EXECUTIVE COMMITTEE AGENDA

Note meeting time change to 8:30 a.m.

Friday, November 4, 2011

8:30 to 9 a.m.

SANDAG, 7th Floor Conference Room
401 B Street
San Diego

AGENDA HIGHLIGHTS

- PROPOSED AMENDMENTS TO BOARD POLICY NO. 004
- DRAFT 2012 LEGISLATIVE PROGRAM

PLEASE TURN OFF CELL PHONES DURING THE MEETING

MISSION STATEMENT
The 18 cities and county government are SANDAG serving as the forum for regional decision-making. SANDAG builds consensus, makes strategic plans, obtains and allocates resources, plans, engineers, and builds public transit, and provides information on a broad range of topics pertinent to the region’s quality of life.

San Diego Association of Governments  •  401 B Street, Suite 800, San Diego, CA 92101-4231
(619) 699-1900  •  Fax (619) 699-1905  •  www.sandag.org
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 the Clerk of the Committee seated at the front table. Members of the public may address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Public speakers are limited to three minutes or less per person. The Executive Committee may take action on any item appearing on the agenda.

This agenda and related staff reports can be accessed at www.sandag.org under Meetings. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form available on the Web site. E-mail comments should be received no later than 12 noon, two working days prior to the Executive Committee meeting. Any handouts, presentations, or other materials from the public intended for distribution at the Executive Committee meeting should be received by the Clerk of the Committee no later than 12 noon, two working days prior to the meeting.

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EXECUTIVE COMMITTEE
Friday, November 4, 2011

ITEM # | RECOMMENDATION
--- | ---
1. | APPROVAL OF OCTOBER 14, 2011, MEETING MINUTES
2. | PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Public comments under this agenda item will be limited to five public speakers. Members of the public shall have the opportunity to address the Executive Committee on any issue within the jurisdiction of the Committee that is not on this agenda. Other public comments will be heard during the items under the heading “Reports.” Anyone desiring to speak shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Public speakers should notify the Clerk if they have a handout for distribution to Committee members. Public speakers are limited to three minutes or less per person. Committee members also may provide information and announcements under this agenda item.

REPORTS (3 through 5)

+3. | PROPOSED AMENDMENTS TO BOARD POLICY NO. 004 (Julie Wiley)

The Executive Committee is asked to recommend that the Board of Directors approve the proposed amendments to Board Policy No. 004, Rules of Procedure for Board of Directors, Policy Advisory Committees and Other Legislative Bodies.

+4. | DRAFT 2012 LEGISLATIVE PROGRAM (Genevieve Morelos)

Each year, the Executive Committee recommends a legislative program in a priority order to the Board of Directors for the next calendar year. Consistent with past programs, the draft Legislative Program includes policies and proposals for possible federal and state legislation and local activities. The Executive Committee is asked to review and discuss the draft 2012 Legislative Program and either recommend that the Board of Directors approve the 2012 Legislative Program, or direct staff to return to the Executive Committee for further discussion or review.

+5. | REVIEW OF NOVEMBER 18, 2011, DRAFT BOARD AGENDA (Renée Wasmund)

6. | CONTINUED PUBLIC COMMENTS

If the five speaker limit for public comments was exceeded at the beginning of this agenda, other public comments will be taken at this time. Subjects of previous agenda items may not again be addressed under public comment.

7. | UPCOMING MEETINGS

The next meeting of the Executive Committee is scheduled for Friday, December 2, 2011, at 9 a.m. (first Friday due to the Christmas holiday).

8. | ADJOURNMENT

+ next to an agenda item indicates an attachment
EXECUTIVE COMMITTEE DISCUSSION AND ACTIONS
OCTOBER 14, 2011

Chair Jerome Stocks (North County Coastal) called the Executive Committee meeting to order at 9:02 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF MINUTES

   Upon a motion by Supervisor Bill Horn (County of San Diego) and a second by Second Vice Chair Jim Janney (South County), the minutes of the September 16, 2011, Executive Committee meeting were unanimously approved.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

   There were no public or Board member comments.

REPORTS (3 through 7)

3. FY 2012 BUDGET AMENDMENTS: CALTRANS TRANSPORTATION PLANNING GRANTS (APPROVE)

   Danny Veeh, Associate Planner, provided the staff report. The Executive Committee was asked to approve the FY 2012 Budget amendments to accept three Caltrans transportation planning grants totaling $560,000, and use of the required matching funds totaling $78,868.

   Action: Upon a motion by First Vice Chair Jack Dale (East County), and a second by Second Vice Chair Janney, the Executive Committee voted to approve the FY 2012 Budget amendments to accept three Caltrans transportation planning grants totaling $560,000, and use of the required matching funds totaling $78,868.

4. ANNUAL REVIEW AND PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS (DISCUSSION/POSSIBLE ACTION)

   John Kirk, Deputy General Counsel, reviewed proposed amendments to Board Policies. The Executive Committee was asked to discuss the proposed amendments to the Board Policies, and to either recommend that the Board of Directors approve the proposed amendments and renew the annual delegation of authority to the Executive Director pursuant to Board Policy No. 003, Investment Policy, or direct staff to return to the Executive Committee for further discussion or review.
**Action**: Upon a motion by First Vice Chair Dale and second by Mayor Don Higginson (North County Inland), the Executive Committee voted to recommend that the Board of Directors approve the proposed amendments, and renew the annual delegation of authority to the Executive Director pursuant to Board Policy No. 003, Investment Policy.

5. **SERVICE BUREAU FY 2011 YEAR-END REPORT (INFORMATION)**

SANDAG Board Policy No. 012 requires that the Executive Committee, which governs the SANDAG Service Bureau, receive periodic progress reports on the project activities and financial status of the Service Bureau.

Cheryl Mason, Senior Research Analyst, summarized Service Bureau activities during FY 2011, the financial performance of the Service Bureau, and plans for FY 2012.

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

6. **LEGISLATIVE STATUS REPORT (INFORMATION)**

Genevieve Morelos, Senior Legislative Analyst, provided an update on the FY 2012 federal budget and state legislation pending before the Governor, including Senate Bill 468 and Assembly Bills 615, 631, and 892.

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

7. **REVIEW OF OCTOBER 28, 2011, DRAFT BOARD AGENDA (APPROVE)**

Renée Wasmund, Chief Deputy Executive Director, reviewed the draft agenda for the October 28, 2011, Board of Directors meeting, and noted any changes since the mailout.

**Action**: Upon a motion by Council President Tony Young (City of San Diego), and a second by Mayor Higginson, the Executive Committee voted to approve the agenda for the October 28, 2011, meeting, as revised.

8. **CONTINUED PUBLIC COMMENTS**

There were no additional public comments.

9. **UPCOMING MEETINGS**

The next meeting of the Executive Committee is scheduled for Friday, November 4, 2011 (first Friday due to the Thanksgiving holiday).

10. **ADJOURNMENT**

Chair Stocks adjourned the meeting at 9:36 a.m.

Attachment: Attendance Sheet
## CONFIRMED ATTENDANCE
### SANDAG EXECUTIVE COMMITTEE MEETING
### OCTOBER 14, 2011

<table>
<thead>
<tr>
<th>GEOGRAPHICAL AREA</th>
<th>JURISDICTION</th>
<th>NAME</th>
<th>MEMBER/ALTERNATE</th>
<th>ATTENDING</th>
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<td>Don Higginson</td>
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<td>Jerome Stocks, Chair</td>
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<td>City of Solana Beach</td>
<td>Lesa Heebner</td>
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<td>City of Imperial Beach</td>
<td>Jim Janney, 2nd Vice Chair</td>
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<td>City of National City</td>
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<td>City of Santee</td>
<td>Jack Dale, 1st Vice Chair</td>
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<td></td>
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<td></td>
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<td>Bill Horn</td>
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<td>Ron Roberts</td>
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<td></td>
<td>___</td>
<td>Greg Cox</td>
<td>2nd Alternate</td>
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PROPOSED AMENDMENTS TO BOARD POLICY NO. 004

Introduction

From time to time SANDAG has items appear on the agendas of its legislative bodies that generate large groups of persons wishing to be heard on a particular item. In accordance with Government Code Section 54954.3, which is part of the California open meeting law applicable to SANDAG known as the Brown Act, the Board of Directors is permitted to set rules regarding limitations on time for public speakers. The proposed amendments to Board Policy No. 004 are intended to provide additional guidance to SANDAG legislative bodies and the public regarding a chair’s prerogative to manage meetings when a large number of public speakers wish to speak during a limited period of time.

Discussion

Pursuant to Government Code section 54954.3(b), the Board of Directors is permitted to adopt regulations regarding the conduct of SANDAG meetings, including the time limits for speakers, if the regulations promote the intent of Section 54954.3(a). The stated intent of Subsection (a) is to allow “members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body’s consideration of the item.” Factors SANDAG is permitted to consider in setting time limits are: the time allocated for the meeting, the number of agenda items, the complexity of each item, and the number of persons wishing to address the legislative body on each item of general public interest (75 Ops.Cal.Atty.Gen. 89 (1992)).

At SANDAG, Board Policies are the tool used to document rules and regulations implemented by the Board of Directors. Several years ago the Board of Directors approved additions to Board Policy No. 004, to clarify that the chair of a SANDAG legislative body may allow individuals to speak for three minutes or less, and may reduce or expand the time permitted for groups of persons wishing to comment on an item. Additional guidance is proposed at this time.

SANDAG rules with regard to public comment must be content neutral. Speakers should normally be taken in the order of the submission of their speaker slips and time limits should be set prior to public comment beginning in order to avoid the argument that the regulation or its application are not content neutral. A chair’s decision to limit the time for public comment should not be based on the subject matter of the agenda item, but only on the factors set forth above.

Recommendation

The Executive Committee is asked to recommend that the Board of Directors approve the proposed amendments to Board Policy No. 004.
Proposed amendments to Board Policy No. 004, which are provided in Attachment 1, are intended to strike this balance. The additional rules are content neutral and are intended to allow as many people as possible to be heard while still allowing SANDAG business to proceed.

NEXT STEPS

If the Executive Committee approves the proposed amendments to Board Policy No. 004, the Policy will be grouped with the other policies reviewed by the Executive Committee in October as part of the annual review of policies and submitted to the Board of Directors for approval at the November 18, 2011, meeting.

JULIE D. WILEY
General Counsel

Attachment: 1. Board Policy No. 004 – Rules of Procedure for Board of Directors, Policy Advisory Committees and Other Legislative Bodies

Key Staff Contact: Julie D. Wiley, (619) 699-6966, jwi@sandag.org
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 the SANDAG 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 least one-quarter of a page in a newspaper of general circulation in the SANDAG 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 the ordinance or another 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 and Public Meetings

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.

3.13.2 The Board wishes to maximize the number of people who can address SANDAG legislative bodies within the time limits set for the meeting while a quorum is present. The Board believes that meetings that last longer than the time set for meeting adjournment can discourage public participation and can hinder the conduct of government business due to loss of a quorum. Therefore, meetings of SANDAG legislative bodies shall be adjourned by the end time set forth in the agenda, unless extended to a specific time by a majority vote of the legislative body. The meeting shall be extended no more than once and may be adjourned to a later date. The Board of Directors wishes to maximize the number of people who can address SANDAG legislative bodies within the time limits set for the meeting while a quorum is present. Accordingly, the chair of a SANDAG legislative body may reduce the speaking time allocated for each speaker or establish a time certain for completion of one or more agenda items when the number of speakers and/or number of items on the agenda are reasonably likely to prevent the conclusion of business prior to the time the meeting is set to adjourn. Decisions by the chair shall be based on the time allocated for the meeting, the number of agenda items, the complexity of each item, and the number of persons wishing to address the legislative body on each item.

3.23.3 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.

3.33.4 The Board or a Policy Advisory Committee (PAC) Chair, as applicable, will determine with staff’s assistance whether additional public meetings at which formal public testimony will be taken outside of regularly scheduled Board or PAC meetings are appropriate. Such additional public meetings may take the form of scoping meetings, focus group meetings, open houses, workshops or similar alternative formats. The applicable Chair will appoint one or more members of the relevant legislative body to act as public meeting officer(s) at SANDAG public meetings that are not held during a meeting of a SANDAG legislative body. If no Board or PAC members are available to serve as public meeting officers, the Chair may appoint the Executive Director or his/her delegate to serve as the public meeting officer. When a public meeting occurs before a public meeting officer, the public meeting officer or Clerk of the Board shall ensure that all official public testimony given at the public regarding the subject matter of the public meeting are accurately included in the written records, and ensure those written records are forwarded to the Board of Directors or PAC for review prior to the time designated for the relevant legislative body to render its recommendation or final decision.

3.43.5 The public meeting officer’s written records regarding the public meeting must include, at least, the following elements:
3.4.1 An objective description of the subject matter of the public meeting.

3.4.2 The public comments received by proponents and opponents of the meeting’s subject matter. The records shall indicate the hour and minute when the public meeting was opened and closed.

3.4.3 A list of the notices that were published, mailed, or Internet-posted, including the date of mailing or publication, the name of any newspaper, Internet address or web site, and a list of addresses and entities to which the notice was delivered. If multiple public meetings at which official public testimony is taken regarding the same subject matter are held throughout San Diego County, information regarding the notices and agendas for each public meeting shall be included in the public meeting records.

3.4.4 A copy of the agenda for the public meeting, including the time period during which public testimony was heard. The agenda also shall list contact information for the transcriber attending the public meeting.

3.4.5 A reference to the location where an audio and/or video recording, or transcript of the public meeting is archived, and where all original written comments submitted to the public meeting officer are available for viewing.

3.5 Before the Board of Directors or PAC takes action on the item that was the subject of a public meeting conducted by a public meeting officer, it will allow additional public comment at a regularly scheduled meeting of the legislative body.

3.6 By voting at a meeting where a public meeting officer’s records will be relied upon, each voting member of the legislative body will be affirming that he or she has:

3.6.1 Thoroughly reviewed the public meeting officer’s records of any minutes or transcript from, or listened to an audio or watched a video recording of, the public meeting(s); and

3.6.2 Given due consideration to any letters, e-mails, voicemails, or other comments submitted by the public that are part of the public meeting record.

3.7 If a voting member of a legislative body cannot attest that he or she has met the criteria listed in Section 3.6, he or she may participate in the discussion regarding the subject matter of the public meeting, and need not leave the legislative body meeting room, but should not vote on the matter.

4. Standards of Conduct & Ethics Applicable to All of SANDAG 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 $420\(^1\) 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.

\(^1\)This amount is subject to adjustment by the Fair Political Practices Commission.
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 to 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.

4.15 Pursuant to Section 18944.1 and 18944.2 of Title 2 of the California Code of Regulations, certain procedures must be followed in order for a gift (travel, tickets, seats at an event, food, etc.) to be considered a gift to SANDAG instead of to an individual SANDAG public official or designated employee. A document entitled “Guidance Regarding Gifts” shall be posted on the SANDAG Web site to provide information regarding SANDAG practices, which are intended to assist public officials and designated employees in complying with regulations promulgated by the California Fair Political Practices Commission.

5. Additional Advisory Membership on Board and Policy Advisory Committees

5.1 From time to time, the Board may determine it is in best interest of SANDAG 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 In determining whether to supplement the Board with additional regular or temporary advisory members, the Board will first review whether the existing Board and Policy Advisory Committees (PAC) membership structures provide the opportunity for beneficial advice and information to SANDAG on matters of interest to the region.
5.2.1 The Board will consider adding a new regular advisory member to the Board or a PAC if it finds that the additional advisory member would provide beneficial advice and information to the Board or PAC, and that such advice/information cannot be provided by the existing Board and PAC membership structures. The agency/group wishing to become a regular advisory member shall submit a written request to the Board Chair or PAC Chair. For new regular advisory Board or PAC members, the finding and review required by this Section 5.2.1 as well as the selection criteria in Section 5.3 shall apply.

5.2.2 From time to time, the Board or a PAC may determine it is in best interest of SANDAG to provide an agency/group with temporary advisory “seat” at the Board or at one of its PACs when specific agenda items arise. The agency/group wishing to obtain a temporary advisory seat shall meet the criteria listed in Section 5.3 and shall submit a written request to the Board Chair or PAC Chair at least three days prior to the meeting, identifying the reasons for its request and the specific agenda item(s) to be considered. The decision about whether to fulfill the request shall be at the sole discretion of the Board Chair or PAC Chair.

5.3 The following criteria for selection of additional advisory members also shall apply:

5.3.1 Agency/group has land use and/or eminent domain authority;

5.3.2 Agency/group has regional authorities and responsibilities important to the SANDAG mission;

5.3.3 Membership by the agency/group would enhance SANDAG regional decision-making;

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

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

6. Procedures Applicable to 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 body 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, unless that authority has been specifically delegated by an action of the Board.

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. 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 Upon assuming office, the Chair of Board shall be provided with a list of all of the SANDAG legislative bodies that are not Policy Advisory Committees and the Chairs and Vice Chairs of those bodies. The Chair shall determine if a new Chair and/or Vice Chair should be appointed for these bodies and shall report any changes he/she wishes to make at a Board meeting. When making decisions concerning the Chair and Vice Chair appointments to legislative bodies, the potential appointee’s participation at the Policy Advisory Committee reported to by the legislative body shall be taken into consideration.

Adopted June 2003
Amended November 2004
Amended January 2006
Amended December 2006
Amended December 2007
Amended September 2008
Amended January 2010
Amended November 2011
DRAFT 2012 LEGISLATIVE PROGRAM

Introduction

Each year, the Executive Committee recommends a legislative program to the Board of Directors for the upcoming year. Consistent with past programs, the draft 2012 Legislative Program (Attachment 1) includes policies and programs for federal and state legislation as well as local activities.

Discussion

The SANDAG Legislative Program serves as a road map for Board members and staff to follow as legislation is introduced and activities occur during the federal and state legislative sessions. The program is organized into three sections that relate to the level of effort needed to support corresponding legislative activities: (1) Sponsor, (2) Support/Oppose, and (3) Monitor. Within each section, individual goals are assigned a priority level, ranging from highest priority to lower priority. The program also lists the Board position, position year, which Policy Advisory Committee is involved, and whether the goal includes federal, state, and/or local efforts.

The 2011 Legislative Program (Attachment 2), approved by the Board of Directors in December 2010, includes 30 separate goals. Staff has modified the 2011 program as a starting point to initiate Executive Committee discussion regarding the proposed 2012 program. In Attachment 1, proposed deletions are shown in strikethrough text, and modifications and additions are underlined. The major changes are discussed below. Additionally, the Public Safety Committee met on October 14, 2011, and recommended including three public safety-related goals in the 2012 program (discussed below).

Proposed Modifications

Modifications are proposed for three goals in the 2012 program:

• Goal No. 3A – Expand access to resources and technical tools that will enable SANDAG to implement the 2050 Regional Transportation Plan and its Sustainable Communities Strategy.

The Board of Directors is scheduled to approve the 2050 Regional Transportation Plan (RTP) and its Sustainable Communities Strategy (SCS) on October 28, 2011. This goal is proposed to be updated to focus on resources and technical tools needed to implement the 2050 RTP/SCS.
• Goal No. 4A – Pursue FY 2013 federal funding to support SANDAG plans and programs.

Goal No. 4A is proposed to be amended to provide additional flexibility to pursue funding opportunities at the federal level. Congress has not supported federal appropriations requests for specific projects (earmarks) during the last few years. Therefore, staff proposes to broaden this goal beyond the federal appropriations process to encompass additional federal funding opportunities in support of adopted SANDAG plans and programs.

• Goal No. 7A – Efforts to expand available methods of transportation project delivery, including design-build, design sequencing, construction manager/general contractor, and other alternative methods that expedite connectivity with state and federal systems.

This goal is proposed to be elevated from the Support/Oppose section to the Sponsor section of the program. Staff proposes seeking an author for a bill to authorize the use of design sequencing and construction manager/general contractor (CMGC) project alternatives. This would provide SANDAG and our transportation partners with additional tools to help speed the delivery of major transportation projects around the region, including the TransNet Early Action Program.

Public Safety-Related Goals

On October 14, 2011, the Public Safety Committee recommended including three public safety-related goals in the 2012 Legislative Program:

• Goal No. 6B – Efforts to pursue resources to improve regional public safety voice and data communications and interoperability, including connectivity with state and federal systems.

   No changes to this goal are proposed.

• Goal No. 7B – Efforts to pursue 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 operations and enhancements, regional transportation system improvements, and activities related to regional emergency preparedness, prevention, and responses to catastrophic events.

   This goal is proposed to be amended to expand potential funding beyond federal and state homeland security resources. In addition to U.S. Department of Homeland Security funding, Automated Regional Justice Information System (ARJIS) has received National Institute of Justice and other grants to develop new technologies that enable law enforcement officers throughout the region to share data for the purpose of solving and preventing crimes.

• Goal No. 13B – Efforts to support funding opportunities and legislation that promote the implementation of effective and collaborative strategies and programs that maintain public safety and promote quality of life, including initiatives that address substance abuse and graffiti abatement, and reduce youth and gang violence.
Goal Nos. 14B, 15B, and 18B of the 2011 Legislative Program are proposed to be consolidated into a single goal that is broader and provides flexibility to support efforts to maintain public safety and improve quality of life. Past work in this area has included support for programs to address graffiti abatement, Internet crimes against children, and youth and gang violence prevention programs.

**Next Steps**

The Executive Committee may take action on the 2012 Legislative Program either on November 4, 2011, or at its December 2, 2011, meeting. Final action on the 2012 Legislative Program is scheduled for the December 16, 2011, Board of Directors meeting.

KIM KAWADA
TransNet and Legislative Affairs Program Director

Attachments: 1. Draft 2012 Legislative Program
              2. 2011 Legislative Program

Key Staff Contact: Genevieve Morelos, (619) 699-1994, gmo@sandag.org
# DRAFT 2012 LEGISLATIVE PROGRAM

**OVERARCHING GOAL:** Pursue policy and legislative changes that enable SANDAG to better implement its adopted plans and programs.

## (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 SANDAG priorities for the next federal surface transportation reauthorization, including appropriate funding levels, goods movements/border funding programs, transit investment and reforms, process improvements, including streamlined environmental processes, climate change, nonmotorized transportation, and tribal transportation planning. (2007)</td>
<td>Highest</td>
<td>Sponsor</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Federal/State</td>
</tr>
<tr>
<td>2A</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>X</td>
<td>X</td>
<td></td>
<td></td>
<td>State</td>
</tr>
<tr>
<td>3A</td>
<td>Expand access to resources and technical tools that will enable SANDAG to prepare an implement the 2050 RTP and its Sustainable Communities Strategy in compliance with Senate Bill 375. (2009)</td>
<td>Highest</td>
<td>Sponsor</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>Federal/State</td>
</tr>
<tr>
<td>4A</td>
<td>Pursue FY 2013 federal funding to support SANDAG plans and programs, appropriation requests and potential infrastructure funding. (2005)</td>
<td>Highest</td>
<td>Sponsor</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>Federal</td>
</tr>
<tr>
<td>5A</td>
<td>Pursue statutory authority for a subregional funding mechanism dedicated to public transit. (2009)</td>
<td>Highest</td>
<td>Sponsor</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>State/Local</td>
</tr>
<tr>
<td>6A</td>
<td>Pursue policy and/or legislative changes to enable the use of freeway shoulders as transit lanes on major corridors in the San Diego region. (2006)</td>
<td>High</td>
<td>Sponsor</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>State</td>
</tr>
<tr>
<td>7A</td>
<td>Efforts to expand available methods of transportation project delivery, including design-build, design sequencing, construction manager/general contractor, and other alternative methods that expedite connectivity with state and federal systems. (2005)</td>
<td>High</td>
<td>Sponsor</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>State</td>
</tr>
</tbody>
</table>

Legend: T: Transportation; R: Regional Planning; P: Public Safety; B: Borders
<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>Legislation that provides incentives to jurisdictions that provide opportunities for more housing, including affordable and transit-oriented developments, supports regional fair-share allocation of housing funds, and provides additional affordable housing funding with greater local/regional control. (2002)</td>
<td>Highest</td>
<td>Support</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Federal/State</td>
</tr>
<tr>
<td>2B</td>
<td>Support policies and/or legislation implementing climate change plans and programs that are consistent with the RCP and RTP. (2007)</td>
<td>Highest</td>
<td>Support</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>Federal/State/Local</td>
</tr>
<tr>
<td>3B</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, and maximize flexibility of federal and state funds. (2002, 2005)</td>
<td>Highest</td>
<td>TBD (based on activity)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Federal/State/Local</td>
</tr>
<tr>
<td>5B</td>
<td>Legislation assisting in the implementation of the RCP, including dedicated ongoing funding source for regional blueprint planning and funding incentives for smart growth (mixed-use projects, transit-oriented development, walkable communities, etc.). (2002)</td>
<td>Highest</td>
<td>Support</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Federal/State</td>
</tr>
<tr>
<td>6B</td>
<td>Efforts to expand available methods of transportation project delivery, including design-build, design sequencing, construction manager/general contractor, and other alternative methods that expedite project delivery. (2005)</td>
<td>Highest</td>
<td>Support</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>State</td>
</tr>
<tr>
<td>7B6B</td>
<td>Efforts to 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>Support</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Federal/State/Local</td>
</tr>
<tr>
<td>NO.</td>
<td>GENERAL DESCRIPTION OF GOAL</td>
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<tr>
<td>8B7B</td>
<td>Efforts to pursue Homeland Security funding at both the state and federal levels to improve public safety, enhance border security, and improve security in the San Diego region through Automated Regional Justice Information System operations and enhancements, regional transportation system improvements, and activities related to regional emergency preparedness, prevention, and response to catastrophic events. (2003, 2005, 2011)</td>
<td>Highest</td>
<td>Support</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Federal/State/Local</td>
</tr>
<tr>
<td>9B8B</td>
<td>Fiscal reform initiatives that enable regions to develop their own fiscal strategies and oppose unfunded mandates on local governments. 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>X</td>
<td></td>
<td></td>
<td></td>
<td>Federal/State/Local</td>
</tr>
<tr>
<td>10B</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>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>State</td>
</tr>
<tr>
<td>9B</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>11B1</td>
<td>Efforts assisting in the implementation of key environmental issues, including habitat conservation, planning, beach restoration and replenishment, and water quality-related issues. (2002)</td>
<td>Higher</td>
<td>Support</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>State/Local</td>
</tr>
<tr>
<td>12B1</td>
<td>Mechanisms providing for the implementation of the RTP, including value pricing, managed lanes, high-occupancy toll lanes, the alleviation of current constraints on transponder technology, transit priority treatments, and other efforts that promote efficient use of highways and local roads. (2003)</td>
<td>Higher</td>
<td>Support</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Federal/State</td>
</tr>
<tr>
<td>13B1</td>
<td>Support energy-related legislation, programs, and policies that are consistent with the Regional Energy Strategy. (2002)</td>
<td>Higher</td>
<td>Support</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Federal/State/Local</td>
</tr>
<tr>
<td>14B</td>
<td>Efforts to support funding opportunities and legislation that promote the implementation of effective and collaborative strategies and programs that maintain public safety and promote quality of life, including initiatives that address substance abuse and graffiti abatement, and reduce youth and gang violence. (2005, 2009)</td>
<td>High</td>
<td>Support</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Federal/State/Local</td>
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<tr>
<td>16B1</td>
<td>Support legislation and/or policies that promote governmental efficiencies and cost savings. (2009)</td>
<td>High</td>
<td>Support</td>
<td>X</td>
<td>X</td>
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<td>17B1</td>
<td>Transit boards’ legislative programs where consistent with SANDAG policy. (2002)</td>
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(C) MONITOR

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<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>
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<td>4C</td>
<td>Legislation requiring local agencies to implement new administrative compliance measures. (2005)</td>
<td>Lower</td>
<td>Monitor/Respond</td>
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## 2011 LEGISLATIVE PROGRAM

**OVERARCHING GOAL:** Pursue policy and legislative changes that enable SANDAG to better implement its adopted plans and programs.

### (A) SPONSOR

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<tbody>
<tr>
<td>1A</td>
<td>Pursue SANDAG priorities for the next federal surface transportation reauthorization,</td>
<td>Highest</td>
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<td>including appropriate funding levels, goods movements/border funding programs, transit</td>
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<td>investment and reforms, process improvements, including streamlined environmental</td>
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<td>processes, climate change, nonmotorized transportation, and tribal transportation planning.</td>
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<td></td>
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<td>2A</td>
<td>Pursue funding from the statewide infrastructure bond measures; participate in development</td>
<td>Highest</td>
<td>Sponsor</td>
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<td>of guidelines and other activities to maximize the availability and flexibility of</td>
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<td></td>
<td>funding for the San Diego region to support the Regional Transportation Plan (RTP) and</td>
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<td>the Regional Comprehensive Plan (RCP) implementation. (2006)</td>
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<td>3A</td>
<td>Expand access to resources and technical tools that will enable SANDAG to prepare an</td>
<td>Highest</td>
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<td>RTP in compliance with Senate Bill 375. (2009)</td>
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<td>4A</td>
<td>Pursue FY 2012 federal appropriation requests and potential infrastructure funding. (2005)</td>
<td>Highest</td>
<td>Sponsor</td>
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<tr>
<td>5A</td>
<td>Pursue statutory authority for a subregional funding mechanism dedicated to public transit.</td>
<td>Highest</td>
<td>Sponsor</td>
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<td>(2009)</td>
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<td>6A</td>
<td>Pursue policy and/or legislative changes to enable the use of freeway shoulders as transit</td>
<td>High</td>
<td>Sponsor</td>
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<td></td>
<td>lanes on major corridors in the San Diego region. (2006)</td>
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### (B) SUPPORT/OPPOSE

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<tbody>
<tr>
<td>1B</td>
<td>Legislation that provides incentives to jurisdictions that provide opportunities for more housing, including affordable and transit-oriented developments, supports regional fair-share allocation of housing funds, and provides additional affordable housing funding with greater local/regional control. (2002)</td>
<td>Highest</td>
<td>Support</td>
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<td>2B</td>
<td>Support policies and/or legislation implementing climate change plans and programs that are consistent with the RCP and RTP. (2007)</td>
<td>Highest</td>
<td>Support</td>
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<td>3B</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, and maximize flexibility of federal and state funds. (2002, 2005)</td>
<td>Highest</td>
<td>TBD (based on activity)</td>
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<td>5B</td>
<td>Legislation assisting in the implementation of the RCP, including dedicated ongoing funding source for regional blueprint planning and funding incentives for smart growth (mixed-use projects, transit-oriented development, walkable communities, etc.). (2002)</td>
<td>Highest</td>
<td>Support</td>
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<td>6B</td>
<td>Efforts to expand available methods of transportation project delivery, including design-build, design sequencing, construction manager/general contractor, and other alternative methods that expedite project delivery. (2005)</td>
<td>Highest</td>
<td>Support</td>
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<td>7B</td>
<td>Efforts to 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>Support</td>
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<tr>
<td>8B</td>
<td>Efforts to pursue Homeland Security funding at both the state and federal levels to improve public safety, enhance border security, and improve security in the San Diego region through Automated Regional Justice Information System operations and enhancements, regional transportation system improvements, and activities related to regional emergency preparedness, prevention, and response to catastrophic events. (2003, 2005)</td>
<td>Highest</td>
<td>Support</td>
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<td>9B</td>
<td>Fiscal reform initiatives that enable regions to develop their own fiscal strategies and oppose unfunded mandates on local governments. 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>
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<td>10B</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>
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<tr>
<td>11B</td>
<td>Efforts assisting in the implementation of key environmental issues, including habitat conservation, planning, beach restoration and replenishment, and water quality-related issues. (2002)</td>
<td>Higher</td>
<td>Support</td>
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<td>12B</td>
<td>Mechanisms providing for the implementation of the RTP, including value pricing, managed lanes, high-occupancy toll lanes, the alleviation of current constraints on transponder technology, transit priority treatments, and other efforts that promote efficient use of highways and local roads. (2003)</td>
<td>Higher</td>
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<td>13B</td>
<td>Support energy-related legislation, programs, and policies that are consistent with the Regional Energy Strategy. (2002)</td>
<td>Higher</td>
<td>Support</td>
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<td>15B</td>
<td>Support efforts to pursue state legislation to permanently fund graffiti abatement programs with a dedicated portion of restitution. (2010)</td>
<td>High</td>
<td>Support</td>
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REVIEW OF NOVEMBER 18, 2011, DRAFT BOARD AGENDA

ITEM #

+1. APPROVAL OF MEETING MINUTES

   +A. OCTOBER 14, 2011, BOARD BUSINESS MEETING MINUTES
   +B. OCTOBER 28, 2011, BOARD BUSINESS MEETING MINUTES

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

   Public comments under this agenda item will be limited to five public speakers. Members of the public shall have the opportunity to address the Board on any issue within the jurisdiction of SANDAG that is not on this agenda. Other public comments will be heard during the items under the heading “Reports.” 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. Public speakers are limited to three minutes or less per person. 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 October 28, and the Executive, Transportation, and Regional Planning Committees on November 4, 2011.

CONSENT (4 through XX)

+4. RECOMMENDATIONS FROM THE 2011 BINATIONAL SEMINAR
   (Hector Vanegas)

   The Borders Committee recommends that the Board of Directors approve the recommendations from the 2011 binational seminar entitled, Enhancing Transit and Non-Motorized Mobility on the Border.
+5. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM STATUS FOR FEDERAL TRANSIT ADMINISTRATION AND FEDERAL HIGHWAY ADMINISTRATION PROJECTS (Laura Coté, Elaine Richardson)*

SANDAG participates in both the Federal Transit Administration and Federal Highway Administration Disadvantaged Business Enterprise (DBE) programs. The current DBE goals for each program are established over a triennial period (FY 2010 to FY 2012). This report summarizes the current and anticipated participation of DBEs during this period.

+6. TransNet ENVIRONMENTAL MITIGATION PROGRAM STATUS REPORT (Keith Greer)*

This report provides the Board of Directors with background about the TransNet Environmental Mitigation Program and program accomplishments for FY 2011.

+7. QUARTERLY PROGRESS REPORT ON TRANSPORTATION PROJECTS - JULY TO SEPTEMBER 2011 (José A. Nuncio)*

This quarterly report summarizes the current status of major highway, transit, arterial, traffic management, and transportation demand management projects in the SANDAG five-year Regional Transportation Improvement Program for the period July to September 2011.

+8. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR (Lauren Warrem)*

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 since the last Board of Directors meeting.

+9. REPORTS ON MEETINGS AND EVENTS ATTENDED ON BEHALF OF SANDAG (Kim Kawada)

Board members will provide brief reports orally or in writing on external meetings and events attended on behalf of SANDAG since the last Board of Directors meeting.

+10. ANNUAL UPDATE ON THE ACTIVITIES OF CRIMINAL JUSTICE RESEARCH AND CLEARINGHOUSE (Cynthia Burke)

As part of the SANDAG Criminal Justice Clearinghouse, regional crime and arrest statistics as well as statistics related to drug use among the offender population are tracked on a regular basis. SANDAG has maintained these statistics since the late 1980s and remains the only regional source for up-to-date historical information. These data provide timely information for policymakers and practitioners interested in how crime and law enforcement’s response varies over time and across jurisdictions. This report will provide an overview and update of the activities and accomplishments of the Criminal Justice Research Unit and the Clearinghouse.
11.

**CHAIR’S REPORT (12 through XX)**

+12. **REPORT FROM NOMINATING COMMITTEE ON SLATE OF BOARD OFFICERS FOR 2012** (National City Mayor Ron Morrison, Nominating Committee Chair)*

In September, Chair Stocks appointed a six-person Nominating Committee for Board officers. After consideration of the applications, the Nominating Committee recommends the attached slate of nominees for SANDAG Chair, First Vice Chair, and Second Vice Chair positions for 2012. In accordance with SANDAG Bylaws, the election of officers is scheduled for the December Board of Directors meeting. Additional nominations from the floor also may be made at the December meeting.

13.

**REPORTS (14 through XX)**

+14. **2012 STATE TRANSPORTATION IMPROVEMENT PROGRAM** (First Vice Chair Jack Dale, Transportation Committee Chair; Sookyung Kim)*

The California Transportation Commission (CTC) has released its fund estimate for the 2012 State Transportation Improvement Program (STIP). The Transportation Committee reviewed the proposed 2012 STIP for the San Diego region and recommends that the Board of Directors approve the programming and submission of the 2012 STIP to the CTC in substantially the same form as attached to the report.

+15. **UPDATE ON POTENTIAL ACQUISITION OF SOUTH BAY EXPRESSWAY ASSETS** (First Vice Chair Jack Dale, Transportation Committee Chair; Marney Cox)*

At its August 26, 2011, meeting, the Board of Directors discussed financing options for the potential acquisition of the State Route 125 Toll Road. Based on Board feedback, a due diligence effort was initiated to evaluate any potential risks associated with this acquisition. This report summarizes the due diligence efforts completed to date, including a risk assessment of the toll road infrastructure, tolling system, financial and legal aspects, as well as estimated traffic. Staff will review additional efforts needed to prepare for a smooth transition of ownership and operations, should the Board of Directors decide to proceed with acquisition of the SR 125 toll road. The Board will be asked to consider a possible amendment to the FY 2012 budget for this additional work.
16. **2011 TransNet PLAN OF FINANCE (First Vice Chair Jack Dale, Transportation Committee Chair; Kim Kawada, Marney Cox, José A. Nuncio)**

The TransNet Plan of Finance is updated on an annual basis, or more frequently as circumstances arise. The 2011 Plan of Finance continues to advance the SANDAG Early Action Program. This item summarizes the major revenue, project budget, and cash flow assumptions used in the 2011 update. The TransNet Independent Taxpayer Oversight Committee and Transportation Committee recommend the Board of Directors: (1) approve the 2011 TransNet Plan of Finance update; and (2) authorize the Executive Director to amend the FY 2012 SANDAG Budget to incorporate the changes to the capital budgets for the Blue and Orange Line Trolley Improvement Project and the Mid-Coast Corridor Transit Project. These actions will support the pending issuance of $250 million to $300 million in long-term fixed rate debt, the timing of which is subject to the Board’s decision on the potential acquisition of the State Route 125 toll road.

17. **TransNet ENVIRONMENTAL MITIGATION PROGRAM IMPLEMENTATION ACTIVITIES (First Vice Chair Jack Dale, Transportation Committee Chair; Keith Greer)**

The TransNet Independent Taxpayer Oversight Committee and Transportation Committee recommend that the Board of Directors approve: (1) allocation of FY 2012 funding for management and monitoring activities pursuant to the TransNet EMP Memorandum of Agreement with the federal and state governments; and (2) the award of FY 2011 land management grants.

18. **ANNUAL REVIEW AND PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS (First Vice Chair Jack Dale; John Kirk)**

The Office of General Counsel has attached a draft of amendments to current Board Policies proposed by staff over the past year or that are appropriate for updating purposes. The Executive Committee recommends that the Board of Directors approve the proposed amendments.

19. 

20. **CONTINUED PUBLIC COMMENTS**

If the five speaker limit for public comments was exceeded at the beginning of this agenda, other public comments will be taken at this time. Subjects of previous agenda items may not again be addressed under public comment.
21. **UPCOMING MEETINGS**

The next Board Policy meeting is scheduled for December 2, 2011, at 10 a.m. The next Board Business meeting is scheduled for Friday, December 16, 2011, at 9 a.m. Please note these meetings will be held on the first and third Fridays of the month, respectively, due to the holiday schedule.

22. **ADJOURNMENT**

+ next to an agenda item indicates an attachment
* next to an agenda item indicates a San Diego County Regional Transportation Commission item