



**BOARD OF DIRECTORS
FEBRUARY 26, 2010**

**AGENDA ITEM NO. 10-02-1B
ACTION REQUESTED - APPROVE**

BOARD OF DIRECTORS DISCUSSION AND ACTIONS

JANUARY 22, 2010

Chair Lori Holt Pfeiler (Escondido) called the meeting of the SANDAG Board of Directors to order at 9:06 a.m. The attendance sheet for the meeting is attached.

1. **APPROVAL OF MEETING MINUTES (APPROVE)**

Action: Upon a motion by Councilmember Carrie Downey (Coronado), and a second by Supervisor Pam Slater-Price (County of San Diego), the Board of Directors approved the minutes from the December 4 and December 8, 2009, meetings.

2. **PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS**

Katheryn Rhodes, a member of the public, provided information and comments regarding the location of a new Chargers stadium.

3. **ACTIONS FROM POLICY ADVISORY COMMITTEES (APPROVE)**

This item summarizes the actions taken by the Executive Committee on January 8, and the Transportation and Public Safety Committees on January 15, 2010.

Action: Upon a motion by Supervisor Slater-Price and second by Councilmember Downey, the Board of Directors approved the actions taken by the Policy Advisory Committees at the meetings noted above. Yes – 18 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain - 0 (weighted vote, 0%). Absent – National City.

CONSENT ITEMS (4 through 14)

Chair Pfeiler pulled Item Nos. 5 and 8 from the Consent Calendar.

4. **PROPOSED AMENDMENTS TO CONFLICT OF INTEREST CODE (APPROVE)**

Every two years, staff reviews the SANDAG Conflict of Interest Code to determine if updates or modifications are necessary. The Board of Directors was asked to approve the proposed amendments to the Conflict of Interest Code in substantially the same form as attached to the report.

6. FY 2011 FEDERAL TRANSPORTATION APPROPRIATIONS PROPOSALS (APPROVE)

In October 2009, the Transportation Committee approved the criteria for selecting projects for consideration in the FY 2011 federal transportation appropriations process. Staff has worked with Caltrans, the transit agencies, and local jurisdictions to develop the priorities for the FY 2011 funding cycle. The Transportation Committee recommended that the Board of Directors approve the list of proposed project funding requests for the FY 2011 federal transportation appropriations cycle in substantially the same form as attached to the report.

7. CAPITAL IMPROVEMENT PROGRAM BUDGET AMENDMENT: CATENARY AND SIGNALING IMPROVEMENTS (APPROVE)

The Metropolitan Transit System (MTS) proposes to transfer funding from its capital budget to SANDAG for project construction at the Broadway Wye where the Blue and Orange Trolley Lines cross in downtown San Diego. The project will improve the existing switches, signaling, and contact wire systems. The Transportation Committee recommended that the Board of Directors (1) approve a budget amendment of \$753,000 from MTS capital project 11255 to SANDAG capital project 1142800; and (2) authorize the Executive Director to execute the Memorandum of Understanding with MTS in substantially the same form as attached to the report.

9. PROPOSED SANDAG COMMENTS ON THE DEL MAR FAIRGROUNDS MASTER PLAN PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT (APPROVE)

The Del Mar Fairgrounds Master Plan project includes plans for maintenance and improvement to the current service condition of the Fairgrounds facilities, including renovation and modernization of several structures and parking areas, construction of new structures, demolition of structures, and relocation of a maintenance yard and fire station. The Transportation Committee recommended that the Board of Directors approve the comment letter, in substantially the same form as attached to the report, for submittal as a response to the Draft Environmental Impact Report for the Del Mar Fairgrounds Master Plan project.

10. FY 2009 AUDITED COMPREHENSIVE ANNUAL FINANCIAL REPORT (INFORMATION)

In accordance with SANDAG Bylaws, the FY 2009 Comprehensive Annual Financial Report (CAFR), including the independent auditor's financial and compliance opinions, was presented for informational purposes. Copies of the final CAFR will be distributed to each member agency.

11. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR (INFORMATION)

In accordance with SANDAG Board Policy Nos. 003 (Investment Policy), 017 (Delegation of Authority), and 024 (Procurement and Contracting-Construction), this report summarized certain delegated actions taken by the Executive Director since the last Board meeting.

12. REPORTS ON MEETINGS AND EVENTS ATTENDED ON BEHALF OF SANDAG (INFORMATION)

This report summarized external meetings and events attended on behalf of SANDAG since the last Board of Directors meeting. No oral reports were presented in addition to the written report.

13. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM (INFORMATION)

Federal regulations require the adoption of an Equal Employment Opportunity (EEO) Program as a condition of receipt of federal funds. SANDAG administrative policies and procedures mandate equal employment opportunities in recruitment, hiring, and employment for both applicants and employees. In accordance with SANDAG Board Policy No. 007 (Equal Employment Opportunity Program), this report summarized employment results for 2009 as well as reviewed EEO Program goals for the upcoming year.

14. FY 2009 BUDGET AND OWP: YEAR-END REPORT (INFORMATION)

This report presented the significant accomplishments and financial results of the FY 2009 Budget and Overall Work Program from July 1, 2008, through June 30, 2009.

Action: Upon a motion by Mayor Jim Wood (Oceanside), and a second by Supervisor Slater-Price, the Board of Directors approved Consent Items Nos. 4, 6, 7, 9, 10, 11, 12, 13, and 14. Yes - 19. No - 0. Abstain - 0. Absent - 0.

5. 2008 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM: AMENDMENT NO. 16 AND AIR QUALITY CONFORMITY ANALYSIS (APPROVE)

At its July 25, 2008, meeting, the Board of Directors adopted the 2008 Regional Transportation Improvement Program (RTIP), including the air quality conformity determination. The RTIP is the five-year program of major transportation projects in the San Diego region covering the period from FY 2009 to FY 2013. SANDAG processes amendments to the RTIP on a quarterly basis based on requests from member agencies. The Transportation Committee recommended that the Board of Directors approve: (1) Resolution No. 2010-07, approving Amendment No. 16 to the 2008 RTIP, including a finding of conformity and the redetermination of the 2030 Regional Transportation Plan (RTP); (2) the proposed amendments to CIP project numbers 1143300 and 1239808; and (3) exchanges of *TransNet* funding with federal and/or state funding as detailed in the report.

Duncan McFetridge, representing Save Our Forests and Ranchlands (SOFAR), provided comments related to the lack of sufficient funding for transit operations, and the negative impacts on drinking water from these actions.

Action: Upon a motion by Mayor Jim Desmond (San Marcos) and second by Councilmember Downey, the Board of Directors approved: (1) Resolution No. 2010-07 approving Amendment No. 16 to the 2008 RTIP, including a finding of conformity and the redetermination of the 2030 RTP; (2) the proposed amendments to CIP project numbers 1143300 and 1239808, in substantially the form attached to the report; and (3) exchanges of *TransNet* funding with federal and/or state funding as detailed in the report. Yes - 19

(weighted vote 100%). No – 0 (weighted vote 0%). Abstain – 0 (weighted vote 0%). Absent – None.

8. EMPLOYMENT AGREEMENT FOR EXECUTIVE DIRECTOR (APPROVE)

The Executive Committee recommended that the Board of Directors approve the proposed First Amendment to the employment agreement for the Executive Director in substantially the same form as attached to the report. The proposed amendment would revise the subsequent term of the employment agreement from three years (July 1, 2009 through June 30, 2012) to six years, five months (July 1, 2009 through November 30, 2015).

Action: Upon a motion by Mayor Jerry Sanders (City of San Diego) and second by Supervisor Slater-Price, the Board of Directors approved the First Amendment to the employment agreement for the Executive Director in substantially the same form as attached to the agenda report. Yes – 14 (weighted vote, 92%). No – Coronado, Del Mar, El Cajon, La Mesa, and Solana Beach (weighted vote, 8%). Abstain – 0 (weighted vote, 0%). Absent - None.

CHAIR’S REPORT (15)

15. ANNOUNCEMENT OF NEW ADMINISTRATION DEPARTMENT DIRECTOR, LAURA COTÉ (INFORMATION)

Chair Pfeiler stated that an internal recruitment process was conducted for the position of Administration Department Director, and announced that Laura Coté, former Human Resources Manager, was selected as the new Administration Department Director.

Action: This item was presented for information only.

REPORTS (16 through 25)

16. FY 2010 BUDGET AMENDMENT: INTEGRATED CORRIDOR MANAGEMENT USING INTELLIGENT TRANSPORTATION SYSTEMS (APPROVE)

Second Vice Chair Jack Dale (Santee) introduced the item.

Samuel Johnson, Principal Technology Program Analyst, reported that SANDAG has been awarded a grant from the Federal Highway Administration (FHWA) to continue efforts toward developing an Integrated Corridor Management (ICM) system for Interstate 15 (I-15). The Transportation Committee recommended that the Board of Directors: (1) approve amending the FY 2010 Overall Work Program Budget to add \$8,688,600, from U.S. Department of Transportation FHWA ICM Initiative funds; and (2) authorize the Executive Director to execute agreements with the cities of San Diego, Escondido, Poway, Caltrans, MTS, and North County Transit District (NCTD) to continue the implementation of the Integrated Corridor Management System along the I-15 corridor.

Action: Upon a motion by Councilmember Lesa Heebner (Solana Beach) and second by Councilmember Downey, the Board of Directors: (1) approved amending the FY 2010 Overall Work Program Budget to add \$8,688,600, from U.S. Department of Transportation FHWA ICM Initiative funds; and (2) authorized the Executive Director to execute agreements with the cities of San Diego, Escondido, Poway, Caltrans, MTS, and NCTD to continue the implementation of the Integrated Corridor Management System along the I-15 corridor . Yes - 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - None.

17. REVISION TO FY 2010 *TransNet* REVENUES AND TRANSPORTATION DEVELOPMENT ACT APPORTIONMENTS (APPROVE)

Second Vice Chair Dale introduced this item.

Marney Cox, Chief Economist, provided information related to the current economy.

Lauren Warrem, Acting Finance Director, reported that at its November 20, 2009, meeting, the Board of Directors approved a revision to the FY 2010 revenue estimates for *TransNet* and the Transportation Development Act (TDA) apportionments. The December receipts indicate that additional reductions are needed for the remainder of the fiscal year. The Transportation Committee recommended that the Board of Directors approve the proposed revised FY 2010 *TransNet* revenue estimates and TDA apportionments.

Ms. Warrem also provided a summary of the SANDAG variable rate bond program.

Action: Upon a motion by First Vice Chair Jerome Stocks (Encinitas) and second by Councilmember Downey, the Board of Directors approved the proposed revised FY 2010 *TransNet* revenue estimates and TDA apportionments. Yes – 19 (weighted vote, 100%). No - 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - None.

18. 2010 STATE TRANSPORTATION IMPROVEMENT PROGRAM: REVISED PROPOSAL (APPROVE)

Second Vice Chair Dale introduced this item.

José Nuncio, Manager of Financial Programming and Project Control, reported that at its December 18, 2009, meeting, the Board of Directors approved removing the I-15 Direct Access Ramp at Mira Mesa Boulevard from the 2010 State Transportation Improvement Program (STIP) proposal and submitting it instead for Proposition 1B Corridor Mobility Improvement Account savings. This shift freed up \$50 million in STIP funds, which are proposed to be programmed for projects in the I-5 corridor. The Transportation Committee recommended that the Board of Directors approve submitting the revised 2010 STIP to the California Transportation Commission in substantially the same form as shown in the report.

Action: Upon a motion by Second Vice Chair Dale and second by Councilmember Matt Hall (Carlsbad) the Board of Directors approved submitting the revised 2010 STIP to the California Transportation Commission in substantially the same form as shown in the report. Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - None.

19. ANNUAL PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS (APPROVE)

The Executive Committee reviewed proposed amendments to Board Policies and Bylaws at its December and January meetings. The Executive Committee recommended that the Board of Directors approve the proposed amendments to the Bylaws and the new and amended versions of the Board Policies attached to this report.

First Vice Chair Stocks introduced this item. He asked Marney Cox to provide clarification on proposed Board Policy No. 031 amendments concerning the Regional Transportation Congestion Improvement Program (RTCIP).

Mr. Cox supplied clarifying information on Section 9 of Policy No. 031, *TransNet* Ordinance and Expenditure Plan Rules, related to proposed revisions suggested by the Independent Taxpayer Oversight Committee (ITOC). The need for this policy amendment arose from discussions with National City on whether the RTCIP should apply to assisted-living units. The ITOC suggested a modified approach to eliminate the criterion dealing with the impacts of trips on the Regional Arterial System. The Board discussed this and the consensus was to support the ITOC's suggested revisions.

Mayor Mary Sessom (Lemon Grove) asked that at some point within the next year, staff evaluate this RTCIP issue and that it be brought back to the Executive Committee for further discussion.

Action: Upon a motion by First Vice Chair Stocks and second by Supervisor Slater-Price, the Board of Directors approved the proposed amendments to the Bylaws and the new and amended versions of the Board Policies attached to this report, including the ITOC alternative language related to the RTCIP in Board Policy No. 031. Yes – 17 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent – La Mesa and Poway.

20. 2050 REGIONAL GROWTH FORECAST UPDATE (INFORMATION)

Mayor Jim Janney (Imperial Beach) introduced this item.

Beth Jarosz, Senior Research Analyst, presented the feedback from presentations to the region's city councils and Board of Supervisors on the 2050 Regional Growth Forecast. Staff also shared preliminary housing and job estimates based on input from each jurisdiction. SANDAG staff will continue to work with local planning staffs to develop a final forecast for Board of Directors consideration in February.

Action: This item was presented for information only.

21. PRELIMINARY DRAFT CLIMATE ACTION PLAN (DISCUSSION)

Mayor Janney introduced this item.

Andrew Martin, Associate Planner, provided an overview of a preliminary draft of the Climate Action Plan (CAP), which was funded in part by a grant from the California Energy Commission. The CAP includes proposed guiding principles, goals and policy measures to reduce greenhouse gas emissions, and draft performance measures to monitor progress in meeting our climate action goals over time.

Action: This item was presented for discussion only.

22. COMPASS CARD STATUS UPDATE (INFORMATION)

James Dreisbach-Towle, Principal Technology Program Analyst, provided the Board of Directors with an update on recent Compass Card project activities.

Action: This item was presented for information only.

Chair Pfeiler convened the meeting into a closed session at 11:10 a.m. to discuss the following closed session items.

23. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a) – SANDAG V. BOARD OF TRUSTEES OF CALIFORNIA STATE UNIVERSITY (CASE NO. 37-2007-00083768-CU-TT-CTL)

24. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - PURSUANT TO GOVERNMENT CODE SECTION 54956.9 SUBDIVISION (c): INITIATION OF LITIGATION - One Potential Case

25. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54956.9(a), Miccael Alshaikh and Babbette Beriones v. SANDAG et al., San Diego Superior Court Case 37-2009-00104380-CU-PO-CTL

Chair Pfeiler reconvened the meeting into open session at 12:02 p.m.

Julie Wiley, General Counsel, reported the following out of closed session: On Item No. 23, no final action was taken; on Item No. 24, staff was directed to attempt to settle a pending a dispute and to file a complaint if the resolution attempt is unsuccessful; the Board authorized the use of Contingency Reserve funds to pursue litigation; and on Item No. 25, staff was directed to respond to the complaint of plaintiffs Miccael Alshaikh and Babbette Beriones.

26. UPCOMING MEETINGS

The next Board Policy meeting is scheduled for Friday, February 12, 2010, at 10 a.m. The next Board Business meeting of the SANDAG Board of Directors is scheduled for Friday, February 26, 2010, at 9 a.m.

27. ADJOURNMENT

The meeting was adjourned at 12:02 p.m.

DGunn/M/DGU

ATTENDANCE
SANDAG BOARD OF DIRECTORS MEETING
JANUARY 22, 2010

JURISDICTION/ ORGANIZATION	NAME	ATTENDING
City of Carlsbad	Matt Hall (Member)	Yes
City of Chula Vista	Cheryl Cox (Primary)	Yes
City of Coronado	Carrie Downey (Primary)	Yes
City of Del Mar	Crystal Crawford (Primary)	Yes
City of El Cajon	Jillian Hanson-Cox (Alternate)	Yes
City of Encinitas	Jerome Stocks, 1st Vice Chair (Primary)	Yes
City of Escondido	Lori Holt Pfeiler, Chair (Primary)	Yes
City of Imperial Beach	Jim Janney (Primary)	Yes
City of La Mesa	Art Madrid (Member)*	Yes
City of Lemon Grove	Mary Sessom (Primary)	Yes
City of National City	Ron Morrison (Member)	Yes
City of Oceanside	James Wood (Member)	Yes
City of Poway	Don Higginson (Primary)	Yes
City of San Diego - A	Jerry Sanders (Primary, Seat A)*	Yes
City of San Diego - B	Ben Hueso (Primary, Seat B)	Yes
City of San Marcos	Jim Desmond (Member)	Yes
City of Santee	Jack Dale (2nd Vice Chair)	Yes
City of Solana Beach	Lesa Heebner (Primary)	Yes
City of Vista	Judy Ritter (Primary)	Yes
County of San Diego - A	Bill Horn (Primary, Seat A)	Yes
County of San Diego - B	Pam Slater-Price (Primary, Seat B)	Yes
Caltrans	Bill Figge (2nd. Alt.)	Yes
MTS	Harry Mathis (Member)	Yes
NCTD	Bob Campbell (Primary)	Yes
Imperial County	Wally Leimgruber (Member)	No
US Dept. of Defense	CAPT Keith Hamilton (Member)	Yes
SD Unified Port District	Scott Peters (Member)	Yes
SD County Water Authority	Mark Muir (Primary)	Yes
Baja California/Mexico	Lydia Antonio (Alternate)	Yes
Southern California Tribal Chairmen's Association	Robert H. Smith (Member)	No