving compensation from a private business to engage in the direct communication with SANDAG.

4.6.3 The prohibitions contained in 4.6.2 shall not apply:

4.6.3.1 to prevent a former SANDAG Board Member from making or providing a statement, based on the former SANDAG Board Member's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses;

4.6.3.2 to prevent any former SANDAG Board Member from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before SANDAG;

4.4.6.3 to the activities of any former SANDAG Board Member who is an elected or appointed officer or employee of any public agency, or a consultant of any public agency, when that former SANDAG Board Member is solely representing that agency in his or her Board Member capacity as an officer, employee, or consultant of the agency;

4.4.6.4 to any ministerial action. A ministerial action is one that does not require a SANDAG Board Member to exercise discretion concerning any outcome or course of action; or

4.4.6.5 to any individual who terminated status as a SANDAG Board Member prior to July 1, 2003, except that any such individual who returns to service as a SANDAG Board Member on or after July 1, 2003, shall thereafter be subject to the provisions of this section.

4.7 If a Board member has an actual, potential, or apparent conflict of interest in the subject of an agenda item, and the Board will be making a decision regarding the agenda item during an open session meeting, the Board member must recuse himself or herself or, in the case of uncertainty, request a binding determination from the Board’s legal counsel. If the Board member has a conflict, he or she may observe, but not participate, in the decision-making process.

4.8 If a Board member has an actual, potential, or apparent conflict of interest in the subject of an agenda item to be discussed during a closed session meeting, the Board member must state that he or she has a conflict of interest and shall be disqualified and shall leave the room during such discussion so as not to make, participate in making, or in any way attempt to use his or her official position to
influence the decision or discussion. In the case of uncertainty, the Board member must request a binding determination from the Board’s legal counsel. In accordance with the Brown Act, any Board member who is disqualified shall be entitled to any information that is publicly reported. The Board member will not, however, be privy to any confidential or privileged information or communications pertaining to the closed session agenda item.

4.9 No Board member shall disclose to any person, other than members of the Board and other Board staff designated to handle such confidential matters, the content or substance of any information presented or discussed during a closed session meeting unless the Board authorizes such disclosure by the affirmative vote of a majority of the Board.

4.10 No Board member may disclose confidential or privileged information or communication to any person other than a Board member, counsel to the Board, or other Board staff designated to handle such matters, unless disclosure is mandated by law or the Board authorizes such disclosure by the affirmative vote of a majority of the Board.

4.11 Confidential or privileged information concerning threatened, anticipated, or actual litigation or claims will not be disclosed to a Board member if he or she has an actual, potential, or apparent conflict of interest. In the case of uncertainty as whether a conflict of interest exists, the Board’s legal counsel will issue a binding determination.

4.12 No Board member shall represent a position on an issue to be the Board’s position unless the Board has formally adopted such position at a public meeting.

4.13 Any violation of this policy shall constitute official misconduct if determined as such by an affirmative vote of the majority of the Board in an open and public meeting. The Board may elect to censure the Board member and the violation may be subject to criminal and/or civil penalties as provided for by applicable law.

4.14 All SANDAG Board or committee members (including alternates) who may receive any type of stipend, compensation, salary, or reimbursement for travel expenses from SANDAG must attend at least two hours of ethics training every two years. All such persons who hold office with SANDAG as of January 1, 2006, must complete their first course no later than January 1, 2007. The ethics training course materials must be approved by the Fair Political Practices Commission and Attorney General’s Office in compliance with the requirements of Government Code § 53234 et seq. Proof of attendance may be issued by SANDAG or any other local government agency providing an ethics training course that complies with these requirements.

5. Additional Advisory Membership on Board

5.1 From time to time, the Board may determine it is in SANDAG’s best interest to supplement the Board with additional members that can provide beneficial advice and information to the Board on matters of interest to the region.
5.2 The criteria for selection of additional advisory members shall be as follows:

5.2.1 Agency/group has land use or eminent domain authority;

5.2.2 Agency/group has regional authorities and responsibilities important to SANDAG’s mission;

5.2.3 Membership by the agency/group would enhance SANDAG’s regional decision-making;

5.2.4 Agency/group desires representation, submits a written request, and commits to participation; and

5.2.5 Agency/group is able to agree on the form of representation and who will represent it.

6. Procedures Applicable to All SANDAG Legislative Bodies Other Than the Board and Policy Advisory Committees

The Brown Act is a state law which governs open meetings for local governmental bodies. The Brown Act (also “Act”) is contained in the Government Code at § 54950 et seq., and establishes rules designed to ensure that actions and deliberations of public bodies of local agencies are taken openly and with public access and input. The Brown Act governs the meetings of all local “legislative bodies,” that is, all multi-member committees and the like, of a local governmental agency such as SANDAG. Bodies created by ordinance, resolution, or formal action of the SANDAG Board or one of the Policy Advisory Committees are covered by the Act.

6.1 All of the SANDAG legislative bodies are required to comply with the requirements of the Act, including but not limited to the following:

6.1.1 Agendas for all regular meetings must be posted at least 72 hours in advance of the meeting and all meetings must be open to the public.

6.1.2 The Act applies whenever a majority of the voting members of the legislative body meet to discuss, deliberate or acquire information about a matter within the subject matter of the body.

6.1.3 A public comment period must be provided at each meeting.

6.1.3 The Act prohibits “serial meetings.” Serial meetings are a series of in-person meetings, phone calls, emails, or other types of communication that ultimately involve a majority of the legislative body to develop a consensus as to action to be taken on a matter coming before the body. This prohibition is based on the Act’s goal to ensure that the public’s business is in fact conducted in public. In addition, a third party cannot be used to communicate among the members to obtain a consensus; an intermediary cannot be used to accomplish the actions directly prohibited by the Act.

6.1.4 Secret ballots and anonymous voting are prohibited.
6.1.5 An attendance, registration, or sign-in sheet may be used at public meetings to document the presence of persons other than the members of the legislative body, however, the sheet must clearly state that its completion is voluntary and not a precondition for attendance.

6.1.6 Meetings may not be held in facilities that are inaccessible to disabled persons or in facilities that prohibit the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry or sex.

6.1.7 Meetings must be held within the County of San Diego, unless some exception under the Act applies. Questions regarding the applicability of the Act should be directed to the SANDAG Office of General Counsel.

6.1.8 The agenda must list all items that will be discussed or acted upon by the legislative body. That listing should be described in an informative way so that members of the body as well as members of the public understand the general nature of the agenda item and can make an informed decision whether to attend the meeting or not. The Act provides that this description need not exceed 20 words, but as many words as necessary to give adequate notice should be used.

6.1.9 Members may take action to add an item to the agenda of a regular meeting if, by two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, the body determines that there is a need to act immediately, that the body's consideration of the matter cannot await the next meeting and that the need for immediate action arose after the posting of the agenda. This should only occur in very rare occasions, and the SANDAG Office of General Counsel should be consulted before relying on this exception.

6.2 In addition to the requirements of the Act, SANDAG legislative bodies must also comply with the following requirements:

6.2.1 Only the regular members, or in their absence, a designated alternate, may vote on action items. Seating or placards at meetings should be arranged so that it is clear which persons in the room are voting members, as compared to nonvoting members, alternates, speakers, or members of the public. Nonvoting members and alternates in attendance may participate in the body's discussion, but may not vote.

6.2.2 The members of a legislative body may only designate an alternate if their service on the legislative body is based on their capacity as a representative of another group; members selected for their individual qualifications do not act as a representative of another group and may not designate an alternate.
6.2.3 A quorum shall be a majority of the voting members of a legislative body. A majority of the quorum must approve all actions taken by the legislative body.

6.2.3 Unless otherwise provided by the Board or Policy Advisory Committee, each legislative body should select a chair and vice chair by a vote of the majority of a quorum on an annual basis.

6.2.4 Roberts Rules of Order should be used by legislative bodies for guidance on procedural matters such as the making of motions and voting.

6.2.5 The chair of a legislative body may direct that comments from the public shall be limited to no more than three minutes per person. Comments from the public should be requested following introduction of each agenda item. Efforts should be made to make it clear to the members of the legislative body and audience when a comment is being made by a member of the public versus a member of the legislative body.

6.2.6 In the event a legislative body is having difficulty taking action on items due to lack of attendance to create a quorum, the legislative body may make a recommendation regarding changes to membership and seek approval of these recommendations from the Board or Policy Advisory Committee that created the legislative body.

6.3 The scope of topics within the jurisdiction of the legislative shall be limited to those issues delegated to the legislative body by the Board or relevant Policy Advisory Committee.

6.4 Legislative bodies created by the Board or a Policy Advisory Committee do not have authority to take action on behalf of SANDAG, make a final determination on behalf of SANDAG, and/or take a position on behalf of SANDAG.

6.5 The SANDAG Committee and Working Group Guidelines should be used for additional guidance.

6.6 New committees shall not be created by SANDAG staff without approval of either (1) the Board, (2) a Policy Advisory Committee, or (3) the Executive Director with the concurrence of the Chair of the Board. A Policy Advisory Committee or the Board must approve all charter or membership changes for committees that are created by ordinance, resolution, or formal action of the Board or one of the Policy Advisory Committees.

6.6.1 When appointing new committees or working groups, PACs may provide for the appointment of alternates.

6.6.2 As the Board creates standing subcommittees, it shall specify the method for appointing persons to those subcommittees.
6.6.3  Ad hoc working groups may be appointed by the Board or PACs as the need arises to accomplish specific tasks. Upon completion of its assignment, each working group shall disband. Standing subcommittees may be appointed by the Board as may be required to carry out general and continuing functions and may be abolished only upon specific action by the Board.

6.6.4  An informational report shall be provided to the Board on an annual basis concerning the status of all standing and ad hoc committees and working groups.

6.7  A quorum shall be required for the conduct of any business. A simple majority of members (either primary or alternates) shall constitute a quorum.

6.8  Primary members vote on all legislative body action items. Alternates vote only when their corresponding primary member from their area is absent. A simple majority of the quorum of primary and eligible alternate members voting constitutes approval.

Adopted June 2003
Amended November 2004
Amended January 2006
Amended December 2006
Amended May 2007
TransNet ORDINANCE AND EXPENDITURE PLAN RULES

The following rules have been adopted and amended by the SANDAG Board of Directors in its role as the San Diego County Regional Transportation Commission (RTC). The purpose of these rules is to implement the provisions of the original TransNet Ordinance (87-1) and the TransNet Extension Ordinance (04-01).

Rule #1: Procedure for Distribution of Revenues for Transportation Services for Seniors and the Disabled

Adoption Date: February 26, 1988 (Resolution RC88-2)

Amendment: Repealed at November 18, 2005, Board Meeting. This rule was superseded by Rule No. 11.

Rule #2: Loan of Funds for Privately-Funded Projects

Adoption Date: April 22, 1988 (Resolution RC88-5)

Amendment: Amended at November 18, 2005, Board Meeting.

Text:

The Commission may approve a loan of sales tax funds to a city or county from its formula-based share of Local Street and Road funds to finance a project which is prohibited from receiving funding under Section 9 of Commission Ordinance 87-1 or Section 8 of Ordinance 04-01 if the following terms and conditions are met.

1. A finding is made by the Commission that absent private sector funding, the project would be an eligible street and road project.

2. The City or County agrees to enter into an agreement to repay the loan plus interest (at a rate determined by the Commission) prior to the termination of the sales tax in accordance with Section 3 of Commission Ordinance 87-1 or Section 3 of Ordinance 04-01.

3. That the City or County agrees to guarantee repayment of the loan if private developer funding is determined to be inadequate to repay the loan prior to termination of the sales tax.
Rule #3: Reimbursement of Local Funds to Advance Approved Projects

Adoption Date: May 27, 1988 (Resolution RC88-6)
Amendment: Amended at November 18, 2005, Board Meeting.

Text: A city or county may advance improvements on a project(s) which is included in the approved transportation sales tax Program of Projects with local agency funds (other than private developer funds as set forth in Section 9 of Ordinance 87-1 or Section 8 of Ordinance 04-01) prior to sales tax funds being available and receive reimbursement including interest from sales tax funds if it is determined by the Commission that the following terms and conditions are met.

1. The project(s) is included in the approved transportation sales tax Program of Projects, and no other financing technique is found to be more desirable or cost effective to utilize in order to advance the improvement.

2. The city or county shall be reimbursed for the local funds expended as soon as sales tax funds become available, or on a schedule agreed to between the local agency and the Commission.

3. That no more than 30 percent of the funds will be used for maintenance projects if the funds are borrowed from TransNet revenues pursuant to Section 2(C)(1) of Ordinance 04-01.

Rule #4: SR 78 Corridor Reserve Fund Allocation Policies

Adoption Date: Originally Adopted May 26, 1989 (Resolution R-89-82)
Wording changed December 14, 1990 (Resolution RC91-10)
Amendment: Amended at November 18, 2005, Board Meeting.

Text: For purposes of allocating funds under Section 2(a)(3) in Ordinance 87-1:

1. Only those projects designated as "funded" on the SR 78 Corridor project list approved on December 13, 1990 by the SR 78 Corridor Policy Committee are eligible to receive SR 78 Corridor Reserve Funds.

2. The list of SR 78 Corridor projects and their priority and funding eligibility may be revised by a majority vote of the SR 78 Corridor Policy Committee and the approval of the Board of Directors.

3. The basic contribution for a non-Caltrans project on the SR 78 Corridor Reserve funded list is 50 percent of the estimated right-of-way, engineering, and construction costs. However, the total amount of Corridor Reserve Funds designated for projects within one jurisdiction may be allocated to vary from the basic 50 percent for any given project as long as the cumulative total for programmed projects at any point in time does not exceed 50 percent.
4. The basic contribution for a Caltrans project on the SR 78 Corridor Reserve funded list is 100 percent of the estimated right-of-way, engineering, and construction costs.

5. Contributions from the SR 78 Corridor Reserve Fund to any one jurisdiction cannot exceed 50 percent (100 percent for Caltrans) of the project cost estimates shown on the approved funded list of December 13, 1990. If actual project costs are less than estimated, a maximum contribution of 50 percent (100 percent for Caltrans) of the new costs shall be in effect.

6. A project that for any reason is removed from the funded list can only be replaced by the next highest ranked unfunded project (or projects), regardless of jurisdiction and only if the funded list of projects does not exceed the total Corridor Reserve dollars available. As with other funded projects, Corridor Reserve funds can only be used to improve the replacement project(s) to minimal four-lane standards (six lanes at freeway interchanges).

   Added June 22, 1990 (Resolution RC90-40):

7. SR 78 Corridor Reserve funds for right-of-way will not be encumbered until a project has environmental clearance and the first 25 percent of the total value of the right-of-way is acquired. When a total of 75 percent of the right-of-way has been acquired, the construction funds will be encumbered at the request of the agency.

   Added December 14, 1990 (Resolution RC91-10):

8. All agencies submitting projects from the SR 78 Corridor Funded Project List for programming are encouraged to pursue matching funds from the State's SB 300 program.

   Added February 22, 1991 (Resolution RC91-13):

9. Any new source of state highway funds for the San Diego region should be considered for allocation to the TransNet SR 78 Corridor Reserve to offset local funds which were used for projects which are normally the responsibility of the State, such as freeway-freeway interchange improvements and ramp metering systems.
Rule #5: Use of Local Street and Road TransNet Funds for the Development of Transportation Demand Management Programs

Adoption Date: August 25, 1989 (Resolution RC90-23)

Amendment: Amended at November 18, 2005, Board Meeting.

Text: The development and implementation of a Transportation Demand Management Program shall be an eligible use of Local Street and Road funds pursuant to Section 19(E) of Ordinance 87-1 and Section 21(c) of Ordinance 04-01. Transportation Demand Management shall mean a comprehensive set of strategies designed to influence travel behavior with respect to mode, time, frequency, route, or distance in order to improve the efficiency and effectiveness of local streets and roads. Principal strategy measures involve, but are not limited to, ridesharing, alternative work hours, and parking management.

Rule #6: Fund Accounting and Interest Allocation

Adoption Date: March 23, 1990 (Resolution RC90-35)

Amendment: Amended at November 18, 2005, Board Meeting.

Text: For the purposes of determining compliance with Section 12 of Ordinance 87-1 and Section 13 of Ordinance 04-01, each agency shall maintain a separate fund (fund accounting) for TransNet revenues, if possible. Where the creation of a separate fund is not possible due to accounting methodology used by the agency, an alternative approach to maintaining separate accountability for TransNet revenue and expenditures must be developed and submitted to the Commission staff for concurrence. Interest earned on TransNet revenues received by the agency must be allocated to the TransNet fund and used only for projects approved by the Commission in the Program of Projects. For accounting purposes, the interest earnings shall be considered to be expended first. Further, the Ordinances allow the agencies to retain any unused TransNet funds. Interest accrued should be applied to each active project that carries an outstanding balance. The agency can determine the method of the interest distribution to be validated by the audit.

Rule #7: Program of Projects Approval Process and Amendments

Adoption Date: March 23, 1990 (Resolution RC90-35)

Amendments: Amended at November 18, 2005, and December 15, 2006 Board Meetings.

Text: Each local agency shall develop a five-year list of projects to be funded with TransNet revenues under Section 2D of Ordinance 87-1 and Section 4D of Ordinance 04-01 in accordance with the Regional Transportation Improvement Program (RTIP) update schedule. All projects a local agency wishes to include in its Program of Projects must be consistent with the Regional Transportation Plan and approved by the Commission for inclusion in the RTIP. A local agency’s projects shall not receive Commission approval until the Commission
receives a resolution from the local agency that documents that the local agency held a clearly noticed public hearing regarding the proposed list of projects prior to approval by the local agency's legislative body of the projects. The language that must be included in the resolution and the deadlines for submission shall be prescribed by the Commission. The resolution shall contain the provisions set forth in Rule #15.

A Program of Projects amendment shall be initiated when a local agency desires to add a new project to the approved Program of Projects, to delete an approved project in its entirety, or to change the TransNet funds programmed for a project by $2 million or 10 percent of total project, whichever is less. Projects proposed in the amendment must have been approved by the governing body of the local agency within the preceding 12 months. The local agency shall initiate the amendment process by holding a clearly noticed public hearing and submitting a resolution using the language and deadlines prescribed by the Commission as documentation of governing body approval. The amendment must be approved by the Commission prior to the expenditure of funds on the new or amended projects.

Rule #8: Determination of New Transit Services

Adoption Date: March 23, 1990 (Resolution RC90-35)

Amendment: Amended at November 18, 2005, Board Meeting.

Text:
For the purpose of determining compliance with Section 4(B)(2)(c) of Ordinance 87-1, the level of service provided in FY 1988 shall be considered at the base level of service in existence prior to the availability of TransNet revenues which must be maintained through other funding sources. Compliance with the “new” service requirement shall be determined using the following procedure:

1. Determine the number of vehicle service miles operated during the fiscal year using TransNet revenues for any given operator by dividing the TransNet revenues for operations by the total systemwide operating cost for that operator and multiplying the total vehicle service miles operated by the quotient.

2. Subtract the number of miles determined in Step 1 from the total system vehicle service miles operated during the year.

3. If the adjusted number of miles from Step 2 is greater than or equal to the FY 1988 base level, then the compliance test is met.

4. The attached table of base statistics from FY 1988 (Attachment 1) will be used to determine compliance. These figures reflect all publicly funded operators within the MTDB (MTS) and North County Transit District (NCTD) service areas (Articles 4, 4.5, and 8) because TransNet revenues could potentially be used by the operators to fund service improvements on any of these systems.
Rule #9: Use of TransNet Revenue for Bus Purchases

Adoption Date: March 23, 1990 (Resolution RC90-35)

Amendment: Amended at November 18, 2005, Board Meeting.

Text:
TransNet revenues may be used to support the purchase of buses required to operate new services funded with TransNet revenues. The number of buses which can be purchased with TransNet revenues shall be determined using the following procedures.

1. Determine the number of annual new vehicle service miles service being operated in accordance with Rule Number 8 – Determination of New Transit Services.

2. Divide the number of new miles of service by the systemwide average annual vehicle services miles per bus for a given operator to determine the equivalent number of buses required to operate the new service. Round up to the nearest whole number of bus equivalents.

The TransNet revenues used for bus purchases shall come out of the revenues available under Section 4(B)(2)(c) of Ordinance 87-1. The use of TransNet revenues for bus purchases shall be used to the maximum extent possible as matching funds for available state and federal capital funds. If, at some point in the future, the number of buses purchased with TransNet revenues cannot be justified based on the number of new miles being operated with TransNet revenues, then a pro-rated reimbursement to the TransNet fund will be required based on the remaining useful life of the vehicles. TransNet revenues may not be used to support the purchase of replacement buses for the “existing” (FY 1988) level of service. Any buses purchases with TransNet revenues will remain under the ownership of MTDB (MTS) or NCTD and be made available to the operator chosen to operate the new services.

Rule #10: Use of TransNet Revenues to Replace Reduced State and Federal Operating Support

Adoption Date: March 23, 1990 (Resolution RC90-35)

Amendment: Amended at November 18, 2005, Board Meeting.

Text:
For purposes of determining compliance with Section 4(B)(2)(c) of Ordinance 87-1, the maximum amount of TransNet funds that MTDB (MTS) or NCTD are eligible to use to replace federal funds in a given year is equal to the FY 1987 base year levels of federal and state operating support ($6,113,307 for MTS and $2,511,816 for NCTD) less the amount of state and federal operating support available in that year. The priority on the use of funds under this section is to provide new service improvements. MTS and NCTD are encouraged to use other available revenues, such as Transportation Development Act (TDA) funds, to offset reductions in state and federal funds, if possible, and to use TransNet funds under these sections for new service improvements.
Rule #11: Use of TransNet Revenues for Transportation Services for Seniors and the Disabled

**Adoption Date:** March 23, 1990 (Resolution RC90-35)

**Amendment:** Amended at November 18, 2005, Board Meeting

**Text:** The funds made available under Section 4(B)(1) of Ordinance 87-1 or Section 4(c)(1) of Ordinance 04-01 for improved transportation services for seniors and the disabled shall be used to augment the revenues made available under the Transportation Development Act (TDA) Article 4.5 program for the same purposes. These TransNet funds shall be allocated to eligible service providers using the fund distribution formula approved by the SANDAG Board of Directors for use in distributing the TDA Article 4.5 funds. For accounting purposes, following the expenditure of fare revenues and other local and other local operating revenues, the interest earnings on the TransNet and TDA funds shall be considered to be spent first, followed by the TransNet funds, then the TDA funds.

Rule #12: Use of TransNet Revenues for Accessibility Improvements

**Adoption Date:** March 23, 1990 (Resolution RC90-35)

**Text:** In the development of TransNet-funded local street and road projects, local jurisdictions may include, within the street right-of-way, improvements to enhance accessibility to the transportation system, including, but not limited to, accessibility improvements to bus stop areas.

Rule #13: Investments

**Adoption Date:** July 27, 1990 (Resolution RC91-2)

**Amendment:** Repealed at November 18, 2005, Board Meeting. This rule has been superseded by the Annual Investment Policy Update (see Resolution No. 2006-06 approved at the September 23, 2005, SANDAG Board of Directors meeting).

Rule #14: Capital Equipment Acquisition Loans to SANDAG

**Adoption Date:** November 16, 1990 (Resolution RC91-6)

**Text:** The loan of unused administrative allocations from TransNet funds to SANDAG for the purpose of acquiring office and computer equipment is authorized when lower cost financing is not available. The repayment schedule shall be based upon funding authorized in the SANDAG-approved budget and will include interest at a rate equal to the interest earning rate of the San Diego County Pooled Money Fund.
Rule #15: Local Agency Hold Harmless Agreements

Adoption Date: October 25, 1992 (Resolution RC92-7)

Text: Each local agency shall be required to hold harmless and defend the Commission against challenges related to local TransNet projects. This rule is to be implemented by requiring that each local agency agree in its resolution approving its projects for TransNet funding to hold the Commission harmless.

Rule #16: Repayment of Commercial Paper Program Proceeds

Adoption Date: September 23, 2005

Amendment: Amended at November 18, 2005, Board Meeting.

Text: Each agency receiving proceeds from the TransNet Commercial Paper Program shall be responsible for its proportionate share of the ongoing interest and related administrative costs from the date the proceeds are received until the principal amount of the loan is fully repaid. Repayment of the principal amount shall commence within three years of the agency’s receipt of the proceeds and shall be completed within five years of the agency’s receipt of the proceeds. Repayment of the proceeds may be accomplished by rolling the outstanding amount into a long-term bond issue during the five-year repayment period. In such cases, the agency would then be responsible for its proportionate share of the bond issuance costs and annual debt service costs. The repayment of debt, in all cases, is the first priority on the use of the agency’s share of annual TransNet revenues.

Rule #17: Fiscal and Compliance Audits

Adoption Date: November 18, 2005

Amendment: Amended at May 25, 2007, Board Meeting.

Text: I. Fiscal and Compliance Audit Procedures

The fiscal and compliance audit is an essential tool to determine that TransNet funds are being used for the intended purposes. The Commission has the fiduciary responsibility to ensure that the public funds are used in accordance with the TransNet Ordinance and Expenditure Plan. In order to complete the audits in a timely manner, SANDAG proposes the following:

A. July/August: SANDAG meets with the auditors to review the audits required for the year and provide all necessary documentation/information for the auditors to begin work.

B. September to November: Auditors schedule site visits. Recipient agencies must be ready and available to meet with the auditors and provide requested financial schedules and other information necessary for the completion of the audit.

C. November/December: Auditors issue draft reports to both SANDAG and the agencies. The agencies must be available to review and comment on
the draft report in a timely manner. All outstanding issues should be resolved within four weeks.

D. December/January: Auditors issue the final reports. If there are outstanding issues, those should be resolved so that the audit is completed no later than March.

SANDAG Responsibility: SANDAG will provide all information necessary to complete the audit.

Agency Responsibility: All agencies must be ready for the site visit, provide requested information, and review and comment on the draft reports in a timely manner.

If the auditor is unable to complete the audit because an agency was not ready or did not provide the required information or reviews in a timely manner, then the agency will be deemed in noncompliance of the Ordinance. SANDAG will withhold future TransNet payments (except for required debt service payments) until the audit is completed.

The Ordinance states that the Commission:

[S]hall not allocate any revenues...to any eligible local agency in any fiscal year until that local agency has certified to the Commission that it will include in its budget for that fiscal year an amount of local discretionary funding for street and roads purposes at least equal to the minimum maintenance of effort requirement. An annual independent audit shall be conducted to verify that the Maintenance of Effort requirements were met. Any local agency which does not meet its Maintenance of Effort requirement in any given year shall have its funding reduced in the following year by the amount by which the agency did not meet its required Maintenance of Effort level. Any local street and road revenues not allocated pursuant to the Maintenance of Effort requirement shall be redistributed to the remaining eligible agencies according to the formula described in [the Ordinance].

Although there are no specific MOE requirements for the highway, transit, or other discretionary programs, the verification of fund usage is essential. Therefore, the withholding of TransNet fund payments applies to all agencies that do not have a completed audit.

II. Exceptions

SANDAG acknowledges the existence of unforeseen circumstances which may prevent an audit from completion. Should situations warrant an extension, the agencies must submit a request for an extension to be considered by the SANDAG Transportation Committee, including an explanation of the situation and specific timelines for completion of the audit.
III. Audit Adjustments

Specific Project Funding/Discretionary Programs

This section applies to funding allocated for the specified projects under the Highway and Transit Programs under Ordinance 87-1, including funding allocated for bicycle facility improvements. Under the TransNet Extension (Ordinance 04-01), this section applies to the Major Corridor funding - Section 4(A) and (B) and the four discretionary programs: (1) Transit Senior program - Section 4(C)(2); (2) Local Environmental Mitigation program - Section 4(D)(2); (3) Local Smart Growth Incentive program - Section 4(D)(3); and (4) Bicycle, Pedestrian, and Neighborhood Safety Program - Section 2(E).

After the projects are completed and there are funds remaining, the agency is required to return the money to the program. After the fiscal audit determines that the project has been completed, SANDAG will transmit a letter to the agency to return the funds to SANDAG. The agency must remit the balance within 60 days of the letter. Should an agency fail to respond in a timely manner, all future TransNet payments (including funds from the other programs) to that agency will be suspended until the funds are returned.

Local Street and Road Formula Program (Section 4(C) of Ordinance 87-1 and Section 4(D)(1) of Ordinance 04-01) and Transit Funding (Section 4(B) of Ordinance 87-1 and Sections 4(C)(1), 4(C)(3), and 4(C)(4) of Ordinance 04-01).

The audit identifies the status of each project funded with TransNet funds - i.e., completed projects, projects that have negative balances, inactive projects, and ongoing projects. The agencies are responsible to work with the auditors to make proper adjustments as follows:

Completed projects: once a project is identified as completed and there are TransNet funds remaining with that project, the agency is required to transfer the balance to another TransNet-eligible project (any project included in the approved Program of Projects). The audit should make note to which project the funds will be transferred. Completed projects should no longer show in the following year’s audit.

Projects with negative balances: an ongoing project or a completed project may have expended all the TransNet funds but the agency decided to augment with other funds. In this case, the project should show zero balance for the amount of TransNet expended rather than showing a negative balance. If the project is completed, then it should no longer show in the following year’s audit. If the project is ongoing and the agency intends to backfill the project with the following year’s TransNet funds, then it should be noted in the audit. However, this practice is discouraged as it will throw off the MOE calculation.

Inactive projects: if a project has had no activity over a period of two audits, the agency must either close out the project or note when the project will be completed. These projects should no longer show in
the following year’s audit. Any remaining TransNet funds must be transferred to another TransNet-eligible project.

IV. Local Agency Balance Limitations

Based on the audit, an agency that maintains a balance of more than 30 percent of its annual apportionment (after debt service payments) must use the remaining balance to fund projects. SANDAG will defer payment until the unused balances fall below the 30 percent threshold.

Rule #18: Local Agency Balance Limitations

Adoption Date: June 23, 2006

Text: As specified in Section 2(C)(1) of the Ordinance 04-01, at least 70 percent of the revenues provided for local street and road purposes should be used for congestion relief purposes and no more than 30 percent for maintenance purposes. Attachment 2 provides a set of guidelines to be used in the implementation of this new requirement beginning with the 2006 Regional Transportation Improvement Program (RTIP) update. These guidelines apply to the programming of all available local TransNet funding (annual formula funds and prior year carry-over balances) beginning with July 1, 2008 (Fiscal Year 2008-09).

Rule #19: Conflict of Interest for ITOC Representatives

Adoption Date: December 15, 2006

Policy Text: The Board intends to make every effort to ensure the representatives selected to serve on the Independent Taxpayers Oversight Committee (ITOC) are free from any bias that would interfere with objective decision making by the ITOC. The Conflict of Interest section of the “Statement of Understanding Regarding the Implementation of the Independent Taxpayer Oversight Committee for the TransNet Program,” which is part of the TransNet Extension Ordinance, states in part: “ITOC members shall not have direct commercial interest or employment with any public or private entity, which receives TransNet sales tax funds authorized by this Ordinance.” The Board interprets this language to impose the same level of restrictions on the ITOC representatives as those that apply to SANDAG Board members pursuant to California state law found at Government Code sections 87100 et seq. and 1090 et seq.

Attachments: 1. FY 1988 Base Year Statistics
2. SANDAG Board Item No. 12, June 23, 2006
## Metropolitan Transit Development Board (MTS) Area

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Operator/Service</th>
<th>Service Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 4.0</td>
<td>Chula Vista Transit</td>
<td>559,734</td>
</tr>
<tr>
<td></td>
<td>National City Transit</td>
<td>276,303</td>
</tr>
<tr>
<td></td>
<td>County Transit System:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Suburban Service</td>
<td>646,904</td>
</tr>
<tr>
<td></td>
<td>Rural Bus</td>
<td>170,953</td>
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<tr>
<td></td>
<td>Poway Fixed Route</td>
<td>313,425</td>
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<tr>
<td></td>
<td>San Diego Transit</td>
<td>10,473,323</td>
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<tr>
<td></td>
<td>San Diego Trolley</td>
<td>1,033,084</td>
</tr>
<tr>
<td></td>
<td>Strand Express Agency</td>
<td>400,738</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>13,874,464</td>
</tr>
</tbody>
</table>

| Artide 8   | County Transit System:    |               |
|           | Express Bus               | 189,276       |
|           | Total                     | 189,276       |

| Article 4.0 Dial-A-Ride | El Cajon Express          | 308,331       |
|                        | La Mesa Dial-A-Ride       | 251,516       |
|                        | Lemon Grove Dial-A-Ride   | 62,090        |
|                        | County Transit System:    |               |
|                        | Poway Dial-A-Ride         | 23,030        |
|                        | Poway Airporter           | 103,925       |
|                        | Spring Valley Dial-A-Ride | 73,298        |
|                        | San Diego Transit DART    | 309,370       |
|                        | Total                     | 1,131,560     |

| Article 4.5 | Chula Vista Handytrans    | 128,807       |
|             | County Transit System - WHEELS | 219,906   |
|             | National City Wheels      | 15,159       |
|             | Poway Call-A-Ride         | 60,156       |
|             | San Diego Dial-A-Ride     | 1,149,541    |
|             | Total                     | 1,573,623    |

**MTDB (MTS) Area Total** 16,768,923

## North County Transit District

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Operator/Service</th>
<th>Vehicle Service Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 4.0</td>
<td>NCTD Fixed Route</td>
<td>7,651,408</td>
</tr>
<tr>
<td></td>
<td>NCTD FAST</td>
<td>126,744</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>7,778,152</td>
</tr>
</tbody>
</table>

| Article 4.5 | NCTD Lifeline           | 386,680               |
|             | Total                   | 386,680               |

**NSDCTDB (NCTD) Area Total** 8,164,832

**REGIONAL TOTAL** 24,933,755

Adopted: February, April, and May 1988; August 1989; March, July, and November 1990; October 1992; September and November 2005
Amended: June and December 1990; February 1991; November 2005
TransNet Local Street and Road Program
TransNet Ordinance and Expenditure Plan Implementation Guidelines
June 23, 2006

The TransNet Ordinance requires that at least 70 percent of the revenues provided for local street and road purposes should be used to fund direct expenditures for facilities contributing to congestion relief. No more than 30 percent of these funds should be used for local street and road maintenance purposes. The required multi-year Regional Transportation Improvement Program (RTIP) project lists submitted by local agencies that are found to be out of compliance with this requirement will not be approved. Local agencies may request an exception to this requirement and must provide justification for such a request as part of its project list submittal.

The following table categorizes and lists the more typical types of facilities that are considered to contribute to congestion relief. For other facilities not listed, it must be demonstrated that congestion relief can be obtained before the project can be considered part of the 70 percent Congestion Relief category. Maintenance costs of items listed in the 70 percent Congestion Relief category are eligible under the 30 percent category. Facilities that are not considered to contribute to congestion relief (Items 28-30) are eligible under the 30 percent category.

<table>
<thead>
<tr>
<th>Congestion Relief (At least 70%)</th>
<th>Maintenance and Non-Congestion Relief (No more than 30%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New or Expanded Facilities</td>
<td></td>
</tr>
<tr>
<td>1. New roadways and bridges</td>
<td></td>
</tr>
<tr>
<td>2. Roadway and bridge widening</td>
<td></td>
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<tr>
<td>3. Roadway widening for bike lanes</td>
<td></td>
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<tr>
<td>Major Rehabilitation and Reconstruction</td>
<td></td>
</tr>
<tr>
<td>4. Roadway rehabilitation (grinding and overlay, or new structural pavement, or new overlay 1-inch thick or greater)</td>
<td></td>
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<tr>
<td>5. Roadway realignment</td>
<td></td>
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<tr>
<td>6. Bridge retrofit or replacement</td>
<td></td>
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<tr>
<td>7. Roadway drainage improvements for the purpose of improving capacity-impeding conditions such as significant and frequent roadway flooding</td>
<td></td>
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<tr>
<td>8. New sidewalk or sidewalk widening</td>
<td></td>
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<tr>
<td>Traffic Operations</td>
<td></td>
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<tr>
<td>9. Median installation for safety improvement or left-turn movement</td>
<td></td>
</tr>
<tr>
<td>10. New traffic signal, passive permissive left turn (PPLT) installation, signal removal for congestion relief reasons, traffic signal upgrades, intersection lighting</td>
<td></td>
</tr>
<tr>
<td>11. Traffic signal coordination</td>
<td></td>
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<tr>
<td>12. Traffic signal interconnection</td>
<td></td>
</tr>
</tbody>
</table>

- Lane removal for bike lanes
- Pavement overlay (less than 1 inch)
- Pot hole repair, chip seal, fog seal, crack seal (except when part of roadway rehabilitation project)
- Roadway realignment that does not increase roadway capacity
- Bridge replacement for aesthetic purposes
- Minor drainage improvements not part of a congestion relief project
- Stand alone landscaping project of an existing median
- Traffic signal replacement, bulb replacement, hardware, software, inductive loop repair
| Congestion Relief  
(At least 70%) | Maintenance and Non-Congestion Relief  
(No more than 30%) |
<table>
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<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>13. Centrally controlled traffic signal optimization system</td>
<td></td>
</tr>
<tr>
<td>14. Traffic surveillance or detection system (video)</td>
<td></td>
</tr>
<tr>
<td>15. Traffic data collection system for performance monitoring purposes (in pavement detection, radar)</td>
<td></td>
</tr>
<tr>
<td><strong>Smart Growth-Related Infrastructure</strong>&lt;sup&gt;*&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>16. Traffic calming measures</td>
<td>- Light bulb replacement</td>
</tr>
<tr>
<td>17. Pedestrian ramps</td>
<td></td>
</tr>
<tr>
<td>18. Pedestrian traffic signal activation</td>
<td>- Bus-only lanes that do not provide congestion relief</td>
</tr>
<tr>
<td>19. Pedestrian crossings/overcrossings</td>
<td></td>
</tr>
<tr>
<td>20. Buffer area between sidewalk and street</td>
<td></td>
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<tr>
<td>21. Pedestrian roadway lighting</td>
<td></td>
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<tr>
<td><strong>Transit Facilities</strong></td>
<td></td>
</tr>
<tr>
<td>22. New bus stops</td>
<td></td>
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<tr>
<td>23. Bus stop enhancements</td>
<td></td>
</tr>
<tr>
<td>24. Bus-only lanes</td>
<td></td>
</tr>
<tr>
<td>25. Queue jumper lanes for buses</td>
<td></td>
</tr>
<tr>
<td>26. Traffic signal priority measures for buses</td>
<td></td>
</tr>
<tr>
<td>27. Transit operational costs for shuttle and circulator routes</td>
<td></td>
</tr>
<tr>
<td><strong>Non-Congestion Relief</strong></td>
<td></td>
</tr>
<tr>
<td>28. Erosion control (unless required as part of a congestion relief project)</td>
<td></td>
</tr>
<tr>
<td>29. Landscaping (unless required as part of a congestion relief project)</td>
<td></td>
</tr>
<tr>
<td>30. Roadway signing and delineation (unless it is a congestion relief project)</td>
<td></td>
</tr>
</tbody>
</table>

Note: Staff costs for congestion relief project development (environmental, preliminary engineering, design, right-of-way acquisition, and construction management) are eligible expenditures under the 70 percent category. Staff costs for transportation infrastructure maintenance or traffic operations efforts are eligible under the 30 percent category. Costs for general TransNet fund administration and transportation planning are eligible up to 1 percent of annual revenues.

* To receive credit for providing congestion relief under the 70 percent category, smart growth-related infrastructure must be provided in one of the existing or planned (not potential) seven Regional Comprehensive Plan smart growth land use type characteristic areas: Metropolitan Center, Urban Center, Town Center, Community Center, Transit Corridor, Special Use Center, or Rural Community. Smart growth-related infrastructure built outside of one of the seven types of characteristic areas is eligible under the 30 percent category.
STATE LEGISLATIVE STATUS REPORT

Introduction

At its December 15, 2006, meeting, the Board of Directors approved the SANDAG Legislative Program for calendar year 2007 (Attachment 1). The Legislative Program, which includes policies and proposals for possible federal and state legislation and local activities, serves as a guide for Board members and staff to follow as bills are developed and activities occur during the respective state and federal legislative sessions. One of this year’s highest priority goals is to pursue funding from the statewide infrastructure bond measures to support implementation of the Regional Transportation Plan (RTP) and Regional Comprehensive Plan (RCP) (Goal no. 1A).

Periodic status reports on legislative activities are provided to the Executive Committee and SANDAG Board during the year. This status report provides a summary of the pending bills related to Proposition 1B implementation. In future months, staff will report on pending legislation related to the remaining bond measures that support the RTP and RCP.

Discussion

Proposition 1B, approved by the voters at the November 2006 general election, enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, which authorizes the issuance of $19.925 billion of general obligation bonds for various transportation programs.

During this 2007-2008 legislative session, state legislators have introduced more than two dozen bills to implement various Proposition 1B programs (Attachment 2). Most of these bills are “spot bills,” and they are expected to be amended during the coming months as program provisions and other implementing language are negotiated and further defined. The bills are summarized below by program.

Trade Corridors Improvement Fund – This $2 billion program is to be allocated by the California Transportation Commission (CTC) for improvements along trade corridors of national significance. CTC is required to consult the State Trade Infrastructure and Goods Movement Plan, trade infrastructure, and goods movement plans adopted by regional transportation planning agencies (RTPAs), and the Statewide Port Master Plan.

Pending Legislation: AB 995 (Nava), AB 1672 (Nunez), SB 9 (Lowenthal), SB 262 (Runner), SB 307 (Dutton) – Most of the pending legislation are spot bills. However, Senate Bills 262 and 307 would give priority to improvements in Southern California, primarily Ports of Los Angeles and Long Beach.
Trade Corridor Emissions Reductions – This $1 billion program is to be allocated by the California Air Resources Board (CARB) for emissions reductions from activities related to the movement of freight along trade corridors.

Pending Legislation: AB 575 (Arambula), AB 995 (Nava), AB 1209 (Karnette), AB 1672 (Nunez), SB 19 (Lowenthal), SB 240 (Florez) - Most of the pending legislation are spot bills. However, Assembly Bills 575 and 1209 and Senate Bill 240 would give priority and/or earmark funds for trade corridor emission reduction projects in the South Coast Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District.

Port, Harbor, and Ferry Terminal Security – This $100 million program is to be allocated by the Office of Emergency Services as grants from port, harbor, and ferry terminal security improvements.

Pending Legislation: AB 784 (Karnette), SB 745 (Oropeza) - Both are spot bills. In addition, Assembly Bill 784 includes language about ensuring the funding support interoperability of public safety agency communications systems.

Public Transportation Modernization, Improvement, and Service Enhancement Account – This $3.6 billion program is to be allocated as flexible formula funds for transit rehabilitation, replacement, safety, capital projects, bus rapid transit, and rolling stock purchase.

Pending Legislation: AB 901 (Nunez), AB 1672 (Nunez), SB 716 (Perata) - All are spot bills. The California Transit Association (CTA) is working closely with the staffs of Assembly Speaker Fabian Nunez and Senate President Pro Tem Don Perata on possible implementing provisions for the program, including specifying the administering agency and timing of allocations.

Transit System Safety, Security, and Disaster Response Account – This $1 billion program is to be allocated for capital projects that increase protection against security and safety threat and develop disaster response capacity for public transit systems.

Pending Legislation: AB 901 (Nunez), AB 1350 (Nunez), AB 1672 (Nunez), SB 45 (Perata) - All are spot bills. CTA is working closely with the staffs of Assembly Speaker Fabian Nunez and Senate President Pro Tem Don Perata, on possible implementing provisions for the program, including potential allocation formulas.

State-Local Partnership Program – This $1 billion program is to be allocated by the CTC for projects nominated by RTPAs. The program requires a dollar for dollar match of local funds.

Pending Legislation: AB 784 (Karnette), AB 1351 (Levine), AB 1672 (Nunez), SB 47 (Perata), SB 748 (Corbett), SB 872 (Ackerman) - These are primarily spot bills. Additionally, Assembly Bills 784 and 1351 and Senate Bill 872 include language recognizing the intent of the program to reward the 19 Self-Help Counties with local transportation sales tax measures. Recent discussions around the state have focused around how best to define a “formula” to allocate program funds to various regions.

Local Street and Road Improvement, Congestion Relief, and Traffic Safety – This $2 billion program is to be allocated by the State Controller to cities and counties throughout the state in accordance with formulas specified in Proposition 1B.

Pending Legislation: SB 286 (Dutton) – This bill would require the funds to be allocated in two cycles (2008 and 2010).
Pending Legislation: AB 412 (Smyth), AB 620 (Portantino), AB 655 (Swanson), AB 669 (Parra), AB 761 (Coto), AB 992 (Brownley) - Two pending bills support funding for projects that can commence construction by December 31, 2012 (Assembly Bills 412 and 620). Others deal with labor-related issues (Assembly Bills 655 and 761), or provide priority for projects with stormwater containment provisions (AB 992). AB 669 would earmark a portion State Transportation Improvement Program (STIP) Augmentation funds for design and construction of a bridge on State Route 269 in Fresno County.

KIM KAWADA
Executive Program Manager

Attachments: 1. SANDAG 2007 Legislative Program
   2. Summary of Bills Related to Proposition 1B Implementation Legislation

Key Staff Contact: Kim Kawada, (619) 699-6994, kka@sandag.org
## 2007 LEGISLATIVE PROGRAM

### (A) Sponsor

<table>
<thead>
<tr>
<th>NO.</th>
<th>GENERAL DESCRIPTION OF GOAL</th>
<th>PRIORITY</th>
<th>BOARD POSITION</th>
<th>T</th>
<th>R</th>
<th>P</th>
<th>B</th>
<th>JURISDICTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>Pursue funding from the statewide infrastructure bond measures; participate in development of guidelines and other activities to maximize the availability and flexibility of funding for the San Diego region to support the Regional Transportation Plan (RTP) and the Regional Comprehensive Plan (RCP) implementation. (2006)</td>
<td>Highest</td>
<td>Sponsor</td>
<td>•</td>
<td>•</td>
<td></td>
<td></td>
<td>State</td>
</tr>
<tr>
<td>2A</td>
<td>Pursue policy and/or legislative changes that would enable SANDAG to better implement its adopted plans and programs. (2006)</td>
<td>Highest</td>
<td>Sponsor</td>
<td>•</td>
<td>•</td>
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<td>Federal/ State/Local</td>
</tr>
<tr>
<td>3A</td>
<td>Pursue FY 2008 federal appropriation requests. (2005)</td>
<td>Highest</td>
<td>Sponsor</td>
<td>•</td>
<td></td>
<td></td>
<td></td>
<td>Federal</td>
</tr>
<tr>
<td>4A</td>
<td>Technical clean-up language to the SAFETEA-LU, such as, but not limited to, revising and clarifying earmark language and policy changes. (2005)</td>
<td>Highest</td>
<td>Sponsor/ support</td>
<td></td>
<td>•</td>
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<td></td>
<td>Federal</td>
</tr>
<tr>
<td>5A</td>
<td>Aggressively pursue resources to improve regional public safety voice and data communications and interoperability, including connectivity with state and federal systems. (2005)</td>
<td>Highest</td>
<td>Sponsor</td>
<td>•</td>
<td></td>
<td></td>
<td></td>
<td>Federal/ State/Local</td>
</tr>
<tr>
<td>6A</td>
<td>Pursue Homeland Security funding at both the state and federal levels to improve public safety and security in the San Diego region, through Automated Regional Justice Information System (ARJIS) operations and enhancements; regional transportation system improvements; and activities related to emergency preparedness, prevention, and response to catastrophic events. (2003, 2005)</td>
<td>High</td>
<td>Sponsor</td>
<td>•</td>
<td>•</td>
<td></td>
<td></td>
<td>Federal/ State/Local</td>
</tr>
<tr>
<td>7A</td>
<td>Pursue policy and/or legislative changes to enable the use of freeway transit lanes as an interim priority measure on major corridors in the San Diego region. (2006)</td>
<td>High</td>
<td>Sponsor</td>
<td>•</td>
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<td>State</td>
</tr>
<tr>
<td>8A</td>
<td>Allow SANDAG to conduct public meetings in Mexico and other jurisdictions that border SANDAG jurisdiction for the purpose of addressing projects, programs, and issues that affect multiple jurisdictions, but which are currently restricted under the Brown Act. (2005)</td>
<td>Medium</td>
<td>Sponsor</td>
<td>•</td>
<td>•</td>
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<td>State</td>
</tr>
</tbody>
</table>
## (B) Support/Oppose

<table>
<thead>
<tr>
<th>NO.</th>
<th>GENERAL DESCRIPTION OF GOAL</th>
<th>PRIORITY</th>
<th>BOARD POSITION</th>
<th>T</th>
<th>R</th>
<th>P</th>
<th>B</th>
<th>JURISDICTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1B</td>
<td>Efforts consistent with financial strategies adopted in the RTP such as, but not limited to, increase revenues for transportation and other related purposes through measures that would increase gas tax or equivalent revenue sources, bond measures, developer fees, and public/private partnerships; oppose efforts that reduce revenues for transportation and other related purposes such as the borrowing of Proposition 42; and maximize availability and flexibility of federal and state funding for the region. (2002, 2005)</td>
<td>Highest</td>
<td>TBD (based on activity)</td>
<td>•</td>
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<td>Federal/ State/ Local</td>
</tr>
<tr>
<td>2B</td>
<td>Legislation that rewards jurisdictions that produce more housing, especially affordable and transit-oriented developments; supports regional fair-share allocation of housing funds; and provides additional funding for affordable housing with greater local/regional control over the allocation of those funds. (2002)</td>
<td>Highest</td>
<td>Support</td>
<td>•</td>
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<td>Federal/ State</td>
</tr>
<tr>
<td>3B</td>
<td>Legislation assisting in the implementation of the RCP, including ensuring a reliable, ongoing funding source for regional blueprint planning and funding incentives for smart growth, e.g., mixed-use projects, transit-oriented development, walkable communities, etc. (2002)</td>
<td>Highest</td>
<td>Support</td>
<td>•</td>
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<td></td>
<td>Federal/ State</td>
</tr>
<tr>
<td>4B</td>
<td>Efforts to expand available methods of transportation project delivery, e.g., design-build, construction management at risk procurements, and other alternative delivery methods that expedite project delivery. (2005)</td>
<td>Highest</td>
<td>Support</td>
<td>•</td>
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<td>State</td>
</tr>
<tr>
<td>5B</td>
<td>Fiscal reform initiatives enabling regions to develop their own fiscal strategies and oppose unfunded mandates on local government. Pursue initiatives that balance the fiscal influence that sales tax revenues have upon local land use decisions. (2002)</td>
<td>Highest</td>
<td>Support</td>
<td>•</td>
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<td>Federal/ State/Local</td>
</tr>
<tr>
<td>6B</td>
<td>Lower the current two-thirds voter requirement for special purpose taxes, such as transportation and quality of life improvements, to a simple majority vote. (2002)</td>
<td>Highest</td>
<td>Support</td>
<td>•</td>
<td>•</td>
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<td>State</td>
</tr>
<tr>
<td>7B</td>
<td>Efforts assisting in the implementation of key environmental efforts, including habitat conservation, planning, beach restoration and replenishment, and water quality-related issues. (2002)</td>
<td>Higher</td>
<td>Support</td>
<td>•</td>
<td></td>
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<td>State/ Local</td>
</tr>
<tr>
<td>8B</td>
<td>Mechanisms providing for the implementation of MOBILITY 2030 RTP, including value pricing, Managed Lanes, high occupancy toll (HOT) Lanes; the alleviation of current constraints on transponder technology; transit priority treatments; and other mechanisms that provide for more efficient use of highways and local roads. (2003)</td>
<td>Higher</td>
<td>Support</td>
<td>•</td>
<td></td>
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<td>Federal/ State</td>
</tr>
<tr>
<td>9B</td>
<td>Pursue resources to implement the Regional Energy Strategy (RES); and support energy-related legislation that is consistent with RES principles. (2002)</td>
<td>Higher</td>
<td>Support</td>
<td>•</td>
<td></td>
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<td>Federal/ State/ Local</td>
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</table>
## (B) Support/Oppose (Continued)

<table>
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<th>NO.</th>
<th>GENERAL DESCRIPTION OF GOAL</th>
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<th>R</th>
<th>P</th>
<th>B</th>
<th>JURISDICTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>10B</td>
<td>Enhancing of border security and reducing border wait times; pursuit of funding, legislation, and other financing mechanisms supporting interregional partnerships and binational trade and border projects. (2002)</td>
<td>High</td>
<td>Support</td>
<td>•</td>
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<td>Federal/ State/ Local</td>
</tr>
<tr>
<td>11B</td>
<td>Transit boards’ legislative programs where consistent with SANDAG policy. (2002)</td>
<td>High</td>
<td>Support</td>
<td>•</td>
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<td>Federal/ State</td>
</tr>
<tr>
<td>12B</td>
<td>Support funding opportunities for prevention and intervention programs that address substance abuse, increase public safety, and reduce youth and gang violence. (2005)</td>
<td>High</td>
<td>Support</td>
<td>•</td>
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<td>Federal/ State/ Local</td>
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<tr>
<td>13B</td>
<td>Participate in efforts related to legislative and administrative reform of the state housing element law and ensuring adequate state funding for the Regional Housing Needs Assessment (RHNA) process. (2002)</td>
<td>High</td>
<td>Support</td>
<td>•</td>
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<td>State</td>
</tr>
<tr>
<td>14B</td>
<td>Full funding of the Census Bureau’s American Community Survey Program to ensure timely release of critical demographic and economic information for our region. (2005)</td>
<td>High</td>
<td>Support</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td></td>
<td>Federal</td>
</tr>
<tr>
<td>15B</td>
<td>Maintain and increase regional decision-making authority in areas consistent with SANDAG mission/policies. (2003)</td>
<td>Medium</td>
<td>Support</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>State</td>
</tr>
<tr>
<td>16B</td>
<td>Other organizations’ legislative programs where consistent with SANDAG policy, i.e., California Association of Councils of Governments (CALCOG), American Public Transportation Association (APTA), National Association of Regional Councils (NARC), California Transit Association (CTA), Self-Help Counties Coalition, League of California Cities, California State Association of Counties, Caltrans, International Association of Chiefs of Police, National Sheriffs’ Association, California Police Chiefs Association, California State Sheriffs’ Association, and National Association of Counties. (2003, 2005)</td>
<td>Lower</td>
<td>Support</td>
<td>•</td>
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<td>Federal/ State</td>
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</table>

## (C) Monitor

<table>
<thead>
<tr>
<th>NO.</th>
<th>GENERAL DESCRIPTION OF GOAL</th>
<th>PRIORITY</th>
<th>BOARD POSITION</th>
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<th>P</th>
<th>B</th>
<th>JURISDICTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1C</td>
<td>Proposals that limit the use of eminent domain for public infrastructure projects. (2005)</td>
<td>Lower</td>
<td>Monitor/ Respond</td>
<td>•</td>
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<td>Federal/ State</td>
</tr>
<tr>
<td>2C</td>
<td>Legislation affecting solid waste, water supply, and storm water; support of funding opportunities to assist in these areas. (2003)</td>
<td>Lower</td>
<td>Monitor/ Respond</td>
<td>•</td>
<td>•</td>
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<td></td>
<td>State/ Local</td>
</tr>
<tr>
<td>3C</td>
<td>Legislation relating to personnel matters, i.e., workers’ compensation, Public Employee Retirement Systems (PERS) benefits, and other labor related issues. (2003)</td>
<td>Lower</td>
<td>Monitor/ Respond</td>
<td></td>
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<td>Federal/ State/ Local</td>
</tr>
<tr>
<td>4C</td>
<td>Legislation requiring local agencies to implement new administrative compliance measures. (2005)</td>
<td>Lower</td>
<td>Monitor/ Respond</td>
<td></td>
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<td>Federal/ State</td>
</tr>
</tbody>
</table>
**Proposition 1B Implementation Legislation**

**CA AB 412**

**AUTHOR:** Smyth [R]
**TITLE:** Transportation: Project Deadlines
**FISCAL COMMITTEE:** yes
**INTRODUCED:** 02/16/2007
**COMMITTEE:** Assembly Transportation Committee
**HEARING:** 04/16/2007 1:30 pm
**SUMMARY:** Requires each agency designated by the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 to allocate bond funds to establish guidelines that specify deadlines for commencing construction or implementation for each program it administers under the bond act.

**CA AB 575**

**AUTHOR:** Arambula [D]
**TITLE:** Highway Safety Traffic Reduction: Emission Reductions
**INTRODUCED:** 02/21/2007
**COMMITTEE:** Assembly Natural Resources Committee
**HEARING:** 04/09/2007 1:30 pm
**SUMMARY:** Amends provisions of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Requires that these funds be appropriated with the highest priority given to projects and agencies in severe nonattainment air districts. Specifies that the South Coast Air Quality Management District and the San Joaquin Valley Unified Air Pollution Control District each receive a certain amount.

**CA AB 620**

**AUTHOR:** Portantino [D]
**TITLE:** Transportation Bonds
**INTRODUCED:** 02/21/2007
**LOCATION:** Assembly Rules Committee
**SUMMARY:** Amends the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Requires the Transportation Commission or a regional transportation agency, as the allocating agency, to adopt guidelines and policies to ensure timely use of these bond funds by requiring construction on a project to begin no later than a specified date, and to conduct regular evaluations of those projects.

**CA AB 655**

**AUTHOR:** Swanson [D]
**TITLE:** Public Contracts: Bond Acts
**INTRODUCED:** 02/21/2007
**COMMITTEE:** Assembly Jobs, Economic Development, and The Economy Committee
**HEARING:** 04/17/2007 9:00 am
**SUMMARY:** Provides that any awarding department must consider the employment practices of a bidder with respect to hiring residents from low-income areas, and with respect to small business and micro-business. Requires the Department of General Services to submit a report to the Legislature and to the Governor beginning January 1, 2008, and annually thereafter, detailing the awarding departments efforts in selecting contractors that use such practices.
CA AB 669
AUTHOR: Parra [D]
TITLE: Transportation Bonds
INTRODUCED: 02/21/2007
LOCATION: Assembly Transportation Committee
SUMMARY:
Appropriates an unspecified amount from the Transportation Facilities Account to the Department of Transportation for the design and construction of a specified bridge in the County of Fresno on State Highway Route 269. Requires the Department of Water Resources to convey real property to the Department of Transportation needed for the project.

CA AB 761
AUTHOR: Coto [D]
TITLE: State Contracts: Infrastructure Bonds: Small Business
INTRODUCED: 02/22/2007
LOCATION: Assembly Rules Committee
SUMMARY:
Requires the Director of General Services to establish goals for participation of small and underrepresented businesses in the construction of the state’s infrastructure, as provided in bond acts, to develop a process for awarding those contracts that are financed with the proceeds of bond acts, to give special consideration and provide assistance to small and underrepresented businesses and to consider establishing preferences for small and underrepresented businesses in awarding specified contracts.

CA AB 784
AUTHOR: Karnette [D]
TITLE: Transportation Bonds
INTRODUCED: 02/22/2007
COMMITTEE: Assembly Transportation Committee
HEARING: 04/16/2007 1:30 pm
SUMMARY:
Amends the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Adopts guidelines and policies to ensure timely use of these bond funds by requiring construction on a project to begin no later than a certain date. Provides that applicants for bond funds not comply with competitive bidding requirements.

CA AB 901
AUTHOR: Nunez [D]
TITLE: Highway Safety
INTRODUCED: 02/22/2007
LOCATION: ASSEMBLY
SUMMARY:
Amends existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Makes various findings regarding public transportation and would declare the intent of the Legislature to provide accountability measures in the allocation of those proceeds.

CA AB 992
AUTHOR: Brownley [D]
TITLE: Roads: Stormwater Containment
INTRODUCED: 02/22/2007
LOCATION: ASSEMBLY
SUMMARY:
Makes various findings regarding the increase in water pollution caused by runoff from urban areas and declares the intent of the Legislature to establish a grant program to encourage the retrofit and building of new roads that allow stormwater to percolate into the ground instead of entering storm drains.
CA AB 995

**AUTHOR:** Nava [D]
**TITLE:** Ports Infrastructure, Security, and Air Quality
**INTRODUCED:** 02/22/2007
**LOCATION:** ASSEMBLY
**SUMMARY:**
States the intent of the Legislature to advance certain goals and policies relating to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006.

CA AB 1209

**AUTHOR:** Karnette [D]
**TITLE:** Air Resources Board: Bond Allocation Criteria
**INTRODUCED:** 02/23/2007
**COMMITTEE:** Assembly Natural Resources Committee
**HEARING:** 04/09/2007 1:30 pm
**SUMMARY:**
Relates to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act. Requires a specified amount of funds to be made available, upon appropriation by the Legislature to the Air Resources Board for emission reductions from activities related to the movement of freight along State trade corridors. Requires the state board to develop guidelines meeting specified requirements for funding allocations.

CA AB 1350

**AUTHOR:** Nunez [D]
**TITLE:** Transportation Bond Funds
**INTRODUCED:** 02/23/2007
**LOCATION:** ASSEMBLY
**SUMMARY:**
Amends existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. States the intent of the Legislature to enact legislation that contains conditions and criteria for allocations from this account.

CA AB 1351

**AUTHOR:** Levine [D]
**TITLE:** Transportation: Infrastructure
**INTRODUCED:** 02/23/2007
**LOCATION:** ASSEMBLY
**SUMMARY:**
Amends the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006. Makes various finding regarding transportation infrastructure and funding in California and would state the intent of the Legislature to give priority to self-help counties that have passed local sales tax measures in the State-Local Partnership Program.

CA AB 1672

**AUTHOR:** Nunez [D]
**TITLE:** Transportation: Infrastructure
**INTRODUCED:** 02/23/2007
**LOCATION:** ASSEMBLY
**SUMMARY:**
Makes various findings regarding transportation infrastructure in California and would state the intent of the Legislature to advance certain goals and policies related to the purposes for these moneys in the Highway, Traffic Reduction, Air Quality and Port Security Fund of 2006.
Amends existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act. Requires a sum to be transferred to the Trade Corridors Improvement Fund. Provides for infrastructure improvements along federally designated Trade Corridors of National Significance. Sets forth the intent of the Legislature to enact legislation that establishes a process for the selection of transportation projects.


States the intent of the Legislature to enact legislation that would establish the application process for allocations from the Transit System Safety, Security, and Disaster Response Account.

States the intent of the Legislature to enact provisions governing project eligibility, matching fund requirements, and the application process relative to allocation of bond proceeds of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 to the State-Local Partnership Program.

Authorizes the San Joaquin Valley Air Pollution Control District to increase motor vehicle fees under certain circumstances. Authorizes the district to impose a surcharge on all stationary, indirect, and area wide sources of air pollution. The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 requires funds to be deposited in the California Ports Infrastructure, Security, and Air Quality Improvement Account. This bill would appropriate funds from these accounts to reduce air pollution from mobile sources in the movement of freight along trade corridors in the San Joaquin Valley region.
Assembly Bill No. 262

Author: Runner G

Title: Transportation: Trade Corridors Improvement

Introduced: 02/14/2007

Location: Senate Transportation and Housing Committee

Summary:
Requires the Transportation Commission, when allocating certain funds to projects, to consider the impact of a project on goods movement and port operations in the Southern California region and the potential of a project to benefit the inland port concept in order to relieve congestion at and in the vicinity of the Port of Los Angeles and the Port of Long Beach.

Assembly Bill No. 286

Author: Dutton

Title: Transportation Bonds: Implementation

Introduced: 02/15/2007

Location: Senate Transportation and Housing Committee

Summary:
Requires bond funds for local street and road purposes to be allocated in cycles. Requires the Controller to use the population figures from the Department of Finance in making allocations to cities.

Assembly Bill No. 307

Author: Dutton

Title: Goods Movement

Introduced: 02/16/2007

Location: Senate Rules Committee

Summary:
States the intent of the Legislature to incorporate the Southern California National Freight Gateway Strategy into the Goods Movement Action Plan.

Assembly Bill No. 716

Author: Perata

Title: Transit Operations

Introduced: 02/23/2007

Location: Senate Rules Committee

Summary:
States the intent of the Legislature to establish the process through which transit operators may apply for an allocation of funds from the Public Transportation Modernization, Improvement, and Service Enhancement Account.

Assembly Bill No. 745

Author: Oropeza

Title: Transportation Funding: Port Security

Introduced: 02/23/2007

Location: Senate Rules Committee

Summary:
States the intent of the Legislature to require the Office of Emergency Services to develop criteria for allocating general obligation bonds for port, harbor, and ferry terminal security.

Assembly Bill No. 748

Author: Corbett

Title: Transportation

Introduced: 02/23/2007

Committee: Senate Transportation and Housing Committee

Hearing: 04/17/2007 1:30 pm

Summary:
States the purposes of the State-Local Partnership Program to be allocated by the Transportation Commission to eligible transportation projects nominated by
transportation agencies. Requires the Transportation Commission to adopt guidelines for the program.

CA SB 872

AUTHOR: Ackerman [R]
TITLE: State-Local Partnership Program
INTRODUCED: 02/23/2007
COMMITTEE: Senate Transportation and Housing Committee
HEARING: 04/17/2007 1:30 pm

SUMMARY:
Creates the State-Local Partnership Program and appropriates a specified amount per year for 5 years beginning in the 2010-11 fiscal year. Provides for allocation of state funds to eligible highway and mass transit guideway projects nominated by local agencies are to be funded with at least 50% of local funds derived from a locally imposed transportation sales tax.

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Introduction

Periodic status reports on legislative activities are provided to the Executive Committee and SANDAG Board of Directors during the year. This status report provides an update on federal legislative activities.

Discussion

SAFETEA-LU Technical Corrections Bill

On March 26, 2007, the House of Representatives passed H.R. 1195, the SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) technical corrections bill, introduced by Congressman James Oberstar (D-MN). The legislation now moves to Senate and is awaiting further action. Included in the bill are several technical fixes to the following projects in the San Diego region that were originally included in SAFETEA-LU:

- Maglev Study – Allows for the feasibility study and cost benefit analysis of alternatives along north-south corridors.
- LOSSAN Rail Corridor Definition – Defines the limits of the rail corridor as Los Angeles – San Diego – San Luis Obispo (previously Del Mar-San Diego).
- Rural Highway 94 Corridor – Revises the project description to operational and highway safety improvements on Highway 94 between the 20-mile marker post in Jamul and Highway 188 in Tecate, consistent with the limits of a Caltrans operational improvement project in the corridor.
- Expands the H Street project in Chula Vista to include a study to examine multimodal improvements to the Interstate 5 corridor between the Main Street interchange and State Route 54.

FY 2007 Budget Update

On February 15, 2007, President Bush signed into law H.J. RES 20, a continuing appropriations resolution that provides funds for the remainder of FY 2007. The continuing resolution provides $463.5 billion to fund the federal government for the rest of the federal fiscal year.

Under the law, the Federal Transit Administration (FTA) was given the authority to allocate and distribute all FY 2007 New Starts/Small Starts funds. The agency also received similar discretion to allocate the Section 5309 Bus and Bus Facilities grant funds after all SAFETEA-LU earmarks are honored. FTA was granted this authority because the FY 2007 continuing resolution contained no project earmarks.
For the New Starts/Small Starts Program, FTA will use $1.284 billion of the $1.566 billion available to honor existing Full Funding Grant Agreements in the 2007 President’s Budget and the 2007 Annual Report on New Starts. After funding those projects and deducting oversight expenses, FTA will have more than $265 million in additional New Starts/Small Starts funds available for allocation. FTA did not indicate in the FY 2007 Apportionments Notice how those additional New Start/Small Starts funds would be distributed.

For the FTA Section 5309 Bus and Bus Facilities Program, FTA will honor SAFETEA-LU earmarks and then allocate $413 million in remaining funds through a competitive, discretionary process. In the Apportionments Notice, the agency stated its intention to divide funds between two categories. The first category will be grants to metropolitan areas participating in United States Department of Transportation (USDOT) Urban Partners program, a product of the USDOT Congestion Initiative, which encourages participating metropolitan areas to establish urban partnerships designed to relieve traffic congestion through a variety of innovative measures. The second category will be traditional Bus and Bus Facilities grants. FTA has not indicated how the $413 million of available Bus and Bus Facilities Program funds would be allocated between the two categories.

Likewise, as a result of the FY 2007 Budget Resolution, the Federal Highway Administration has set up processes to distribute approximately $144 million in discretionary grants under the Transportation, Community, and System Preservation Program and the Interstate Maintenance Program.

**FY 2008 Budget and Appropriations Process**

Both the House and Senate have passed FY 2008 budget resolutions which fully fund transit and highway programs at the SAFETEA-LU levels. Both draft resolutions increase transit spending to $9.731 billion, an increase of $756 million over the FY 2007 level of $8.975 billion. Highway spending in FY 2008 is increased to $40.4 billion, an increase of approximately $578 million over than the FY 2007 level of $39.8 billion.

The passage of a budget resolution in the House and Senate, while not mandatory, is the starting point for the FY 2008 Appropriations cycle. After a budget resolution is agreed upon between the House and Senate, the House and Senate Appropriations Committees can begin approving FY 2008 Appropriations bills.

During March 12-13, 2007, SANDAG Board members and staff met with the San Diego Congressional Delegation and key transportation officials in Washington, D.C. to discuss the Federal Transportation Agenda approved by the Board at its January 26, 2007, meeting. The meetings were productive, and SANDAG staff is continuing to work closely with the delegation and the Administration as the FY 2008 Appropriation bills go through the legislative process.

KIM KAWADA
Executive Program Manager

Key Staff Contact: Victoria Stackwick, (619) 699-6926, vst@sandag.org
Introduction

Senate Bill 10 (SB 10), the San Diego County Regional Airport Authority Reform Act of 2007, currently calls for restructuring of the board of directors of the Airport Authority and transfers expanded responsibility for airport land use planning to SANDAG. The bill was introduced by Senator Christine Kehoe (D-39th District) and principally co-authored by Assemblymember George Plescia (R-75th District). Additional co-authors include Senator Denise Ducheny and Assemblymembers Mary Salas and Lori Saldaña.

At its February 23, 2007, meeting, the Board of Directors discussed SB 10 and raised a number of concerns about the bill’s provisions, including funding for the airport land use compatibility planning responsibilities that would be reassigned to SANDAG as of January 1, 2008; costs for the new requirement for SANDAG to prepare a regional aviation system plan; the qualifications of the Board and staff to address airport land use matters; and the current subregion definitions in SB 10. The Board took no position on SB 10 and instead directed staff to continue to work with Senator Kehoe and others to resolve the issues identified. Since February, SANDAG Board members and staff have met with Airport Authority Board members and staff, San Diego Mayor Jerry Sanders, and Senator Kehoe’s staff to discuss potential amendments to SB 10.

Discussion

Proposed amendments to the current provisions of SB 10 are discussed below:

Airport Land Use Compatibility Planning

In its current form, SB 10 would reassign airport land use compatibility planning responsibilities to SANDAG as of January 1, 2008. As the Airport Land Use Commission (ALUC), SANDAG would be required to review and update the Airport Land Use Compatibility Plans (ALUCPs) as needed, and no less often than every five years. Under current state law, local jurisdictions also are required to adopt into their General Plans, within 180 days of approval by the ALUC for San Diego County, the ALUCP adopted by the ALUC.

SANDAG and Authority staffs have discussed retaining the airport land use compatibility responsibilities at the Airport Authority. If approved, no changes to current state law concerning ALUC/ALUCP requirements would be made.
New Air and Ground Access Transportation Planning Responsibilities

Under the current form of SB 10, SANDAG would be assigned responsibility to prepare a long-range Regional Aviation System Plan (RASP) in consultation with the San Diego County Regional Airport Authority and others. The RASP would include information regarding the capacity of the existing airports within the San Diego region relative to forecasted demand for air travel, ground access by highway, and transit facilities and services, and the compatibility of airports with the adjacent communities. It also would include a financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues; makes recommendations for allocation of funds; and makes recommendations about the development of specified new sources of revenue, consistent with the plan’s policy element and action element.

SANDAG and Airport Authority staffs have had several discussions about the new requirement for SANDAG to prepare a long-range RASP, including the plan components; the timing of the first plan; the public involvement process; and coordination with the ALUCPs and airport master plans of the 16 airports within San Diego County, city/county general plans and circulation elements; regional highway and transit plans; and aviation and rail plans in adjacent regions.

There is general concurrence that the components of the new plan and its coordination with existing land use and transportation plans need to be better defined. As envisioned in SB 10, the RASP would identify and integrate the long-range air service needs with the long-range multimodal ground access needs for the San Diego region. Potential amendments to SB 10 to accomplish this intent could include:

- The Airport Authority shall be responsible for preparing a new regional aviation strategic plan that identifies the region’s long-range air service needs, and that coordinates the master plans and ALUCPs of the 16 airports in San Diego County. The strategic plan prepared by the Airport Authority also shall take into account the interregional aviation plans from regions adjacent to San Diego County.

- SANDAG shall be responsible for integrating the Airport Authority’s regional aviation strategic plan for air services with the ground access needs identified in the general plans and circulation elements of the 18 cities and County; Caltrans highway plans; transit service plans for Metropolitan Transit System and North County Transit District; and interregional aviation and rail plans from bordering regions.

- The new integrated plan prepared by SANDAG should be renamed the Air Transportation Multimodal Accessibility Plan (ATMAP) to better describe its purpose. The ATMAP would be a component of the Regional Transportation Plan (RTP), which in turn is a component of the Regional Comprehensive Plan (RCP).

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1 The 16 airports within San Diego County are operated by five jurisdictions: four by the United States Department of Defense, eight by the County of San Diego, two by the City of San Diego, one by the San Diego County Regional Airport Authority, and one by the City of Oceanside. Each of these jurisdictions is responsible for all airport operations, and adopting and implementing an airport master plan for each site. There are no provisions in SB 10 to transfer any of the responsibilities for airport operations or master planning to SANDAG; these responsibilities would continue to remain with the current airport operators.

2 SANDAG staff believes that preparation of the first ATMAP would be similar in cost to what SANDAG has spent on the Regional Comprehensive Plan (RCP) or Regional Transportation Plan (RTP). The RTP and RCP cost SANDAG approximately $2,000,000 each to prepare.
• SANDAG would prepare the ATMAP through a collaborative public planning process, and in consultation with the Airport Authority, cities and County, Caltrans, transit agencies, and civilian and military airport operators both within the County and adjacent to it.

• Preparation and adoption of the first ATMAP could be completed within four to five years.

• Following adoption of the first ATMAP, the Airport Authority shall submit new and updated ALUCPs to SANDAG for a compatibility review prior to the adoption of the new/updated plans, and the Airport Authority shall consider SANDAG comments prior to adopting the final ALUCPs. This would ensure compatibility between the ATMAP and the ALUCPs in the region.

• SANDAG and the Airport Authority shall enter into an agreement for the coordination of the regional aviation strategic plan prepared by the Authority with the ATMAP prepared by SANDAG. The agreement shall include provisions for the timing of preparation of both plans and any plan updates. In addition, the agreement shall provide for coordinating agency efforts to obtain possible funding from outside sources (e.g., grants) and for sharing funding responsibilities equitably among the agencies.

**Airport Authority Restructuring**

Most of the remaining provisions of SB 10 concern restructuring of the Airport Authority's board of directors and redefining the characteristics of the Authority. Currently, the bill requires dissolution of the board of directors and replacement of it with a new seven-member board of directors appointed by January 31, 2008, for staggered four-year terms. These voting members would be:

• One city council member from the east county cities (El Cajon, Escondido, Poway, San Marcos, and Santee) appointed by the mayors of those cities

• One city council member from the north county cities (Carlsbad, Del Mar, Encinitas, Oceanside, Solana Beach, and Vista) appointed by the mayors of those cities

• One city council member from the south county cities (Chula Vista, Coronado, Imperial Beach, La Mesa, Lemon Grove, and National City) appointed by the mayors of those cities

• Three representatives of the City of San Diego (who must be the mayor or council members) appointed by the Mayor of the City of San Diego and subject to confirmation by the City Council of the City of San Diego

• One member of the County Board of Supervisors appointed by the Chair of the Board of Supervisors

SANDAG has recommended that the provisions of SB 10 concerning subregional appointments be modified to coincide with the subregion definitions used by SANDAG (i.e., North County Coastal, North County Inland, East County, and South County). Senator Kehoe's staff has indicated that the definition of the subregions would be modified in the next amendment to the bill to match those used by SANDAG. If approved, this would increase the Authority board to eight voting members.
Additional Members of the Airport Authority Board of Directors

In the current form of SB 10, the Authority’s board of directors also may elect, by a two-thirds vote of the entire membership of the board of directors, any person who is a resident of San Diego County to serve as the chair of the board of directors. The term of office of that person would be two years. SB 10 also states that the Authority board of directors may provide for additional, nonvoting, noncompensated members of the board.

Other Provisions

Other provisions of SB 10 that are worthy of noting are:

- A requirement that the Airport Authority’s board of directors appoint an independent taxpayer oversight committee of at least seven members to perform certain audit and review functions before July 1, 2008.

- Reduction of the compensation of voting members to $150 per day of service with a maximum of six days of service a month. The Authority chair would receive an additional $500 per month.

- Authorization of the Airport Authority to study, plan, and implement any improvements, expansion, or enhancements of existing or future airports it controls, and deletion of the outdated statutory mandate that the Authority study alternate possible airport sites and place a measure on the ballot by November 2006.

KIM KAWADA
Executive Program Manager

Key Staff Contacts: Julie D. Wiley, (619) 699-6966, jwi@sandag.org
Kim Kawada, (619) 699-6994, kka@sandag.org
PROPOSED LEGISLATION FOR INCREASING HOUSING PRODUCTION IN THE SAN DIEGO REGION THROUGH REGIONAL CONTRIBUTION AGREEMENTS

Attached is a memorandum from Poway Mayor and SANDAG Board member Mickey Cafagna asking SANDAG to sponsor state legislation that would allow a jurisdiction to transfer up to 20 percent of its regional housing needs allocation (RHNA) to another jurisdiction in exchange for payment in the form of redevelopment housing set aside funds, non-set aside redevelopment funds, Community Development Block Grant (CDBG) grant funds, or general fund monies through a regional contribution agreement.

To implement this proposal, state law would need to be changed to allow the use of housing set aside funds (also known as Low and Moderate Income Housing Funds) outside the jurisdiction in which they were generated and to allow the transfer of a portion of a jurisdiction’s RHNA numbers to another community.

In his memorandum, Mayor Cafagna makes the following key points about the proposal:

- Housing may be accommodated more easily or economically in some jurisdictions than others.
- Allowing transfers would enable more flexibility in how localities meet their housing obligations.
- More housing units may be able to be produced in the region.
- Fiscal benefits may accrue to receiving jurisdictions allowing them to address infrastructure needs.
- Transfers could be tied to smart growth principles and would help provide more affordable housing near transit stations and corridors.
- Housing set aside funds could only be used for the construction of housing or infrastructure directly related to the new housing development (per current state law).
- The contributing jurisdiction should be allowed to get credit for units produced as part of a transfer based on a formula.
- The California Department of Housing and Community Development should recognize and accept regional/subregional transfer agreements in evaluating housing element law compliance.
- Implementation of this proposal would be voluntary and should be a ten-year pilot program.
The Executive Committee should discuss this proposal and interest in pursuing such legislation. As noted in the attached memorandum, if the Executive Committee decides to pursue this proposal SANDAG staff should analyze its key components and the history of similar proposals and legislation.

BOB LEITER
Director of Transportation and Land Use Planning

Attachment: 1. Memo from Mickey Cafagna dated March 6, 2007, Proposed Legislation for Increasing Housing Production

Key Staff Contact: Susan Baldwin, (619) 699-1943, sba@sandag.org
CITY OF POWAY
MEMORANDUM

To: SANDAG Executive Committee

From: Mickey Cafagna, SANDAG Boardmember and Mayor of Poway

Date: March 6, 2007

Subject: Proposed Legislation for Increasing Housing Production in SANDAG Region Through Regional Contribution Agreements

At our retreat last month, I broached the idea of SANDAG sponsoring legislation that would provide more flexibility for cities in the County to meet regional housing requirements under State law. I have been asked to provide you with a written summary of my thinking for your consideration and ultimately the Board of Directors. Here are my thoughts.

Judging by its population and dramatic job growth in the last 30 years, California is generally perceived as producing less housing than would be expected or desired. The housing element is the State’s major tool to ensure that local land use regulators are planning appropriately for new housing development. Since 1969, the State has required cities and counties to include housing elements in their general plans in order to ensure detailed planning for residential needs, including identifying land sites for housing, and other policies that would make it easier or less expensive to build new housing units. This is the only part of local general plans that is subject to substantial oversight by the State.

The housing element requirement is often called a “fair share” housing law, referring to a regional process by which each local community works to accommodate a fair proportion of the region’s housing needs. SANDAG, like other regional council of governments, works from State estimates of regional housing needs and assigns a housing unit-planning goal or allocation to each city and unincorporated area in our region. Cities and counties are then expected to update their housing elements, and other parts of the General Plan or their zoning to accommodate the planned number of housing units over the next five years.
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March 6, 2007
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Once an update has been drafted, HCD reviews it to gauge whether the plan can enable the targeted number of units — including specific amounts of housing for households of very low, low, moderate, and “above moderate” incomes. If so, HCD certifies the housing element. If not, the jurisdiction may change its plan to incorporate HCD’s suggestions. If the element is adopted without satisfying HCD — or fails to be updated at all — the city or county is regarded as noncompliant. That judgment limits its eligibility for certain State and federal funds for affordable housing and renders it more vulnerable to lawsuits that can halt all development in the community.

A fundamental tension in the housing element law is the equal emphasis given to housing production and geographic distribution of housing for lower income families. Specifically, California’s housing element law attempts to tackle the problems of overall housing underproduction with a process-oriented approach developed to prod cities and counties into planning for their fair share of affordable units. Most observers feel that this dual approach is failing.

First, there is a high degree of local noncompliance with the law. At any given time, between thirty and forty percent of cities are out of compliance, as well as over a fifth of counties. More importantly, there seems to be no correlation between compliance with housing element law and production of housing units.

A comprehensive study done by the Public Policy Institute in 2003 by Paul G. Lewis, found no detectable relationship between compliance and the percentage increase in housing units. Furthermore, noncompliance was not a significant predictor of the rate of multi-family development once other relevant factors were held constant.

The State’s most recent statewide housing plan finds that developers will need to produce an average of 220,000 housing units per year through 2020, to meet projected demand. Yet, even in recent boom years only 150,000 or so new units received building permits in California. HCD predicts a continuum of the current trend will lead to underproduction of needed housing by approximately sixty percent. This will exacerbate the increase in home prices and rents, while lowering homeownership rates. The lack of housing supply particularly hurts the poor. Two of three low-income renter households in California pay more than half their income to put a roof over their heads.

I would like to see SANDAG propose legislation that would allow the ability for cities to “trade” or transfer portions of their allocations with each other in exchange for payments or other considerations. Housing may be accommodated more easily or economically in some jurisdictions than others. Allowing transfers would enable more flexibility for localities in meeting their housing obligations. I can think of a number of jurisdictions with available land along transit corridors that would welcome quality affordable housing as part of their smart growth plans. But they lack the resources to provide sufficient amenities and infrastructure to properly serve the new housing developments. On the other hand, there are a number of communities in San Diego where vacant land is very
rare and prices are extremely high. These communities struggle to meet their housing element obligations, but are well aware of the need to increase housing in the region.

State law enables transfers among jurisdictions under certain circumstances. Nevertheless, the provisions for transfer are quite strict and constrained. They represent a compromise between stakeholder groups who feel that transfers violate the spirit of fair share housing policy by allowing wealthy communities to forego low cost housing by buying their way out of their responsibilities to their regions.

Other states, including some with equally strong traditions of home rule as California, have also wrestled with issues of inadequate housing production, mandated fair shares for jurisdictions, and State oversight of local planning. In New Jersey, municipalities are allowed to "trade" up to half their obligated number of affordable housing units to another jurisdiction that agrees to build the units, or more commonly, to renovate dilapidated units (under so-called Regional Contribution Agreements). The "sending" jurisdiction, generally a suburb, must pay the "receiving" jurisdiction, usually an older central city. The trading system has fiscal benefits for distressed central cities and has resulted in higher levels of building production. This approach has produced far more housing units than would have otherwise been allowed under local zoning.

SANDAG should sponsor a legislative proposal to allow additional flexibility for local governments to transfer up to twenty percent of their regional housing needs allocations to other jurisdictions in exchange for payment in the form of redevelopment set aside funds, non-set aside redevelopment funding, CDBG grant funds, or general fund monies. State law would have to be altered to allow the spending of redevelopment dollars outside of one's jurisdiction for housing production. This makes sense for both sub-regions and regions, though.

Perhaps the transfers could be tied to smart growth principles, as has been advanced by SANDAG in many forums in recent years. The contribution should allow localities to use the contributed funds for a wide range of infrastructure amenities and even social services to serve the new housing developments. However, redevelopment set aside funds must only be used for brick and mortar and/or infrastructure directly related to the new housing development, as is currently the law in California. The contributing jurisdiction should be allowed to take "credit" for housing units based on a formula. The bill should require HCD to recognize and accept such regional and sub-regional agreements toward compliance with housing element law.

I think this approach would benefit the San Diego region by allowing us to build on our long history of cooperative regional planning and investment. The goal would be to increase the production of affordable housing in the San Diego region, as well as compliance with State housing element law.
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March 6, 2007  
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Due to its voluntary nature, the added flexibility provided by such legislation would not seek to resolve the tension between the multiple goals of housing production and equitable distribution of affordable housing bound up in housing element law in California. Instead it would offer another tool to jurisdictions in our region to actually get needed housing built.  

I would propose this law be characterized as a ten-year experiment, which would expire at the end of that term, unless reauthorized. Assemblymember George Plescia and State Senator Christine Kehoe have expressed interest in carrying such a bill for SANDAG. If the Executive Committee concurs, I would suggest that the Legal Department analyze this proposal to assist the full Board of Directors in considering this proposed legislation. Please let me know if you seek further clarification of this proposal. I thank you for your consideration.
REVIEW OF APRIL 27, 2007, DRAFT BOARD AGENDA

+1. APPROVAL OF MARCH 23, 2007, MEETING MINUTES

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Members of the public shall have the opportunity to address the Board on any issue within the jurisdiction of SANDAG. Anyone desiring to speak shall reserve time by completing a “Request to Speak” form and giving it to the Clerk of the Board prior to speaking. Public speakers should notify the Clerk of the Board if they have a handout for distribution to Board members. Speakers are limited to three minutes. Board members also may provide information and announcements under this agenda item.

+3. ACTIONS FROM POLICY ADVISORY COMMITTEES

This item summarizes the actions taken by the Borders Committee on March 23, the Transportation and Regional Planning Committees on April 6, the Executive Committee on April 13, and the Transportation and Public Safety Committees on April 20, 2007.

CONSENT ITEMS (4 through XX)

+4. CALIFORNIA COASTAL COMMISSION MEMORANDUM OF AGREEMENT (Shelby Tucker)

At its April 6, 2007, meeting, the Regional Planning Committee recommended that the Board of Directors authorize the SANDAG Executive Director to enter into a Memorandum of Agreement (MOA) with the California Coastal Commission in substantially the same form as attached to the report. The MOA would establish a process for the administration of the newly established Public Recreational Beach Impact Mitigation Fund.

+5. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR (Renée Wasmund)

In accordance with SANDAG Board Policy Nos. 003 (Investment Policy), 017 (Delegation of Authority), and 024 (Procurement and Contracting-Construction), this report summarizes certain delegated actions taken by the Executive Director during February 2007.
6.

7.

**CHAIR’S REPORTS (8 through XX)**

+8. **SENATE BILL 10: AIRPORT AUTHORITY REFORM ACT OF 2007** (Julie Wiley)

   The Board of Directors is asked to discuss and consider a possible position on Senate Bill 10, the San Diego County Regional Airport Authority Reform Act of 2007. Introduced by Senator Christine Kehoe (D-39th District) and co-authored by Assemblymember George Plescia (R-75th District), the measure is scheduled for its next hearing in the Senate Appropriations Committee.

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**REPORTS (11 through XX)**

+11. **2007 REGIONAL TRANSPORTATION PLAN: DRAFT REVENUE CONSTRAINED AND REASONABLY EXPECTED REVENUE SCENARIOS** (Mike Hix)

   Staff will present the revised Revenue Constrained and Reasonably Expected Revenue Scenarios for the 2007 Regional Transportation Plan (RTP). These scenarios will be included in the Draft 2007 RTP scheduled to be released in June 2007. The Board of Directors is asked to accept the scenarios for use in the development of the Draft 2007 RTP.

12. **OVERVIEW OF URBAN PARTNERSHIP AGREEMENT PROPOSAL** (Samuel Johnson)

   Staff will provide information on the U.S. Department of Transportation Urban Partnership Agreement (UPA) solicitation, including the timeline for grant submittals and available funding programs. Staff will present concepts for consideration and inclusion in the proposed SANDAG UPA submittal for the San Diego region. The Board of Directors is asked to review and discuss the UPA proposal.
+13. FY 2007 BUDGET AMENDMENT: GOODS MOVEMENT POLICY MANAGER (Bob Leiter)

Staff proposes reclassifying a Senior Regional Planner position (Class No. 22) in the current FY 2007 Budget to a Goods Movement Policy Manager position (Class No. 30). Partial funding for the position would be provided by the San Diego Unified Port District. The Executive Committee recommends that the Board of Directors approve the position reclassification in the FY 2007 Budget, and authorize the SANDAG Executive Director to enter into an agreement with the Port District in substantially the same form as attached to the report.

+14. I-15 INTERREGIONAL PARTNERSHIP PHASE II FINAL REPORT (Patricia McCoy, Borders Committee Chair; Jane Clough-Riquelme)

On March 23, 2007, the Borders Committee approved the Final Report for Phase II of the I-15 Interregional Partnership (IRP). The report summarizes the results of transportation, economic development, and housing strategies pursued during Phase II, including the two-county employment cluster study and the cooperative county line transportation study conducted by Caltrans. The Board of Directors is asked to approve the final report.

15. CENTRE CITY DEVELOPMENT CORPORATION UPDATE (Nancy Graham, CCDC President; Bob Leiter, SANDAG)

Nancy Graham, CCDC president, will summarize the agency’s key regional projects in downtown San Diego.

16. UPCOMING MEETINGS

The next Board of Directors Policy meeting is scheduled for Friday, May 11, 2007, at 10 a.m. The next Business meeting of the Board of Directors is scheduled for Friday, May 25, 2007, at 9 a.m.

17. ADJOURNMENT

+ next to an agenda item indicates an attachment
* next to an agenda item indicates a San Diego Regional Transportation Commission item
This Relates to Agenda Item #7
Executive Committee Meeting
April 13, 2007
(Original - dated March 29, 2007)