EXECUTIVE COMMITTEE AGENDA

Friday, May 9, 2003
9:00 a.m.
SANDAG
401 B Street, 8th Floor
Conference Room A
San Diego, CA  92101

AGENDA HIGHLIGHTS

• LEGISLATIVE UPDATE
• FY 2004 FINAL PROGRAM BUDGET
• COORDINATED LOBBYING PROGRAM
• NORTH COUNTY MITIGATION BANK

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, and provides information on a broad range of topics pertinent to the region’s quality of life.
Welcome to SANDAG. The regularly scheduled meeting of the San Diego Association of Governments Executive Committee has been called by its Chair for Friday, May 9, 2003, starting at 9 a.m. in the SANDAG offices, 401 B Street, Suite 800, Conference Room A, San Diego. The Executive Committee may take action on any item appearing on the agenda.

In compliance with the Americans with Disabilities Act (ADA), SANDAG will accommodate persons who require assistance in order to participate in SANDAG meetings. If such assistance is required, please contact SANDAG at (619) 595-5300 at least 72 hours in advance of the meeting. To request this document or related reports in an alternative format, please call (619) 595-5300, (619) 595-5393 (TTY), or fax (619) 595-5305.

SANDAG offices are accessible by public transit. Phone 1-800-COMMUTE or see www.sdcommute.com for route information.
EXECUTIVE COMMITTEE AGENDA  
Friday, May 9, 2003

ITEM #  RECOMMENDATION

CONSENT

+1. AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT $130,000 FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME TO ENHANCE THE HABITAT TRACKING AND REPORTING SYSTEM (HABITRAK), AMEND THE FY 2003 OVERALL WORK PROGRAM AND BUDGET, AND RETAIN CONSULTANT ASSISTANCE (Sue Carnevale)  
   APPROVE

   In support of Habitat Conservation Program implementation, approval would authorize the Executive Director to accept a $130,000 grant from the State of California Department of Fish and Game for the continued maintenance, enhancement, and expansion of a habitat tracking and reporting system, amend the FY2003 Overall Work Program and Budget to include this project, and to retain consultant assistance not to exceed $70,000.

+2. MEMORANDUM OF UNDERSTANDING (MOU) FOR COORDINATED LOBBYING PROGRAM (Debra Greenfield)  
   APPROVE

   Staff members responsible for the legislative programs at SANDAG, NCTD, MTDB, and the City of San Diego have been meeting over the last several months to develop a plan for coordinating lobbying services so that the consultants hired to carry out advocacy for each of the parties in the area of transportation work together to present a united San Diego position and uniform goals. Under the MOU, when existing consultant contracts expire, a Request for Proposals will be issued so that there is one consultant for state and one for federal services representing all of the parties.

PUBLIC COMMUNICATIONS/COMMENTS

3. Members of the public shall have the opportunity to address the Executive Committee on any issue within the jurisdiction of the Executive Committee. Anyone desiring to speak shall reserve time by filing a written request with the Clerk of the Executive Committee prior to speaking. Speakers are limited to three minutes.

REPORTS

4. LEGISLATIVE UPDATE:
   +A. AB 361 (KEHOE): SAN DIEGO CONSOLIDATED TRANSPORTATION AGENCY (Debra Greenfield)  
      INFORMATION

      Staff will update the Executive Committee on the status of the bill and progress in obtaining amendments as requested by the Board.

   +B. AB 1279 (HORTON) (Kim Kawada)  
      SPONSOR

      Assemblymember Horton has introduced this two year bill to assist SANDAG in obtaining state authority to implement the Managed Lane/High Occupancy Vehicle Lane projects in the 2030 RTP. She is asking for SANDAG to assist in sponsoring the bill.
+ 5. NEW AND UPDATED GENERAL POLICIES OF THE CONSOLIDATED AGENCY (Julie Wiley)  
REVIEW/DISCUSS

As part of the transition process, staff has reviewed the Board policies in effect at SANDAG, MTDB and NCTD to determine whether new policies or updated policies should be adopted for purposes of consistency and preparedness for new responsibilities at SANDAG. As a result of this review, staff has prepared revised or new Board Policies in the following subject areas: Rules of Procedure for the Board and SANDAG’s Committees; Sponsorships; Proclamations; Legal Matters; Discrimination Complaint Procedures; Taking a Position on Ballot Measures; Travel Expenses; and Local Technical Assistance. Additionally, the following policies, which have been previously adopted by the Board in a different format, are included with this report so that all of the Board Policies can be documented and referenced more easily: Conflict Resolution; EEO Program; Environmental Quality; and Records Management. The Executive Committee is asked to review and comment on these policies, which will be brought back to the Committee in June for approval. The Transportation Committee will review new transit planning and programming policies for SANDAG.

+ 6. NORTH COUNTY MITIGATION BANK (Richard Chavez)  
SUPPORT

Staff has been working with Caltrans and the County of San Diego in planning for mitigation of biological impacts of major transportation projects in North County. Wildlands, Inc. has secured interest in key property that could be used for establishing an environmental mitigation bank. The mitigation bank also would compliment the County of San Diego’s plan for the river park in the San Luis Rey River. Staff is seeking Executive Committee support in developing a partnership with Wildlands, Inc. for the purpose of establishing a mitigation bank. The proposed contract would be presented to the Executive Committee at a future meeting.

+ 7. FY 2004 FINAL PROGRAM BUDGET (Leslie Campbell)  
APPROVE

In accordance with the requirements of interim bylaws of SANDAG, the Executive Committee is asked to recommend to the Board adoption of the FY 2004 Final Program Budget. The SANDAG bylaws require the adoption of a final budget by June 1 of each year. This final budget includes the budget of SANDAG serving as the San Diego County Regional Transportation Commission (TransNet) and the consolidation of transit planning and programming functions. This budget will have to be amended in the Fall to include the transit project development and construction responsibilities as outlined by SB 1703.

+ 8. REVIEW OF DRAFT BOARD AGENDA FOR MAY 23, 2003  
APPROVE

GARY L. GALLEGOS
Executive Director

+ next to an agenda item indicates an attachment
AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT $130,000 FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME TO ENHANCE THE HABITAT TRACKING AND REPORTING SYSTEM (HABITRAK), AMEND THE FY 2003 OVERALL WORK PROGRAM AND BUDGET, AND RETAIN CONSULTANT ASSISTANCE

Introduction

SANDAG was awarded a grant of $130,000 from the State of California Department of Fish and Game for the continued maintenance and enhancement of HabiTrak, a GIS-based habitat tracking and reporting system. HabiTrak was developed cooperatively by SANDAG, local jurisdictions, the San Diego County Water Authority, SDG&E, and the wildlife agencies (U.S. Fish and Wildlife Service and California Department of Fish and Game). It is being used by local agencies with implementing agreements to prepare annual habitat tracking reports required under the State of California’s Natural Community Conservation Planning (NCCP) program.

Therefore, it is my

RECOMMENDATION

that the Executive Committee approve Resolution 2003-37 authorizing the Executive Director to accept a $130,000 grant from the State of California Department of Fish and Game to enhance HabiTrak; to amend the FY 2003 Overall Work Program and Budget to include the additional funds; and to retain consultant assistance to make the necessary enhancements to HabiTrak.

Discussion

Many local agencies in the San Diego region have or will be preparing subarea multiple species/habitat conservation plans under the NCCP programs, which in the San Diego region include the South County Multiple Species Conservation Plan (MSCP) approved in 1997 and the Multiple Habitat Conservation Plan (MHCP) approved by the SANDAG Board in March 2003, as well as County of San Diego habitat planning efforts underway for the remainder of the region. These plans are designed for the long-term protection of plant and animal species and their habitats while allowing for economic growth and development in the region. The implementing agreements for the subarea plans entitle local agencies, rather than the state and federal wildlife agencies, to issue development permits on habitats with threatened and endangered species.

One requirement of the implementing agreements is for local agencies to use HabiTrak to prepare annual reports that show the habitat losses and gains associated with public and private development projects, and to track the assembly of the habitat preserve system. The annual reports
are used to demonstrate to the wildlife agencies that the habitat conservation goals of the subarea plans are being achieved. HabiTrak was developed to meet the standardized reporting requirements of the implementing agreements. The City of San Diego and the County of San Diego have used HabiTrak to prepare their habitat tracking reports since 1999. Other agencies will use HabiTrak once their subarea plans are approved.

The State of California Department of Fish and Game grant monies will be used to expand the operation, capabilities, and functionality of HabiTrak; for outreach, implementation, and training to other local agencies in the region as new subarea plans are approved; and to assist in its expansion and use outside the region.

GARY L. GALLEGOS
Executive Director

Key Staff Contact: Sue Carnevale, (619) 595-5381; sca@sandag.org

Funds will be Budgeted in the Overall Work Program #2.08
RESOLUTION NO. 2003-37

AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT $130,000 FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME TO ENHANCE THE HABITAT TRACKING AND REPORTING SYSTEM (HABITRAK), AMEND THE FY 2003 OVERALL WORK PROGRAM AND BUDGET, AND RETAIN CONSULTANT ASSISTANCE

WHEREAS, the State of California Department of Fish and Game has awarded SANDAG $130,000 under its Natural Community Conservation Planning Program implementing funds for the continued maintenance and enhancement of HabiTrak; and

WHEREAS, consultant services required to program additional functionality to HabiTrak will be retained for an amount not to exceed $70,000 of these funds; and

WHEREAS, SANDAG has acted as the lead agency in the coordinated development and implementation of HabiTrak; and

WHEREAS, HabiTrak requires maintenance and enhancement to support continued operation and expansion of the reporting functions; NOW THEREFORE

BE IT RESOLVED that the Executive Committee authorizes the Executive Director to accept $130,000 from the State of California Department of Fish and Game for the continued maintenance and enhancement of HabiTrak; and

BE IT FURTHER RESOLVED that SANDAG's Auditor and Controller is hereby authorized to amend the FY 2003 Overall Work Program and Budget upward in the amount of $130,000; and

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to retain consultant assistance in an amount not to exceed $70,000 to make the necessary enhancements to HabiTrak.

PASSED AND ADOPTED this 9th day of May, 2003.

_____________________________           ______________________________
CHAIRPERSON                   SECRETARY

ATTEST: _______________________

MEMBER AGENCIES: Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista, and County of San Diego.

ADVISORY MEMBERS: California Department of Transportation, Metropolitan Transit Development Board, North San Diego County Transit Development Board, Imperial County, U.S. Department of Defense, S.D. Unified Port District, S.D. County Water Authority, and Baja California/Mexico.
MEMORANDUM OF UNDERSTANDING (MOU) FOR COORDINATED LOBBYING PROGRAM

Introduction

The staff members responsible for the legislative programs at SANDAG, NCTD, MTDB, and the City of San Diego have been meeting over the last several months to come up with a plan for coordinating lobbying services so that the consultants hired to carry out advocacy for each of the parties in the area of transportation work together to present a united San Diego position and uniform goals. Under the proposed memorandum of understanding (MOU), when existing consultant contracts expire, a Request for Proposals will be issued so that there is one consultant (or team) for state and one for federal services representing all of the parties.

Therefore, it is my

RECOMMENDATION

that the Executive Committee approve the attached MOU and direct staff to proceed with obtaining the necessary signatures to implement its contents.

Discussion

The attached MOU between SANDAG, the San Diego Metropolitan Transit Development Board (MTDB), the North San Diego County Transit Development Board (NCTD), and the City of San Diego provides for affiliation between the parties for purposes of contracting for federal and state lobbying services concerning transportation. Currently, MTDB, NCTD, SANDAG, and the City of San Diego all contract for lobbying services for purposes of achieving federal and state transportation funding, and other legislative, budget and regulatory matters before Federal and State Government. The interests and goals of these four parties are all governed by the same Regional Transportation Plan and funding sources. Therefore, consolidation of lobbying services should result in a more efficient and effective regional strategy, and potentially result in cost savings for the parties.

The MOU provides that the parties will cooperate with each other and coordinate their lobbying programs and consultant services until the current contracts with their respective lobbying consultants expire. At that time, the parties will work together to competitively procure one federal and one state lobbying firm or firms to carry out their combined programs. The parties propose to share equally in the costs associated with these future contracts.

GARY L. GALLEGOS
Executive Director

Attachment

Key Staff Contact: Debra Greenfield, (619) 595-5366; dgr@sandag.org
MEMORANDUM OF UNDERSTANDING

Between the San Diego Association of Governments, San Diego Metropolitan Transit Development Board, North County Transit Development Board, and the City of San Diego regarding affiliation for Purposes of Contracting for Federal and State Lobbying Services

WHEREAS, the San Diego Metropolitan Transit Development Board (MTDB) and the North San Diego County Transit Development Board (NCTD) are in the process of consolidating their planning, programming, project development, and construction responsibilities with the San Diego Association of Governments (SANDAG) pursuant to SB 1703 (Chapter 743 of the Statutes of 2002); and

WHEREAS, at this time MTDB, NCTD, SANDAG, and the City of San Diego all separately contract for lobbying services for purposes of achieving Federal and State transportation funding, and other legislative, budget and regulatory matters before Federal and State Government; and

WHEREAS, the interests and goals of these four parties are all governed by the same Regional Transportation Plan and funding sources; and

WHEREAS, consolidation of lobbying services can result in a more coherent and effective regional strategy, and potentially result in cost savings for the parties; and

WHEREAS, one of the parties' goals in consolidating services is to reduce or at a minimum not exceed current expenditures of staff time and for administrative costs and consultant fees relating to lobbying activities on transportation programs;

NOW THEREFORE, the parties hereto enter into this MOU effective upon ratification by the governing bodies of all jurisdictions.

1. The parties agree to affiliate with each other for the purpose of contracting for federal and state lobbying services in the subject area of transportation for the San Diego region.

2. The parties' incumbent providers of lobbying services shall remain the consultants of record until the termination of their contracts, as follows:

<table>
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<th>PARTY</th>
<th>CONSULTANT</th>
<th>TYPE OF LOBBYING SERVICE</th>
<th>CONTRACT TERMINATION DATE</th>
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<tr>
<td>City of San Diego</td>
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<tr>
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<td>Federal</td>
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<td>12/31/03</td>
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<tr>
<td>MTDB</td>
<td>Walters Smith &amp; Watts</td>
<td>Federal</td>
<td>12/31/04</td>
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<td>State</td>
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<tr>
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<td>Walters Smith &amp; Watts</td>
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<td></td>
<td></td>
<td>State</td>
<td>12/31/03</td>
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3. The parties will continue to pay each of their respective consultants separately for the remainder of their applicable contract terms.
4. Until the current contracts terminate or expire, the parties agree to give their consultants overlapping assignments based on a coordinated legislative program. The parties will share all information with each other concerning assignments to their consultants via teleconferences and reports unless or until such time as the parties mutually agree to a reduction in the amount of information shared.

5. As appropriate, the parties shall choose one consultant to take the lead on each legislative task and instruct their respective consultants as to which lobbyist will take the lead on each task and the role of the remaining lobbyists in supporting and coordinating with the lead lobbyist.

6. The parties agree that the principal issues of common interest for calendar year 2003 are:
   - TEA Reauthorization
   - 2004 Federal Appropriations
   - State legislation relating to the voter thresholds for local transportation tax initiatives
   - State legislation relating to funding for transportation
   - Other state legislation relating to transportation

7. The parties agree to the Work Plan relative to these issues attached hereto as Exhibit A.

8. Nothing herein precludes MTDB and/or NCTD from hiring and utilizing consultant lobbyists as needed for work on separate transit operations-related legislation.

9. The parties agree that on or before December 31, 2003, SANDAG shall, in consultation with the other parties to the MOU, adopt a competitive procurement process that shall result in the award of new lobbying consultant contracts, as deemed advantageous by the parties to this agreement. These contracts are hereinafter referred to as the “Coordinated Lobbying Contracts.”

10. MTDB, NCTD, and the City agree to participate in the scoping, selection, and contract negotiation process carried out by SANDAG as part of the procurement process for these lobbying services.

11. SANDAG agrees to carry out the procurement process by soliciting statements of qualifications and proposals at times agreed to by the parties, utilizing its procurement processes and forms.

12. The parties agree that SANDAG shall serve as the coordinating agency for the Coordinated Lobbying Contracts. SANDAG shall monitor contract fulfillment (including compensation and administration) on the Coordinated Lobbying Contracts.

13. The parties agree to pay equally for services provided under the Coordinated Lobbying Contracts, at dates to be determined, for all amounts invoiced and approved for payment.

14. The fees paid to consultants awarded a Coordinated Lobbying Contract, including incentive performance goals, if any, will be determined by mutual agreement of the parties.
15. The terms of the Coordinated Lobbying Contracts shall call for the consultant lobbyists to be paid a monthly retainer on a fixed fee basis, plus direct expenses. SANDAG will invoice MTDB, NCTD, and the City for the monthly fixed fee amount in advance and on a monthly basis. If additional fees or direct expenses are incurred, SANDAG will invoice MTDB, NCTD, and the City for these costs within 30 (thirty) days after they are invoiced and approved. SANDAG will then pay the lobbyist within 30 (thirty) days after receiving a monthly status report and invoice from the lobbyist.

16. The Coordinated Lobbying Contracts may require the consultants to provide monthly status reports and the parties will consult with each other on any additions, reductions, or other modifications to the lobbying program as may be appropriate and the lobbyist’s scope of work shall be amended to reflect those changes agreed upon by the parties. In addition, all parties shall individually, and at their discretion jointly, confer with and be advised by the lobbyists on matters pertaining to the lobbying programs. The Coordinated Lobbying Contracts shall also require the consultants to provide an annual report that evaluates successes and progress in achieving the coordinated legislative program goals.

17. Nothing herein is intended to preclude one or more of the parties from independently hiring and funding a separate lobbying consultant for special tasks that are not part of the coordinated lobbying program.

18. The parties each agree to hold each other harmless from all claims, lawsuits, damages, judgments, loss, liability, or expenses, including attorneys’ fees, which one or more of the other parties may be subject to resulting from this MOU.

19. Consultants awarded the Coordinated Lobbying Contracts shall not be permitted to provide services to any third party that would conflict with services provided to the parties to this MOU. Additionally, lobbyists shall not be permitted to provide services to any party to this MOU that is in conflict with the interests of another party to this MOU. In the event any party requests specific services to be provided by the lobbyist and a potential conflict arises, the lobbyist shall notify the parties of the potential conflict and shall not be obligated to provide the specific services unless and until it is determined that it will not result in a conflict.

20. This MOU shall continue in effect unless and until a party to the MOU gives 60 (sixty) days written notice of its desire to withdraw from the MOU. If such notice is given, the MOU shall continue to be binding on those parties who have not formally withdrawn.

GARY L. GALLEGOS  ANDREW POAT
Executive Director    Government Relations Dept. Director
SANDAG    City of San Diego

KAREN KING  TOM LARWIN
Executive Director    General Manager
NCTD    MTDB
## EXHIBIT A - WORK PLAN

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<td>Governing Board Adoption</td>
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<td>June 2003</td>
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<td><strong>2004 FEDERAL APPROPRIATIONS REQUESTS</strong></td>
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May 5, 2003

Honorable Darrell Steinberg, Chairman
Assembly Appropriations Committee
Capitol Building, Room 4202
Sacramento, CA 95814

VIA FACSIMILE

RE: AB 361 (Kehoe) – OPPOSE UNLESS AMENDED

Dear Assembly Member Steinberg:

Assembly Member Kehoe has introduced AB 361 with the goal of building on SB 1703 (Peace) from last session. The principles embodied in the bill regarding development of a Regional Comprehensive Plan (RCP) and a potential future public vote on governance (if properly structured) are supported by SANDAG. In fact, SANDAG has already embarked on the development of an RCP with the draft plan scheduled for completion in December of this year. As with many legislative proposals “the devil is in the details.” SANDAG and Assembly Member Kehoe are working together in good faith to attend to those details and build a strong consensus in order to move the bill forward with regional and local government support. However, the SANDAG Board of Directors is concerned enough about the disparity in our approaches to these matters that they have acted to oppose the bill unless it is amended to reconcile our differences. The following amendments are requested:

- Provide an identified funding source for all mandates in the legislation. Those unfunded mandates and their estimated costs are as follows:

  1. Section 132360. Regional Comprehensive Plan. Initial plan $2.7M, updates every three years $1.5-2.5M.
  2. Section 132360.2. Performance Standards and Measures. $100,000 per year.
  3. Section 132360.6. Review by all 19 Member Agencies. $250,000-350,000 per year (total).
  4. Section 132352.6 (d). Costs of election. $200,000 (for a Nov. general election in presidential year) - $2-2.5M (special election).

- Adjust the timing of the LAO report so that it comes after SANDAG’s initial report to the legislature. The initial SANDAG report would be a progress report on the implementation of consolidation.
• Revise language establishing the linkage between the RCP and Regional Transportation Plan (RTP) so that they effectively work together to accomplish land use and transportation objectives and encourage the provision of financial incentives to implement the RCP.

• Specify that there will be a public vote required to make effective any legislation enacted to change the governance structure of the consolidated agency from local elected officials of city and county government to any other governance structure (e.g. directly elected).

• Retain the principle that the bill does not usurp local land use control.

• Refine the public participation process for the RCP to ensure that public input is taken into consideration and responded to during the development of the plan.

SANDAG looks forward to working with the author on these changes in order to produce a consensus bill that we can wholeheartedly support.

Sincerely,

GARY L. GALLEGOS
Executive Director

GG/DG/jdk

cc:  Honorable Christine Kehoe
     San Diego Legislative Delegation
     Steve Archibald, Prnc. Consultant
     Bob Wilson
LEGISLATIVE UPDATE: AB 1279 (HORTON)

Introduction

Assemblymember Horton has introduced AB 1279 as a two-year bill based on her knowledge and discussions with staff about the future need for the state to allow implementation of Managed/High Occupancy Vehicle lane (HOV) projects that would allow single occupant vehicles (SOVs) to operate in underutilized HOV lanes on the state highway system (similar to the current I-15 FasTrak™ program). The 2030 Regional Transportation Plan (RTP) calls for such facilities to be implemented on Interstates 5, 15, and 805 and on a portion of State Route 52.

Therefore, it is my

RECOMMENDATION

that the Executive Committee agree to sponsor AB 1279.

Discussion

High Occupancy Toll (HOT) Lanes

The 2030 RTP, MOBILITY 2030, includes plans for high occupancy toll or “HOT” lanes on our major north-south freeways (I-5, I-15, and I-805) as well as on SR 52 from I-15 to SR 125. These facilities will be limited access lanes in which carpools, vanpools, and buses have first priority and travel for free, while other vehicles gain access by paying a fee. The lanes will be managed through variable pricing to maintain free flow conditions.

The expansion of HOT lanes builds upon the success of the I-15 FasTrak program, which has been operating since 1996 on the I-15 Express Lanes from the I-15/SR 163 junction to SR 56. The award winning program uses electronic toll collection (ETC) technology to vary solo driver fees in real-time. The state law which authorizes the I-15 FasTrak program requires that the net revenues generated by the program be used to improve transit and carpool services in the I-15 corridor. The program revenues currently fund the Inland Breeze express bus service in the corridor.

While state and federal law currently permit the HOT lanes on I-15 (including the expansion of FasTrak to the full I-15 Managed Lanes project from I-15/SR 163 to SR 78), state legislation is needed in order to expand the concept to other planned corridors. The 2030 RTP assumes that the net revenues generated by expansion of HOT lanes would be used for transit service in the same
corridors. Implementation of HOT lanes would provide another source of operating funds for the extensive transit service improvements envisioned in the 2030 RTP.

Support for the Bill

Caltrans support will be instrumental in obtaining passage of the bill. SANDAG will work with District 11 and headquarters to develop consensus. Other regional transportation agencies have already expressed an interest in the passage of the bill. There also is broad support for advancing HOT lanes from environmental and public policy organizations that are advocates for value pricing programs/projects.

GARY L. GALLEGOS
Executive Director

Key Staff Contact: Kim Kawada, (619) 595-5394; kka@sandag.org
NEW AND UPDATED GENERAL POLICIES OF THE CONSOLIDATED AGENCY

Introduction

In January, 2003 the Board approved the following Board policies:

1. Operations Policy for New Agency
2. Policies and Procedures for Policy Advisory Committees
3. Investment Policy

Recently, as part of the transition process, staff has reviewed the board policies in effect at SANDAG, MTDB and NCTD to determine whether additional new policies or updated policies should be adopted for purposes of consistency and preparedness. As a result of this review, staff has prepared the following revised or new Board Policies in the following subject areas: Rules of Procedure for the Board of Directors and Committees; Sponsorship of Events; Proclamations; Equal Employment Opportunity Program; Legal Matters; Discrimination Complaint Procedures; Taking Positions on Ballot Measures; Travel Expenses; and Local Technical Assistance. Additionally, the following policies, which have been previously adopted by the Board in a different format, are included with this report so that all of the Board Policies can be documented and referenced more easily: Conflict Resolution Procedure; Environmental Quality; and Records Management.

The Executive Committee should review and comment on the attached proposed Board Policies, which will be brought back to the Committee in June for approval.

Discussion

A description of each proposed policy follows. Key points of the respective policies are discussed below and highlighted in the attached full text of each policy.

Revised/New Policies

Board Policy 4 – Rules of Procedure for the Board of Directors and Committees

This policy is intended to define and clarify Rules of Procedure for the Board and incorporate them in Board policy. Highlights of this policy included procedures concerning passage of ordinances, public comment periods, Board and committee member standards of conduct, and criteria for selection of additional advisory members.
Board Policy 5 – Sponsorship of Events

The purpose of this policy is to provide criteria to assist the Chair in deciding whether to accept or deny sponsorship and/or co-sponsorship requests.

Board Policy 6 – Proclamations

The purpose of this policy is to provide criteria to assist the Chair in determining whether an official SANDAG proclamation is appropriate. This policy is intended to establish guidelines for the issuance of formal recognition in support of a particular event, program or cause, or recognition of a particular group or individual.

Board Policy 7 – Equal Employment Opportunity (EEO) Program

The purpose of this policy is to establish an equal employment opportunity program for employees and contractors.

Board Policy 8 – Legal Matters

This policy establishes procedures for the filing of claims and institution of claims and lawsuits, for obtaining the review and concurrence or comment from the Office of General Counsel on all requests to the Board for authority to file lawsuits in court, and for handling process servers or individuals serving other legal documents.

Board Policy 9 – Discrimination Complaint Procedures

This policy is intended to establish a procedure under which complaints alleging discrimination in SANDAG’s provision of services or SANDAG activities can be made by persons who are not employees of SANDAG.

Board Policy 10 – Taking Positions on Ballot Measures

The purpose of this policy is to provide criteria for use by the Board and Executive Committee to determine what position SANDAG should take on ballot measures.

Board Policy 11 – Travel Expenses

This policy is intended to establish a basis for budgeting Board member and employee attendance at conferences and provide guidelines for Board members and employees who have been approved to travel on behalf of SANDAG. The policy provides guidance regarding appropriate types of travel expenses for both out of town and local travel.

Board Policy 12 – Local Technical Assistance (LTA)

This policy establishes the purpose of the LTA program and the procedures for using the program by member agencies. Minor revisions have been made to specifically address LTA services to advisory members.
Existing Policies

Board Policy 13 – Conflict Resolution Procedure

This policy is intended to provide member agencies with a working knowledge of dispute resolution options, to provide information on the methods and techniques of resolving disputes that require neutral intervention, and to reduce the frequency of unresolved disputes between public agencies.

Board Policy 14 – Environmental Quality

Section 21082 of California Environmental Quality Act (CEQA) requires SANDAG to adopt objectives, criteria and procedures for the evaluation of public and private projects undertaken or approved by SANDAG, and the preparation, if required, of environmental impact reports in connection with that evaluation. This policy is intended to record SANDAG’s adoption of updated local guidelines for implementing CEQA and to make those guidelines consistent with the current provisions and interpretations of CEQA.

Board Policy 15 – Records Management

These procedures are intended to ensure the safekeeping of SANDAG records with administrative, legal, fiscal, programmatic or historical value; provide ease of access to SANDAG records by staff; provide ease of access to SANDAG records by members of the public in accordance with SANDAG’s Public Records Request Guidelines; and provide the necessary guidance to ensure proper records management, including retention and disposition.

GARY L. GALLEGOS
Executive Director

Attachments

Key Staff Contact: Julie D. Wiley, (619) 595-5647; jwi@sandag.org
RULES OF PROCEDURE FOR BOARD OF DIRECTORS AND COMMITTEES

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

1. **Ordinances**

   1.1 Every ordinance shall be signed by the Chair of the Board and attested by the Clerk of the Board.

   1.2 Upon the passage of an ordinance, the votes of the Board members 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 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 to be published at least once in a newspaper of general circulation in the Board’s area of jurisdiction.

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

      1.5.1 The Board may publish 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 Board meeting at which the proposed ordinance or amendment is to be adopted. Within fifteen (15) days after adoption of the ordinance or amendment, the Board shall publish a summary of the ordinance or amendment with the names of the Board 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 Board 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 so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the Board’s area of jurisdiction shall be published at least five (5) days prior to the Board 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 Board members voting for and against the ordinance amendment.

1.6 Ordinances and amendments shall take effect thirty (30) days after their final passage. Except that, if 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, the ordinance or amendment will take effect immediately.

2. Public Comment

2.1 Persons wishing to provide comment or testimony shall be permitted to address the Board or 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.

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

3. **Board and Committee Member Standards of Conduct**

3.1 This policy shall be supplemental to SANDAG’s Conflict of Interest Code and is not intended to supercede such Code or any provisions thereof.

3.2 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” shall be read to include all Board members, including ex officio members and alternates.

3.3 Board members shall not engage in any business or transaction or have a financial or other personal interest, actual, potential, or apparent, which 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.

3.4 No Board member shall engage in any enterprise or activity that will result in any of the following:

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

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

3.4.3 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.

3.4.4 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.

3.4.5 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.

3.4.6 Engaging in or accepting private employment or rendering services for private interest, direct or indirect, which may conflict with the member’s responsibility or duty, or which, because of the member’s position, may
influence a decision to the benefit of the organization in which the member has an interest.

3.4.7 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.

3.4.8 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 not present 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.

3.4.9 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.

3.4.10 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 disclosures is mandated by law or the Board authorizes such disclosure by the affirmative vote of a majority of the Board.

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

3.4.12 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.

3.4.13 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. **Additional Advisory Membership on Board**

4.1. From time to time, the Board may determine it is in SANDAG’s best interest to supplement the Board with additional members that can provide beneficial advice and information to the Board on matters of interest to the region.

4.2. The criteria for selection of additional advisory members shall be as follows:

4.2.1. Agency/group has land use or eminent domain authority;

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

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

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

4.2.5. Agency/group is able to agree on the form of representation and who will represent it.
SPONSORSHIP OF EVENTS

The purpose of this policy is to provide criteria to assist the Chair in deciding whether to accept or deny sponsorship and/or co-sponsorship requests.

SANDAG continues to gain visibility and notoriety in communities throughout the region. As more private and public organizations, businesses and individuals use our information, requests for SANDAG event sponsorship and/or co-sponsorship have increased.

Procedures

1. Consistent with Article V, Section 2 of the SANDAG Bylaws the Chair will apply the criteria in this policy when SANDAG considers requests for event sponsorship and/or co-sponsorship so long as the cost of the sponsorship is less than $5,000 and adequate funds are available in the SANDAG budget. When sponsorship costs are expected to exceed $5,000 the decision to sponsor an event is subject to Board approval.

2. The criteria for approval are separated into two categories that can be used in determining the potential for SANDAG sponsorship of public workshops, summits, planning meetings, community, civic and business forums, and other special events.

   2.1 Substantive Criteria

   2.1.1 The subject matter of the event is within SANDAG's purview and will have regional significance.

   2.1.2 The subject of the event or position that results from the event will be consistent with SANDAG adopted policy.

   2.1.3 The subject of the event or position that results from the event will not conflict with the authority of any SANDAG member agency.

   2.2 Procedural Criteria

   2.2.1 The event's agenda, program, and supporting materials must be provided, reviewed and be in accordance with this policy.

   2.2.2 An explicit definition of SANDAG's commitment to the event (speakers, logistics, funding, indirect support) must be known and considered.

   2.2.3 The status of other participants' and/or stakeholders' commitments must be determined prior to a decision concerning sponsorship.

3. All requests for sponsorship will be documented in a memo from the Executive Director to the Chair and will require Chair approval.
PROCLAMATIONS

The purpose of this policy is to provide criteria to assist the Chair in determining whether an official SANDAG proclamation is appropriate. This policy is intended to establish guidelines for the issuance of formal recognition in support of a particular event, program or cause, or recognition of a particular group or individual.

From time to time SANDAG receives requests for proclamations that could be considered controversial. Therefore, SANDAG is in need of a policy for the issuance of proclamations to provide guidance to the SANDAG Chair to assist in determining when a proclamation or other formal recognition is appropriate.

Procedures

1. Consistent with Article V, Section 2 of the SANDAG Bylaws, the Chair will apply the criteria in this policy when SANDAG considers whether issuance of a proclamation is appropriate.
2. The Chair may consider and approve of a proclamation, plaque or certificate of appreciation for any event, group or individual, as long as the request meets at least one of the following general criteria:

   2.1 Events

   2.1.1 The subject matter of the event is within SANDAG’s purview and will have regional significance.
   2.1.2 The subject of the event or position that results from the event will be consistent with SANDAG adopted policy.
   2.1.3 The subject of the event or position that results from the event will not conflict with the authority of any SANDAG member agency.
   2.1.4 The event’s agenda, program, and supporting materials must be provided, reviewed and be in accordance with this policy.

   2.2 Groups or Individuals

   2.2.1 The accomplishments or activities of the group or individual have a regional appeal and promote positive quality of life activities taking place in the San Diego region, which are within SANDAG’s purview.
   2.2.2 The accomplishments or activities of the group or individual concern issues of widespread regional interest, with a primary emphasis on SANDAG’s goals, programs, or policies.
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM

The purpose of this policy is to establish an equal employment opportunity program for employees and contractors.

Federal regulations require the adoption of an Equal Employment Opportunity (EEO) Program as a condition of receipt of federal funds. SANDAG’s Administrative Rules & Regulations mandate equal employment opportunities in recruitment, hiring, and employment for applicants to, and employees of, SANDAG. SANDAG also has separate written policies which forbid discrimination and provide grievance procedures for employees and visitors to SANDAG who believe they have been a victim of discrimination. In addition, SANDAG incorporates an EEO requirement in its contracts with third parties.

Procedures

1. EEO Program

   1.1. It is the policy of SANDAG to recruit, hire, train, and promote all applicants and employees in accordance with Title VII of the Civil Rights Act of 1964, as amended. SANDAG will ensure that recruiting, selecting, hiring, and promoting procedures do not adversely affect the employment of persons protected by Title VII and, in addition, that all SANDAG hiring and promoting criteria, requirements, and tests are job-related. Unless impracticable, SANDAG will adhere to the affirmative action provisions of Executive Order 11246, the Equal Employment Opportunity Guidelines, and all other applicable standards for affirmative action, taking into account its present size and expected growth.

   1.2. It is SANDAG’s policy to assure that discrimination based on race, color, religion, ancestry, national origin, gender, age (over 40 years), marital status, medical condition, sexual orientation, or disability does not occur in relationships that may exist between SANDAG and any employee or applicant for employment. Such relationships include, but are not limited to, recruitment, hiring, promotion, compensation, benefits, terminations, transfers, layoffs, recalls, or SANDAG-sponsored training, education, or social and recreational programs.

   1.3. It is SANDAG’s policy to require the contractors and consultants that it contracts with to have EEO policies in place that forbid discrimination in violation of Title VII.
1.4. SANDAG maintains a Disadvantaged Business Enterprises (DBE) Program that is approved annually by the California Department of Transportation. The DBE Program sets forth annual goals for participation by DBE businesses.

1.5. Responsibility for implementation of the EEO Program is assigned to the Office of General Counsel. All management personnel within SANDAG are expected to support and implement this EEO Program in performance of their job duties and responsibilities. Any employee or applicant who feels they have been discriminated against, has a right to file a complaint under SANDAG’s policies.

1.6. When developing and implementing its employment and contracting policies, SANDAG will base its decisions solely on the individual’s qualifications and merit, and the feasibility of any necessary accommodations.

2. Procedures

2.1. The Office of General Counsel will review employment statistics annually to determine whether there is a need to set goals for any under-represented groups and then recommend goals to the Executive Director if necessary.

2.2. The Executive Director will approve or disapprove the Office of General Counsel’s recommendation(s) at his/her discretion.

2.3. The Administrative Services Manager will update lists of women’s and minority media, community organizations, and college minority placement offices as needed, for the use of SANDAG’s staff in recruiting for employees, interns, consultants, and contractors.

2.4. The Administrative Services Manager will communicate this EEO Program to all employees.

2.5. SANDAG staff will solicit community involvement by under-represented groups on issues of importance to the region that fall within its jurisdiction.

2.6. All of SANDAG’s requests for proposals, requests for qualifications, and invitations for bids will contain language encouraging participation by DBE consultants, contractors, and subcontractors.

2.7. Consultants and contractors awarded contracts with DBE Program goals will be required to submit Employment Utilization Reports with their invoices and/or a DBE Final Utilization Report with their final invoice.

2.8. The Administrative Services Manager will maintain a record on each job applicant, each promotional opportunity, and employee termination data, which documents whether the affected individuals are in a class protected by Title VII.
2.9. In January of each year, the Board of Directors will review an EEO report prepared by the Administrative Services Manager, which covers the preceding year. The report will include employment results, DBE Program results, and a review of EEO Program goals for the upcoming year.

2.10. This EEO Program will be posted in the employee lounge and will be incorporated into SANDAG’s employee Web site.

2.11. All employment ads will contain the following language: “SANDAG is an Equal Employment Opportunity Employer.”

2.12. Required federal and state posters concerning EEO will be displayed in the employee lounge.

2.13. All successful consultants and contractors will be notified of their obligations under the EEO Program in their contracts with SANDAG.
LEGAL MATTERS

To establish procedures for the filing of claims and institution of claims and lawsuits, for obtaining the review and concurrence or comment from the General Counsel on all requests to the Board for authority to file lawsuits in court, and for handling process servers or individuals serving other legal documents.

Under Public Utilities Code section 132354(a), SANDAG can sue or be sued. All claims for money or damages against SANDAG are governed by Part 3 (commencing with section 900) and Part 4 (commencing with section 940) of the Government Code (the Tort Claims Act). Government Code section 935 authorizes SANDAG to adopt local claims procedures for claims that are not governed by any other statutes or regulations. From time to time it may be necessary for SANDAG to initiate litigation in order to resolve issues of significant concern to SANDAG. The Board desires to have the concurrence or written review from the General Counsel relative to the merits of such lawsuits prior to their consideration by the Board. For these reasons, it is necessary to establish these procedures.

Procedures

1. Claims and Actions Against SANDAG

Any and all claims for money or damages against SANDAG must be presented to, and acted upon, in accordance with the following procedures. Compliance with these procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and the claims procedures set forth in Government Code 900 et seq.

1.1. Form of Claims

All claims must be presented to SANDAG using the form entitled “Claim Against SANDAG” available on SANDAG’s Web site or upon request.

1.2. Time Limitations

1.2.1. Claims for money or damages relating to a cause of action for death, injury to person or personal property, or growing crops, shall be presented to the Board not later than six (6) months after the accrual of the cause of action (Government Codes 905, and 911.2).

1.2.2. Claims for money or damages as authorized in Government Code 905 that are not included in Paragraph 1 above shall be filed not later than one year
from the date the cause of action accrues (Government Codes 905 and 911.2).

1.2.3. Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than six (6) months after the accrual of the cause of action (Government Codes 905, 911.2, and 935).

1.3. Late Claims

1.3.1. Claims under "Time Limitations" Paragraphs 1.2.1 and 1.2.3 above, which are filed outside the specified time limitations, must be accompanied by an application to file a late claim. Such claim and application to file a late claim must be filed not later than one year after the accrual of the cause of action. If a claim is filed later than the specified time limitation and is not accompanied by an application to file a late claim, the Board or Executive Director may, within forty-five (45) days, give written notice that the claim was not filed timely and that it is being returned without further action.

1.3.2. The application shall state the reason for the delay in presenting the claim. The Board shall grant or deny the application within forty-five (45) days after it is presented. By mutual agreement of the claimant and the Board, such forty-five (45) day period may be extended by written agreement made before the expiration of such period. If the Board does not take action on the application within forty-five (45) days, it shall be deemed to have been denied on the forty-fifth (45th) day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement.

1.3.3. If the application to present a late claim is denied, the claimant shall be given notice as required by Government Code section 911.8 (Government Codes 911.3, 911.4, 911.6, 911.8, 912.2, and 935).

1.4. Delivery and Form of Claim

1.4.1. A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the office of the Executive Director or deposited in a post office, sub-post office, substation, or mail chute or other like facility maintained by the U.S. Government in a sealed envelope properly addressed to SANDAG’s offices with postage paid (Government Codes 915 and 915.2).

1.4.2. Claims must contain the information set forth in Section 910 and 910.2 of the Government Code (Government Codes 910, 910.2, and 910.4).

1.5. Notice of Claim Insufficiency

The Executive Director shall cause all claims to be reviewed for sufficiency of information. The Executive Director or designee may, within twenty (20) days of
receipt of claim, either personally deliver or mail to claimant a notice stating deficiencies in the claim presented. If such notice is delivered or sent to claimant, the Board shall not act upon the claim until at least fifteen (15) days after such notice is sent (Government Codes 910.8, and 915.4).

1.6. Amendments to Claim

Claims may be amended within the above time limits or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim.

1.7. Action on Claim

1.7.1. If the Board acts properly to reject the claim, the claimant has only six (6) months from such rejection to institute a lawsuit. If the Board takes no action, the claim is deemed rejected after forty-five (45) days, but the claimant has two (2) years to institute a suit against the SANDAG. The notice of rejection must comply with requirements of Government Code 913 unless the claim has no address on it.

1.7.2. If the claim is filed late and not accompanied by an application to file a late claim, then the Board or its agent must notify the claimant that no action was taken due to the claim being filed late.

1.7.3. Within forty-five (45) days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement before the expiration of the forty-five (45) day period or before legal action is commenced or barred by legal limitations. The Executive Director or designee shall transmit to the claimant a notice of action taken. If no action is taken by the Board, the claim shall be deemed to have been rejected (Government Code 945.6).

1.7.4. The Board delegates to the Executive Director the authority to take action on claims under one hundred thousand dollars ($100,000) (Government Code 935.4).

1.8. Retroactivity of This Policy

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages. Any claim filed later than twelve (12) months following accrual of the cause of action is barred, regardless of whether the cause of action accrued before the effective date of this policy. (First Adopted by Board Resolution March 22, 2002.)

2. Claims & Actions Initiated by SANDAG

It is the policy of the Board that except as may be otherwise determined by the Board, prior to Board authorization and direction to the General Counsel to file a lawsuit in court, the
General Counsel shall be consulted as to the merits of such a lawsuit. Any request or recommendation for authorization and direction from the Board to the General Counsel to file a lawsuit in court shall be accompanied by written views of the General Counsel with regard to the merits of the case, provided however, that the General Counsel may, in lieu of such written concurrence or written views, request that the matter be discussed with the Board in Closed Session. As part of this attorney-client review, all requests or recommendations on potential lawsuits will be reviewed for comment by the Executive Director prior to being submitted to the General Counsel.

3. Legal Counsel for SourcePoint

SANDAG shall provide legal counsel to SourcePoint to the extent time allows, and as long as no potential conflict of interest exists. In general, SANDAG’s General Counsel should ensure consistent legal treatment of all matters. In areas involving a need for special expertise, substantial time commitments, or separate counsel, SANDAG, on behalf of SourcePoint, may contract with an outside firm and SourcePoint will pay for those services out of its own funds. Such contracts shall be reported to the SANDAG Board.

4. Acceptance of Garnishments, Wage Attachments, Summons & Complaints

4.1. SANDAG’s General Counsel or Deputy General Counsel will accept service of a summons and complaint upon SANDAG and/or any Board members being sued in his or her official capacity as a member of SANDAG’s Board of Directors.

4.2. In compliance with California Civil Code of Procedure 415.20, SANDAG will also accept service of a summons and complaint upon one of its employees at its offices under the substituted services of process method provided for in that statute.

4.3. Whenever SANDAG, as employer, is served with a garnishment and wage attachment, the server should be instructed to present such document to SANDAG’s General Counsel or Deputy General Counsel.
CLAIM AGAINST SANDAG

TIME & DATE RECEIVED STAMP:

Received by – via ______ U.S. Mail ______ Inter-Office Mail ______ Over the Counter

File No.______________________

A claim must be presented to the SANDAG General Counsel not later than six (6) months after the date of the incident or event. Where space is insufficient, please use additional paper and identify information by paragraph number. Completed claims must be presented to: SANDAG, Attention: General Counsel, 401 B Street, Suite 800, San Diego, CA 92101.

TO THE HONORABLE BOARD OF DIRECTORS OF THE SAN DIEGO ASSOCIATION OF GOVERNMENTS:

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

1. NAME OF CLAIMANT: ____________________________________________
   ADDRESS OF CLAIMANT: __________________________________________
   PHONE NO.: HOME WORK
   DATE OF BIRTH: _______________________
   SOCIAL SECURITY NO.: _______________________
   DRIVER'S LIC. NO.: _______________________

2. Name, telephone and post office address to which claimant desires notices to be sent if other than above:

3. Occurrence or event from which the claim arises:
   a. DATE: _______________________
   b. TIME: _______________________
   c. PLACE (exact and specific location):
   d. Specify the circumstances of the occurrence, event, act or omission which you claim caused the injury, damage or loss. (use additional paper if necessary):
   e. State how or in what manner SANDAG or its employees were at fault:
4. Give a description of the injury, property damage or loss incurred so far as is known at the time of this claim. If there were no injuries, state "no injuries." (If your claim involves a vehicle, include license, year, make and model.)

5. Give the name(s) of the SANDAG employee(s) causing the injury, damage or loss, if known:

6. Name and address of any other person injured:

7. Name and address of the owner of any damaged property:

8. Damages claimed:
   a. Amount claimed as of this date: $ ____________________
   b. Estimated amount of any future costs: $ ____________________
   c. Total amount claimed: $ ____________________
   d. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.):

9. Names and addresses of all witnesses, hospitals, doctors, etc.

10. Any additional information that might be helpful in considering claim:

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM
(Penal Code § 72; Insurance Code § 556.1)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this day of ____________________ 20__ at_________________________________________________

Claimants Signature:__________________________________________________________________________
DISCRIMINATION COMPLAINT PROCEDURES

This policy is intended to establish a procedure under which complaints alleging discrimination in SANDAG’s provision of services or SANDAG activities can be made by persons who are not employees of SANDAG.

It is SANDAG policy to comply with state and federal laws and regulations including the Americans with Disabilities Act of 1990 (ADA), Title VI of the Civil Rights Act of 1964 (Title VI) and other federal and state discrimination laws. SANDAG prohibits discrimination by its employees, contractors and consultants. The responsibility for the implementation of the discrimination complaint procedures is assigned to the Office of General Counsel. SANDAG does not discriminate on the basis of race, color, sex, creed, religion, national origin, age, marital status, ancestry, medical condition, disability, or sexual orientation in conducting government business. Persons who believe they have been subjected to discrimination or have been denied access to services or accommodations required by law, have the right to use this grievance procedure.

Procedures

1. **Applicability**

   This complaint procedure is applicable to all persons who are not employees of SANDAG. This includes, but is not limited to, visitors to SANDAG, members of the public viewing SANDAG publications, Board, committee, and working group members, vendors, or any other person transacting business with SANDAG or using SANDAG’s services. In general, it is designed to address disputes concerning the following:

   1.1. Disagreements regarding a requested service, accommodation, or modification of a SANDAG practice or requirement.

   1.2. Inaccessibility of a program, publication, or activity.

   1.3. Harassment or discrimination on the basis of disability.

   1.4. Violation of privacy in the context of disability.

2. **Compliance Officer**

   SANDAG’s Office of General Counsel is responsible for administering this complaint procedure as well as ensuring compliance with applicable laws. The Office of General Counsel can be contacted at: (619) 595-5300 (Voice), (619) 595-5393 (TTY), Fax (619) 595-5625.
3. **Preliminary Review Process**

3.1. Informal Resolution - Prior to initiating the formal complaint procedure set forth below, and as a prerequisite to it, the complaining party shall contact the Compliance Officer for assistance in resolving the matter informally within fifteen (15) calendar days of the time the grievant became aware of the SANDAG act or omission that is the subject of the complaint. If the Compliance Officer is not successful in quickly achieving a satisfactory resolution (that is, generally within approximately thirty (30) calendar days), the Compliance Officer will take the steps described in subparagraph "3.2." below.

3.2. Review Panel - The Compliance Officer will convene an ad-hoc review panel to review the issue(s) raised. The panel will consist of the following (or their designees): the Compliance Officer, a member of the management staff, a Chief Deputy Executive Director, and (depending upon the issues) such other personnel as may be appropriate. This panel will review the request, investigate and attempt to resolve the issues within approximately thirty (30) calendar days of the request for or initiation of a second review. No formal report need be issued by the panel, but the panel will document the outcome of its review in a letter to the complaining party. If the complaining party is not satisfied with the panel's disposition of the matter, the complaining party may file a formal complaint in accordance with the procedure described below.

4. **Formal Complaint**

If the procedure set forth above for preliminary review does not yield a successful resolution, then the complaining party may file a formal complaint in the following manner:

4.1. When To File Complaint - Complaints must be in writing and must be filed within ten (10) calendar days of the end of the preliminary review process described above.

4.1.1. What To File - A complaint must be in writing and include the following:

4.1.2. The complaining party's name, address, e-mail address and phone number;

4.1.3. A full description of the problem;

4.1.4. A statement of the remedy requested; and

4.1.5. A copy of the letter from the Review Panel setting forth the outcome of the preliminary review procedure described above.

4.2. Where To File Complaint - The complaint shall be filed with the Compliance Officer at SANDAG, 401 B Street, Suite 800, San Diego, CA 92101; Fax number (619) 595-5625.
4.3. Notice of Receipt - Upon receipt of the complaint, the Compliance Officer will review the complaint for timeliness and appropriateness for this grievance procedure, and will provide the complaining party with written notice acknowledging its receipt.

4.4. Investigation - The Compliance Officer or his or her designee shall promptly initiate an investigation. In undertaking the investigation, the Compliance Officer may interview, consult with and/or request a written response to the issues raised in the complaint from any individual the Compliance Officer believes to have relevant information, including staff and members of the public. The Compliance Office also may hold an informal hearing at his or her discretion.

4.5. Representation - The complaining party and any party against whom the grievance is directed shall have the right to have a representative. The party shall indicate whether he or she is to be assisted by a representative and, if so, the name of that representative. For purposes of this procedure, an attorney is not an appropriate representative.

4.6. Findings And Notification - Upon completion of the investigation, the Compliance Officer will prepare and transmit to the complaining party, and to any party against whom the complaint is directed, a final report containing a summary of the investigation, written findings and a proposed disposition. This transmission will be expected within forty-five (45) calendar days of the filing of the formal complaint. The deadline may be extended by the Compliance Office for good cause. The final report shall also be provided, where appropriate, to any person whose authority will be needed to carry out the proposed disposition or to determine whether any personnel action is appropriate.

4.7. Final Disposition - The disposition proposed by the Compliance Officer shall be put into effect promptly. The complaining party or any party against whom the complaint or the proposed disposition is directed may appeal. The appeal to the Executive Director (as set forth below) will not suspend the implementation of the disposition proposed by the Compliance Officer, except in those circumstances where the Executive Director decides that good cause exists making the suspension of implementation appropriate.

5. Urgent Matters

Whenever the application of any of the time deadlines or procedures set forth in this complaint procedure creates a problem due to the nature of the complaint, the urgency of the matter, or the proximity of an upcoming event, the Compliance Officer will, at the request of the complaining party, determine whether an appropriate expedited procedure can be fashioned.

6. Remedies

Possible remedies under this complaint procedure include corrective steps, actions to reverse the effects of discrimination or to end harassment, and measures to provide a reasonable
accommodation or proper ongoing treatment. As stated above, a copy of the Compliance Officer's report may, where appropriate, be sent to appropriate persons to determine whether any personnel action should be pursued.

7. Appeal

7.1. Within ten (10) calendar days of the issuance of the final report, the complaining party or any party against whom the complaint is directed may appeal to the Executive Director the Compliance Officer's determination.

7.2. An appeal is taken by filing a written request for review with the SANDAG Executive Director, SANDAG, 401 B Street, Suite 800, San Diego, CA 92101; Fax (619) 595-5625.

7.3. The written request for review must specify the particular substantive and or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the proposed disposition. Furthermore, the appeal must be directed only to issues raised in the formal complaint as filed or to procedural errors in the conduct of the complaint procedure itself, and not to new issues.

7.4. The review by the Executive Director or his or her designee normally shall be limited to the following considerations: Were the proper facts and criteria brought to bear on the decision? Were improper or extraneous facts or criteria brought to bear on the decision that substantially affected the decision to the detriment of the complaining party? Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the complaining party? Given proper facts, criteria, and procedure, was the decision one that a person in the position of the decision-maker might reasonably have made?

7.5. A copy of the Executive Director's written decision will be expected within thirty (30) calendar days of the filing of the appeal and shall be sent to the parties, the Compliance Officer and, if appropriate, to persons whose authority will be needed to carry out the disposition. The deadline may be extended by the Executive Director for good cause. The decision of the Executive Director on the appeal is final.

8. Confidentiality

SANDAG will take reasonable measures to protect the privacy of the complaining party and those individuals who may be the subject of a complaint. SANDAG cannot guaranty privacy, however, particularly if disclosure is necessary for a complete investigation or is required by law.
TAKING POSITIONS ON BALLOT MEASURES

The purpose of this policy is to provide criteria for use by the Board and Executive Committee to determine what position SANDAG should take on ballot measures.

It is difficult to categorize or predict what propositions will be placed on the ballot at future elections. Such measures are highly varied in their content, scope and impacts. It is easier, however, to determine which propositions relate to SANDAG’s roles and responsibilities.

Procedures

1. The following criteria shall be applied to ballot propositions to be considered by the Board and Executive Committee:

   1.1 The proposition should be on the statewide or countywide ballot;

   1.2 The proposition should not result in usurpation of the authority of any member agency, unless such member agency is on record in support of the proposition;

   1.3 The subject matter of the proposition should be within SANDAG’s purview; and

   1.4 The subject matter of the proposition should have potential for substantial regional impact.

2. The Board or Executive Committee shall review the proposition for compliance with these criteria. Then, if the criteria are satisfied, the Board or Executive Committee may consider whether a position should be taken. The Board or Executive Committee may direct staff to provide an analysis of the impacts of the measure and information on pro and con positions prior to taking any action.
TRAVEL EXPENSES

This policy is intended to establish a basis for budgeting Board member and employee attendance at conferences, training, seminars, or other meetings and provide guidelines for Board members and employees who have been approved to travel on behalf of SANDAG.

It is desirable and beneficial to SANDAG and its constituents to have Board members and employees participate in state and national activities, training, and conferences related to SANDAG’s subject matter jurisdiction.

Procedures

1. **Budgeting**

   1.1 Each year the Executive Director will survey the Board and committee (Board) members to ascertain their interest in attending upcoming conferences and meetings. These conferences may include legislative and annual meetings for the California Transit Association, the American Public Transit Association, and the Association of Metropolitan Planning Organizations, as well as California Transportation Commission meetings and legislative hearings. The Chair of the Board will make the final decision regarding who should attend all conferences and meetings. Upon return, Board members will be asked to present their experiences to the Board in order to share the knowledge obtained from their attendance.

   1.2 Employees also may attend conferences related to their respective disciplines. Each year, the department directors will submit a list of desired conferences and other meetings to be attended to the Executive Director. The Executive Director will make the final decision regarding which employees should attend conferences and meetings within the adopted budget. Upon return, employees will submit a report to their director in order to share the knowledge obtained from their attendance.

   1.3 Board member and employee attendance will be funded in the annual budget subject to the availability of funds and based on the results reported by previous attendees. As part of the budgeting process, the Executive Director or his/her designee will set objectives to ensure minimum representation at key conferences, and to make sure that cumulative attendance by Board members and employees at any one conference is not excessive.

   1.4 The number of Board members or committee members attending any conference or meeting should not exceed a quorum unless this provision is specifically waived by the Board after seeking advice from legal counsel.
1.5 Basic travel arrangements for flights, hotels, and rental cars will be made by the Clerk of the Board or other designated staff. Board members and employees are responsible for contacting the Clerk of the Board or the designated staff if itinerary changes are needed. Board members or employees desiring different travel arrangements will contact the Clerk of the Board or other designated staff to place her/him on notice and will be financially responsible for any costs over and above those determined by SANDAG's travel agent for the basic trip.

1.6 If a Board member or employee initiates a change in travel plans that is not due to a medical/death emergency by the Board member or employee, or his/her immediate family, then the Board member or employee will be responsible for the cost impacts of those changes.

1.7 Employees must fill out a travel request form prior to traveling out of San Diego County on SANDAG business. The Overall Work Program code, purpose of travel, and trip budget must be filled in on the form. The form must be approved by a department director prior to the time of travel, unless a department director is the traveler, in which case a Chief Deputy Executive Director must approve the travel. The Clerk of the Board or Executive Assistant will fill out the top portion of the travel request form for Board members.

2. Out-of-Town Travel Expense Reimbursement

2.1 The lower portion of the travel request form must be used by Board members and employees to record actual trip expenses. The report must be completed within one week from the return date. For employees, the actual expenses must be approved by a department director unless a department director is the traveler, in which case a Chief Deputy Executive Director must approve the expenses. The form should then be forwarded to the Finance Department for processing, with a personal check attached for any funds due to SANDAG. Failure to submit expense reports within the required time frame may result in the traveler not being reimbursed or collection action being taken if money is owed to SANDAG. Extensions may be granted by the Executive Director.

2.2 All expenses should be itemized, including items SANDAG may have paid for in advance so that the report provides a complete record of expenses. It is the traveler’s responsibility to submit a completed report in order to receive prompt reimbursement.

2.3 Receipts for expenditures must be attached to the expense report for all expenses where a receipt is practically attainable. A receipt is mandatory for all expenses in excess of $10 unless a written satisfactory explanation is provided. Such written explanations are subject to approval by the Finance Department.

2.4 Travel advances may be requested. Any travel advance shall not exceed the total estimated amount of the trip, minus any items prepaid by SANDAG, such as airfare and registration.
2.5 The following expenditure guidelines should be observed as upper limits unless the circumstances dictate otherwise and the expense is approved by a department director or Chief Deputy Executive Director.

2.5.1 Air Travel - Air travel is to be coach class for the most direct route. Travelers are encouraged to book at least 21 to 14 days in advance to qualify for the lowest airfares. SANDAG will cover the cost if it is more cost-effective (i.e., difference in airfare as compared to the additional cost for hotel and meals) to include a Saturday stay. Travelers should consider this option, when practical.

2.5.2 Personal Auto Use - In the event that a private auto is used for the trip, mileage shall be paid at the currently established Internal Revenue Service rate. Maximum reimbursement shall not exceed the cost of using a rental car, train, or commercial airline to reach the same destination.

2.5.3 Ground Transportation - In using surface transportation, the least expensive alternative must be utilized where practical. For example, an airport shuttle should be used instead of a taxi. Such transportation should be used for travel to and from the airport and for reasonable business-related trips at the location.

2.5.4 Parking – SANDAG will reimburse the lesser of the parking cost for a personal auto left at the airport or the cost of a shuttle service or cab to and from the airport.

2.5.5 Personal Travel - If a traveler wishes to combine SANDAG travel with personal travel, or to travel with family members, the traveler may do so, provided that it does not exceed the cost equivalent of a single-person trip.

2.5.6 Rental Car - Use of rental cars must be pre-approved. SANDAG will only reimburse for the cost of renting the least expensive size vehicle necessary for the number of people traveling. SANDAG will not reimburse for rental car insurance coverage because employee are included under SANDAG general automobile insurance coverage.

2.5.7 Meals - SANDAG will pay for meals while the traveler is in travel status. Reasonable discretion concerning the cost of the meals should be used.

2.5.8 Business Meals - Reasonable business meals involving outside persons or when necessary to conduct SANDAG-related business are permitted. All such meals must be itemized with justification on the Expense Report to determine if eligible for reimbursement.

2.5.9 Hotel - Travelers will be reimbursed for the cost of a moderate and reasonably priced single occupancy hotel room. Travelers should request the
“government rate” when making hotel reservations. Reasonable discretion regarding the cost of the hotel should be used.

2.5.10 Other Business-Related Expenses - Other business-related expenses that arise when traveling such as supplies, equipment rental, reprographics, facsimiles, and other documented business-related expenses may be reimbursed when traveling on SANDAG business and used for SANDAG purposes.

2.5.11 Travel Outside of the U.S. – Reimbursement for travel to a foreign country will be calculated at the average exchange rate during the trip as posted in the Wall Street Journal. All reimbursement for any Value Added Taxes (VAT) charged for hotel accommodations must be reimbursed to SANDAG.

2.5.12 Telephone Calls – Reimbursement for telephone calls made while traveling are permitted, provided that such calls are directly related to SANDAG business. Personal calls are permitted to a maximum of $10 per day. Calls charged to personal calling cards or wireless phone accounts may be submitted for reimbursement no later than thirty days for the time that the expense report is submitted.

2.5.13 Registration – Travelers requesting to attend a conference or training that requires registration should do so in sufficient time to take advantage of any discounts.

2.5.14 Cancellation Penalties – In the event that registration, airfare, hotel deposit, or similar items that require prepayment are paid and nonrefundable and the traveler is unable to attend, then the traveler will be responsible for reimbursing SANDAG for all prepaid amounts, unless the inability to attend is for valid medical reasons or personal emergencies, as approved by the Executive Director for employees or the Executive Committee for Board members.

2.5.15 Nonallowable Expenses – SANDAG will not provide any reimbursement for personal entertainment expenses, travel expense for family members, movies in hotels, personal items, charitable contributions, air travel insurance, or any other expenses not deemed necessary for business purposes. SANDAG also will not provide reimbursement for the purpose of attending political events or for expenses incurred with any private club that discriminates on the basis of race, gender, religion, sexual orientation, disability, or any other discriminatory criteria in its membership policy.

3. Local Expense Reimbursement

3.1 Expense reports must be submitted that record any potentially eligible expenses. The form must be submitted together with all receipts and should be submitted within thirty days of the expense being incurred. The report must describe the item or the destination (if mileage reimbursement is requested) and the purpose. The traveler should indicate which OWP number each item should be charged to.
3.2 Expenses are eligible for reimbursement if they are related to and necessary to carrying out SANDAG business. They may include, but are not limited to: phone calls, business meals or meetings, mileage, parking, and miscellaneous out-of-pocket expenses. The Director of Finance or Executive Director may disallow any extraordinary or inappropriate expense. Whenever possible, travel should be by public transportation.

3.3 All necessary approvals must be obtained in advance and the form must be submitted to the Finance Department for processing. Reimbursement will ordinarily occur within thirty days.
LOCAL TECHNICAL ASSISTANCE (LTA)

The San Diego Association of Governments' capability for providing technical assistance to its Member Agencies has evolved over the years as a by-product of the programs, products and tasks carried out each year in the Overall Work Program (OWP).

The benefits to SANDAG Member Agencies through this sharing of data, resources, skills, and information are many and varied. Nothing in these policy guidelines is intended to prevent the efficient and effective delivery of service to a Member Agency when requested. The Executive Director has the responsibility of interpreting this policy in as fair and practical a manner as possible so that Member Agencies and SANDAG are served to their best advantage.

1. Types of Requests

1.1 The SANDAG LTA program is designed to assist Member Agencies in solving planning, management, and data analysis problems by using specific data, skills, and tools available at SANDAG.

1.2 The LTA program is designed to aid Member Agency staffs and projects directly, and is not intended to provide assistance to private consultants on contract to Member Agencies. All requests should be for assistance or information to be used directly by Member Agency staff or policymakers and not by private contractors. Such assistance to private contractors working for Member Agencies may be authorized only by the Executive Director on a case-by-case basis.

2. Assistance to Voting Member Agencies

2.1 All requests should be in writing. Requests that require more than two (2) person days or $1,000 of equivalent resources must be in writing and approved by the CEO of the requesting agency.

2.2 Each request from a Member Agency which requires less than two (2) person days or $1,000 shall be conducted at no cost as long as the request can be accomplished within the scope of SANDAG's Overall Work Program using existing resources and does not cause a delay or deferral of the schedule for completion of OWP work tasks.

2.3 All costs for outside services, such as printing and data entry, will be fully reimbursed. SANDAG staff costs in excess of $1,000 also shall be subject to full reimbursement. The Executive Director is authorized to negotiate cost sharing if the project can be shown to have benefit to Member Agencies and to SANDAG's Regional Information System.
2.4 Each Member Agency shall be encouraged to develop its own in-house abilities to use the Regional Information System on a continuing basis. When a specific project or application becomes an ongoing part of the requesting agency's work program, it will be continued subject to full cost reimbursement.

3. Assistance to Advisory Member Agencies
   3.1 All requests must be in writing and approved by the CEO of the requesting agency.
   3.2 All project costs, including SANDAG staff time and costs for outside services, will be fully reimbursed. The Executive Director is authorized to negotiate cost sharing if the project can be shown to have benefit to Advisory Member Agencies and to SANDAG's Regional Information System.

4. Project Priorities and Response Time
   In the event that SANDAG is unable to respond to the number of requests for technical assistance within the allocated staff and budget limitations, and such scheduling problems cannot be worked out to the satisfaction of the Member Agencies, the Executive Director will be requested to set project priorities.

5. Reports to the Board
   5.1 All projects over $1,000 shall be reported to the Board on a monthly basis.
   5.2 The Board will receive annual progress reports on the SANDAG technical assistance program indicating the volume and types of projects requested and project results and benefits to Member Agencies.
CONFLICT RESOLUTION PROCEDURE

This policy is intended to provide member agencies with a working knowledge of dispute resolution options, to provide information on the methods and techniques of resolving disputes that require neutral intervention, and to reduce the frequency of unresolved disputes between public agencies.

Procedures

1. Agreement to Participate
   
   1.1. Government agencies involved in an interjurisdictional conflict which cannot be resolved among the agencies may, through formal action of their policy bodies, agree to participate in resolving the dispute in accordance with this procedure. Evidence of the agreement to participate shall be forwarded by the agencies to SANDAG, and shall describe the issue(s) for which review is requested. SANDAG’s role shall be limited to providing assistance to the agencies in accordance with this procedure.

   1.2. Participation in the conflict resolution process shall be voluntary, but is strongly encouraged prior to initiation of litigation by an agency. All parties involved in the dispute shall be requested to participate.

2. Implementation

   The Conflict Resolution Procedure may be initiated by:
   
   - one or more involved public agencies
   - the SANDAG Board of Directors
   - the SANDAG Executive Committee (where timing requires).

   The parties to an action in Superior Court may initiate dispute resolution by SANDAG in accordance with Government Code Section 66030 et. seq.

3. Confidentiality

   The process set forth in Section 4, below, shall be subject to the provisions of California law relating to confidentiality, and specifically, the provisions of Section 703.5, Chapter 1 of Division 6 of the Evidence Code, which concerns compelled testimony by arbitrators and mediators.
4. **Process**

4.1. SANDAG, with the assistance of a neutral third party, obtains affected agency agreements to participate.

4.2. If appropriate, SANDAG staff may meet with the affected agencies for purposes of interviewing them regarding the nature and scope of the conflict and to request any necessary information. Such interviews shall be undertaken as soon as possible, but in no case later than 30 days from the date of agreement by the agencies to participate.

4.3. SANDAG staff facilitates the selection by the agencies of a neutral third party to recommend an appropriate facilitation and negotiation model to be used in resolving the dispute which may include, but not be limited to mediation and/or arbitration.

4.4. SANDAG staff serving, where appropriate, as a resource to the agencies and a neutral third party convene the conflict resolution conference using the model agreed to by the agencies.

4.4.1. The conference should generally consist of the following elements:

- **Stage I.** Introduction
- **Stage II.** Opening statement by the agencies
- **Stage III.** Exchange (for purposes of developing an understanding of each agency’s issues and positions)
- **Stage IV.** Development of options
- **Stage V.** Draft and execute agreement

4.5. The agreement is implemented by the agencies.

4.6. The Executive Director shall report to the Board at regular intervals on the use of the procedure by public agencies.
ENVIRONMENTAL QUALITY

Section 21082 of California Environmental Quality Act (CEQA) requires SANDAG to adopt objectives, criteria and procedures for the evaluation of public and private projects undertaken or approved by SANDAG, and the preparation, if required, of environmental impact reports in connection with that evaluation. This policy is intended to record SANDAG’s adoption of updated local guidelines for implementing CEQA and to make those guidelines consistent with the current provisions and interpretations of CEQA.

Procedures

1. The California Legislature has amended the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 et seq.), the CEQA Guidelines (Cal. Code of Regs, tit. 14, §15000 et seq.) have been revised, and the California courts have provided new interpretations of the provisions of CEQA since SANDAG last adopted local guidelines for implementation of CEQA.

2. The Board hereby adopts the guidelines found at California Code of Regulations, Title 14, beginning at section 1500 and in effect as of January 1, 2003, and as subsequently amended as its "Local Guidelines for Implementing the California Environmental Quality Act." Any and all prior actions of the Board of Directors enacting earlier guidelines are hereby repealed.
RECORDS MANAGEMENT

These procedures are intended to ensure the safekeeping of SANDAG records with administrative, legal, fiscal, programmatic or historical value; provide ease of access to SANDAG records by staff; provide ease of access to SANDAG records by members of the public in accordance with SANDAG’s Public Records Request Guidelines; and provide the necessary guidance to ensure proper records management, including retention and disposition.

SANDAG’s records are a valuable resource. This policy provides procedures to ensure SANDAG’s records are maintained in a consistent, orderly, secure and accessible manner.

Procedures

1. **Policy Statement**

   1.1. Records kept by a SANDAG employee because they are necessary or convenient to the discharge of that employee’s duties for SANDAG are public records. Any and all records generated in the course of SANDAG business are the property of SANDAG. These records include, but are not limited to, correspondence, memoranda, emails, phone logs, reports, maps, tapes, contracts, project files, photographic files, digital imagery data, prints, charts, drawings, machine-readable records, videos, and audio tapes.

   1.2. Records must be maintained in accordance with SANDAG’s Records Retention Schedule until their retention period expires, after which the records should be disposed of promptly and appropriately. The periods shown in the Records Retention Schedule are minimum time periods that do not start until the document and/or project is complete. Records can be maintained for time periods in excess of the retention period in the schedule if the records are still needed for reference.

2. **Application**

   This policy applies to all persons, including employees, consultants, and contractors, responsible for the generation and/or maintenance of SANDAG records.

3. **Public Records**

   3.1. Records that pertain to “housekeeping” matters that will not be needed for future reference may be disposed of immediately. For example, preliminary drafts, notes, and interagency and intra-agency memoranda that have been retained for less than
60 days and that are no longer needed for use or reference should be disposed of immediately.

3.2. All records that are kept for more than 60 days for use or reference by an employee must be treated as a public record. All public records must be kept for a minimum of two years. Some records must be kept for longer than two years and the retention period for most records is contained in the Records Retention Schedule. The time periods shown in the Records Retention Schedule should be followed unless a document needs to be retained for a longer time period than that shown because the custodian believes the record is still needed for reference. All of the time periods shown for retention begin on the date the record is put in its final form.

3.3. Records that are purely personal in nature such as shopping lists, personal email, or correspondence from a friend should not be treated as public records. In order to prevent a claim that such records are subject to disclosure, and to prevent an unnecessary burden on SANDAG’s resources, however, records unrelated to SANDAG’s business should be purged from SANDAG’s computers and files.

3.4. After a public record has been maintained for the required time period it should be disposed of promptly. If records contain confidential or trade secret information, steps should be taken to ensure the records are not disclosed when they are destroyed.

3.5. At least once each year the Records Retention Schedule will be reviewed and revised as needed. The Schedule will be circulated to the department directors for recommended changes and additions and reviewed by the Office of General Counsel. Changes to the Records Retention Schedule must be approved by the Office of General Counsel.

3.6. Records may be kept in electronic form instead of hardcopy form if the following conditions are met:

3.6.1. The media on which the electronic form of the record is kept does not permit additions, changes, or deletions of the information or image in or on the original record.

3.6.2. The media selected for storing the records in electronic form is considered permanent and reliable.

3.6.3. The media selected for storing the records in electronic form does not prevent the records from being easily accessible.

3.6.4. The copy must be kept in a safe and separate place for security purposes.

3.7. Retention periods for records required for current litigation, audit, or environmental review must be suspended and the records maintained in their original condition and format until the matter is resolved.
3.8. Duplicates of hardcopy records may be destroyed at any time as long as at least one accurate and legible copy is maintained for the time period set forth in the Records Retention Schedule.

4. Project File Maintenance

The project manager for a project should maintain a centralized file for each project. The project file should not contain preliminary drafts, working papers, notes, or “housekeeping” memoranda or emails that are not needed for future use or reference (as these records should be discarded if they are less than 60 days old). The project team members should keep the following documents in the centralized file:

- Project authorization
- Original purpose and justification documentation
- Project team responsibilities and goals
- Budget and source of funding documentation
- Schedules
- Work Products
- Consultant/Contractor deliverables
- Final project evaluation
- A list of the names and job positions of the members of the evaluation committee
- Conflict of Interest Declarations from outside evaluators
- The evaluation forms and score sheets for all proposers
- Any protests or other complaints filed with SANDAG concerning the contract award, and any responses thereto
- Correspondence with proposers and potential proposers
- Questions from proposers and SANDAG’s responses
- Notices and correspondence with the selected consultant/contractor
- The RFP and/or RFQ
- Independent Cost Estimate
- Sole source approval forms (if necessary)
- Written approval of funding source (if necessary)
- Copy of Board Resolution (if necessary)
- Mailing list for RFP/RFQ
- Copies of newspaper advertisements
- The recommendation memo and approval to begin contract negotiations
- Notice of Intent to Award
- Notices of Intent to Proceed With Another Proposer
- Copy of selected consultant’s proposal
- Cost Analysis (if applicable)
- Any record of negotiations
- The negotiated agreement with all exhibits
- Amendments to the agreement
- Certificates of Insurance
- Pre-award audit request and audit results documentation
- Notice to Proceed
- Work Orders or Task Orders
- Notice of Completion
- DBE documentation
5. **Records Containing Confidential or Trade Secret Information**

Records created at or received by SANDAG containing confidential or trade secret information must be marked as such and filed in a locked cabinet or other location where the records will be secure and inaccessible to third parties. Staff should take all necessary steps to ensure that such records are not copied or disclosed to third parties. Once a record is submitted to SANDAG by a company or individual it immediately becomes a public record unless that party has expressly designated the record or portion thereof as confidential, proprietary, or trade secret. For example, unless a proposal or price list from a consultant or contractor is clearly marked as confidential or trade secret it will automatically become a public record. Note, however, that even if a consultant or contractor marks a document as “confidential,” “proprietary,” or “trade secret” this will not necessarily exempt the document from disclosure under the California Public Records Act or other applicable laws.

6. **Public Records Requests**

6.1. Generally, the following types of records can be provided to persons based on a simple verbal request to a staff member:

- Bound SANDAG reports
- Information bulletins
- Fact sheets
- Board agendas, resolutions, and reports
- Committee agendas and reports
- Letters in support of, or opposition to, bills

6.2. Requests from members of the public for compilations of SANDAG records, a large number of copies, or records that contain confidential or sensitive information should be referred to SANDAG’s Office of General Counsel pursuant to the Public Records Request Guidelines. The Office of General Counsel will serve as SANDAG’s Public Records Officer and will respond to these requests with the assistance of SANDAG’s Public Information Office. If the following types of records are requested, the staff member should refer the request to the Office of General Counsel:

- Requests for all records of a certain type or category
- Requests for compilations of data
- Requests for accounting or financial records
- Requests for records containing trade secret, confidential, or proprietary information or marked “confidential” or “trade secret” or “proprietary”
- Requests for records containing social security numbers or private individual’s phone number or addresses
- Requests for copies of proposals and/or cost estimates from proposers
- All written requests for SANDAG public records referring to the California Public Records Act or the federal Freedom of Information Act
- All requests from attorneys for records
6.3. Keep in mind the above list is not exhaustive. If a staff member is unsure whether a particular type of record should be released, the staff member should refer the request to the Office of General Counsel who will prepare an appropriate response.

6.4. Timing on responses to public record requests is very important. Under the law a response must be provided to the requester within ten (10) calendar days. If a staff member is unable to meet this deadline, the staff member should immediately contact the Office of General Counsel for assistance.
EXECUTIVE COMMITTEE

May 9, 2003

AGENDA ITEM NO.: 6

Action Requested: SUPPORT

NORTH COUNTY MITIGATION BANK

Introduction

In 1995, SANDAG established the Pilgrim Creek Mitigation Bank for mitigating wetland and endangered species impacts due to the development of the SR 76 Expressway project in Oceanside between Foussat Road and Melrose Drive. The mitigation credits in this bank have been used for the SR 76 and other public and private projects in north coastal portion of the region. However, the availability of remaining credits at the bank is becoming limited.

The broad demand for mitigation credits is expected to continue including a need for mitigating impacts due to the proposed widening of SR 76 east of Melrose Drive and other public and private projects. The remaining credits at the Pilgrim Creek bank will not fully meet future SR 76 needs. It is becoming increasingly challenging to plan for adequate mitigation as the availability of suitable lands is becoming scarce. Wildlands, Inc. (Wildlands) has obtained purchase rights to a crucial 120 acre parcel valued at $2.6 million that would provide mitigation credits and right of way for future SR 76 widening and other public and private projects.

Therefore, it is my

RECOMMENDATION

that the Executive Committee support SANDAG staff efforts to pursue the establishment a mitigation bank in the San Luis Rey River Watershed in coordination with the County of San Diego, Caltrans, and Wildlands for the purpose of mitigating impacts for major transportation projects such as the proposed SR 76 widening and other planned developments within this watershed. The Committee also is asked to provide direction on a preferred partnering alternative with Wildlands. Of the three alternatives presented below, staff recommends pursuing the “Tenants in Common” alternative. Assuming there is support to proceed, staff will report back to the Executive Committee with a draft agreement with Wildlands to be recommended to the Board of Directors for approval.

Discussion

Finding mitigation fulfilling the regulatory requirements of the Clean Water Act and the Endangered Species Act is often a challenge for transportation improvement projects. This challenge increases as lands available for suitable mitigation become scarce. In the north coastal portion of the region, wetland mitigation credits are currently provided by the Pilgrim Creek Mitigation Bank, a project established and operated by SANDAG and Caltrans. However, the
availability of remaining credits is becoming limited at this bank (fourteen of the original fifty acres of wetland acre credits remain available for sale). In addition, the bank does not provide endangered species credits. The least Bell’s vireo, the arroyo toad, the southwestern willow flycatcher, and other special-status species occur within the San Luis Rey River Watershed. These species will be impacted by the planned future widening of SR 76 and require careful attention and compensatory mitigation under state and federal law.

The precise amount of mitigation that will be needed for the SR 76 widening is not known at this time. The alignment selected, the area of potential effect, the nesting status of avian species, mitigation strategies for newly listed species like the arroyo toad, and required mitigation ratios are all unknown. However, the required mitigation acreage is expected to be extensive and will exceed the remaining credits at Pilgrim Creek. The earlier SANDAG and Caltrans can begin developing one or more mitigation banks for future SR 76 widening, the more likely mitigation requirements can be met. Early action has the added advantage of minimizing impacts to the project budget and schedule. Historically, delay in meeting mitigation requirements for major highway projects has been a reason for project cost increase and schedule delay.

The existing Pilgrim Creek Mitigation Bank, proposed new mitigation bank for SR 76, and the “West,” “Middle,” and “East” planned future widening projects along SR 76 are shown in Attachment 1.

Coordination with Caltrans and the County of San Diego

Caltrans is currently developing the preliminary engineering and environmental document for SR 76 widening between Melrose Drive and Mission Road. This is known as the “Middle” segment. The County of San Diego has begun preparation of a draft concept plan for a San Luis Rey River Park. The vision for the park is to preserve wetlands, preserve sensitive habitat, and address recreational needs. SANDAG staff regularly meets with Caltrans and County of San Diego staff to ensure that mitigation bank development both facilitates and enhances park and highway project development. Care must be taken to ensure that lands are not dedicated as park land that is ultimately needed for highway purposes. Under federal law, this could render the planned future highway widening infeasible.

Why work with Wildlands?

Advantages of Partnering with Wildlands

There is an opportunity for SANDAG to partner with the private sector in its effort to establish one or more mitigation banks. Wildlands, the potential private sector partner, has successfully established and operated mitigation banks, has sound financial references, and a solid business record. Wildlands owns and operates nine banks in California including the Rancho Jamul Mitigation Bank in the southern portion of the San Diego region. A partnership between the two parties has a number of advantages.

1. **Best Use of Talents.** SANDAG is a regional planning organization with the data and resources for advanced project planning and coordination. Wildlands is a leader in the state and the nation in wetland mitigation banking and endangered species conservation banking. Wildlands
also has experience and skill in land purchase negotiations and the ability to interact with landowners as a private party.

2. Control of Key Parcels. Wildlands currently controls 120 acres of land within the San Luis Rey River Watershed through fee title ownership and purchase agreements.

3. Sole Source Justified. Wildlands currently has a controlling interest in key parcels, portions of which are needed for right of way for the future widening of SR 76. The parcels also offer one of the best opportunities for developing the environmental mitigation credits needed for SR 76. As the sole holder of a purchase option on land necessary for right of way and mitigation, Wildlands is the sole source of an item or service. Therefore, sole source procurement from Wildlands is justified.

Partnering Alternatives

Several alternatives are available to structure a partnership between SANDAG and Wildlands, ranging from simple coordination to becoming tenants in common for the parcels at issue. Staff recommends pursuing the Tenants in Common alternative as it is the most cost effective and efficient model.

A. Simple Coordination. Under this alternative, there would be no contract between SANDAG and Wildlands. This alternative has the benefit of simplicity, but offers fewer benefits. Wildlands, working alone financially, believes it would be difficult to establish a mitigation bank large enough to have all of the regional benefits envisioned. In addition, Wildlands would not be able to guarantee the availability of credits for large future projects like the SR 76 widening project.

B. Purchase Options. Under this alternative, SANDAG would pay Wildlands for an option on the credits that are projected to be needed by the SR 76 project. The amount of the option would equal the cost of the lands and is secured by the fee title of those lands. Under this alternative, there is greater assurance of credits for SR 76. However, flexibility to adjust the number of credits is limited and the projected need for SR 76 is largely unknown at this time.

C. Tenants in Common. Under this alternative, SANDAG would pay Wildlands for an interest in the parcels in order to become tenants in common on the title. Wildlands would reserve the rights to establish a mitigation bank on the properties. This alternative provides the greatest flexibility to adjust the amount of credits needed for SR 76. SANDAG would be an active partner with Wildlands in managing the number of credits needed for SR 76 and selling off any excess credits to those in need for other public or private projects.

Risk

As with any project of this type, certain risks exist. There is always the potential that Wildlands could go bankrupt. The risk of this occurring is relatively low, as Wildlands has a sound financial record as demonstrated by the letter from Western Sierra Bank shown in Attachment 2. In addition, Wildlands has a proven track record as they own and operate nine mitigation and conservation banks in California and are well respected in the field. Staff has spoken with Wildlands business associates by telephone and received positive feedback. In the unanticipated event that Wildlands
does file for bankruptcy, SANDAG would retain ownership interest in the land which could be sold to recoup any losses or developed as a mitigation bank with others.

There also is a risk that the property will not be approved for the number and type of mitigation credits anticipated. Detailed soil and hydraulic analysis have not yet been conducted on the property to determine full mitigation value. However, the property in question has been reviewed by Caltrans District 11 biologists and restoration specialists. Their initial assessment is that the property in question offers one of the best mitigation opportunities in the area. In addition, the purchase agreement has a 120 day feasibility period to allow for analysis to determine if the property is suitable for purchase.

GARY L. GALLEGOS
Executive Director

Attachments

Key Staff Contact: Richard Chavez, (619) 595-5604; rch@sandag.org
The attachments to the Agenda Item may be obtained by contacting SANDAG’s Public Information Office at (619) 595-5347.
FY 2004 DRAFT FINAL PROGRAM BUDGET

Introduction

This Draft Final Program Budget is based upon management’s estimates of the resources necessary and revenues available to carry out the work described in the Final FY 2004 Overall Work Program (OWP) approved by the Board on April 25, 2003. Section 1, Article VI of SANDAG’s Interim Bylaws requires that the Board of Directors approve a final program budget prior to June 1 each year.

It is my RECOMMENDATION that the Executive Committee recommend that the Board of Directors of the San Diego Association of Governments adopt this FY 2004 Final Program Budget, including the budget for the San Diego County Regional Transportation Commission, as the expenditure plan to carry forward the regional planning program for FY 2004.

Budget Overview

This FY 2004 Final Program Budget projects available revenues, including reserves and TransNet program sales tax revenues, to be $264,619,918. This projected funding level, including transit planning and programming responsibilities being consolidated as part of SB 1703, represents a one percent increase from the current actual FY 2003 SANDAG and TransNet Program Budgets. Later this year, the FY 2004 Program Budget will need to be amended to reflect allocations of TransNet funds based on January 1, 2003 certified population estimates from the Department of Finance (DOF) as well as the subsequent transfer of transit project development and construction functions by the end of January 2004.

Of the $265 million, $243 million, or 92 percent, are funds that will be passed through to other governmental agencies, such as the TransNet sales tax funded program or funds contracted out for transportation demand management, intelligent transportation system projects, the I-15 value pricing and managed lane extension study projects, and the Freeway Service Patrol.

A summary of the projected funding, including carryover, by major revenue source is as follows:
### Revenue Summary

<table>
<thead>
<tr>
<th></th>
<th>Amended FY 2003 Total</th>
<th>% of Final FY 2004 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Grants</td>
<td>$28,264,794</td>
<td>11%</td>
</tr>
<tr>
<td>State Grants &amp; Subventions</td>
<td>20,858,187</td>
<td>8%</td>
</tr>
<tr>
<td>TransNet Sales Tax</td>
<td>200,590,000</td>
<td>77%</td>
</tr>
<tr>
<td>Member Agency Assessments</td>
<td>547,425</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Other Local Funds</td>
<td>5,001,939</td>
<td>2%</td>
</tr>
<tr>
<td>Services to Other Agencies</td>
<td>915,206</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Interest &amp; Reserves</td>
<td>5,211,800</td>
<td>2%</td>
</tr>
<tr>
<td>Total Estimated Revenues</td>
<td>$261,389,351</td>
<td>100%</td>
</tr>
</tbody>
</table>

### Member Agency Assessment and Criminal Justice Clearinghouse Funding

Letters have been sent to member agencies, informing them that there will be no change in the overall assessment rates.

Last year, the Board of Directors approved an increase to the Member Agency Assessment of $38,700 to cover the increase in meeting costs, with two Board meetings per month and the creation of two new Policy Advisory Committees. This year Board and Policy Advisory Committee costs have increased with the increase in the stipends, the increased number of voting members on the Policy Advisory Committees, and increased participation in the committee meetings. In accordance with federal and state grant restrictions, the costs of both the Board of Directors and the Policy Advisory Committees cannot be charged to any federal or state funds and must be covered by local funds. However, because of the severe budget constraints experienced by member agencies, SANDAG is balancing the budget without imposing an increase in FY 2004. This is being done for next year through the use of TransNet Administration funds and Member Agency Assessment funds.

Two years ago, based upon the Budget Committee recommendation, the Board agreed to phase in an increase over three years of the base funding necessary to carry out the functions of the Criminal Justice Clearinghouse to $200,000. In FY 2002, funding was increased $50,000, from $85,000 to $135,000, with the County of San Diego agreeing to fund this increase. For FY 2003, an additional increase of $35,000 shared by each of the cities was accepted. Again, because of the severe budget constraints by our member agencies, SANDAG will forego an increase in FY 2004, with the Criminal Justice Assessment remaining at $170,000.

### Consolidation

The FY 2004 OWP includes the consolidated planning projects accompanied by the staff performing the work. The write-ups and the budget include the planning and programming work of the transit agencies being transferred as part of the initial consolidation. In the Preliminary Program Budget, the tables for Program Revenues and Program Expenditures kept the funds separate. All projects and staff are now combined in the appropriate work elements. Consolidation of staff has already begun in this fiscal year, with the MTDDB Clerk of the Board beginning to take over some of the duties of SANDAG’s vacant Clerk of the Board position. Also, following the approval of the proposed management organization by the Board at its March 28, 2003 meeting, some appointments have been made at the directorate level while other positions are being advertised and recruited.
Staff Compensation: Salaries & Wages and Benefits

SB 1703 guarantees that consolidated employees will not experience any loss in salary or benefits. However, benefits differ widely from agency to agency. To bring every benefit up to the highest denominator would mean huge increases in the overall package. The language in the bill says that the benefits must be substantially the same. Staff members from all three agencies have worked to price out benefits and meld a package that gives overall equity while paying attention to the bottom line. This package will be discussed as an information item at the Executive Committee meeting.

Ongoing benefits show an estimated increase of two percent. This increase is a result of PERS and various insurance increases, especially worker’s compensation.

The final OWP was approved by the Board on April 25, 2003. With approval of the Executive Committee, the Final FY 2004 Program Budget will go to the Board for their approval on May 23, 2003.

GARY L. GALLEGOS
Executive Director

Attachment/Enclosure

Key Staff Contact: Leslie Campbell, (619) 595-5340; lca@sandag.org

Note: The attachment to this Board report (Transition Team Draft Matrix of Benefit Comparisons and Options) has been sent to Executive Committee members only. Copies of the Matrix can be obtained by contacting SANDAG’s Public Information Office at (619) 595-5347.
The attachments to the Agenda Item may be obtained by contacting SANDAG’s Public Information Office at (619) 595-5347.
REVIEW OF DRAFT BOARD AGENDA FOR MAY 23, 2003

ITEM #

#1. MINUTES OF THE APRIL 25, 2003 BOARD MEETING

2. ADDITIONS AND DELETIONS

CONSENT ITEMS (3 through ---)

The Board of Directors will take action on the consent agenda without further discussion and with one vote unless an item is pulled by a Board member or by a member of the public for comment.

#3. DISCUSSIONS AND ACTIONS FROM POLICY ADVISORY COMMITTEES

A. EXECUTIVE COMMITTEE MEETING (May 9, 2003)

B. TRANSPORTATION COMMITTEE MEETING (May 16, 2003)

C. REGIONAL PLANNING COMMITTEE MEETING (May 2, 2003)

D. BORDERS COMMITTEE MEETING (May 16, 2003)

#4. PROGRESS REPORT ON TRANSPORTATION PROJECTS (Jose Nuncio)

#5. QUARTERLY INVESTMENT REPORT (Marlene Kelleher)

#6. FY 2002 COMPREHENSIVE ANNUAL FINANCIAL REPORT (Leslie Campbell)

7.

8.

PUBLIC COMMENTS/COMMUNICATIONS

9. Members of the public shall have the opportunity to address the Board on any issue within the jurisdiction of SANDAG. Anyone desiring to speak shall reserve time by filing a written request with the Clerk of the Board prior to speaking. Public speakers should notify the Clerk of the Board if they have a handout for distribution to Board members. Speakers are limited to three minutes.
CHAIR’S REPORT

#10. ROUND 2 OF RCP WORKSHOPS – FOCUS ON URBAN FORM SCENARIOS (Lori Holt Pfeiler, Chair, Regional Planning Committee; Carolina Gregor, SANDAG Staff)

11. PRESENTATION OF IMPERIAL COUNTY PLANNING ISSUES (Victor Carrillo, Supervisor, Imperial County)

#12. APPOINTMENT OF NOMINATING COMMITTEE FOR BOARD OFFICERS

13.

REPORTS

#14. INTRODUCTION OF ORDINANCE CO-03-02 AMENDING ORDINANCE CO-87-1 (SAN DIEGO TRANSPORTATION IMPROVEMENT PROGRAM ORDINANCE AND EXPENDITURE PLAN) REVISING THE EXPENDITURE OF TRANSIT FUNDS TO PROVIDE ADDITIONAL FLEXIBILITY FOR TRANSIT OPERATING PURPOSES (Craig Scott) (Pending Transportation Committee Recommendation)

15. DRAFT REGIONAL ENERGY STRATEGY: ENERGY 2030 – STRATEGY AND ACTIONS (John Moot, Chair of REPAC; Irene Stillings, SDREO Executive Director; Nan Valerio, SANDAG Staff)

#16. FY 2004 FINAL PROGRAM BUDGET (Ron Morrison, Chair; Leslie Campbell, SANDAG Staff)

#17. ANNUAL UPDATE ON THE ACTIVITIES OF THE CRIMINAL JUSTICE RESEARCH DIVISION AND CLEARINGHOUSE (Cynthia Burke)

18.

19.

ADJOURNMENT

GARY L. GALLEGOS
Executive Director

NOTE: The planned topic for the June Policy Development Board meeting is fiscal reform. The Policy meeting will be held on Friday, June 13 at 10:15 a.m.

# Items are on the agenda based upon Board policy, based on previous requests by the Board, recommendations from Policy Committees, or because of program requirements.