EXECUTIVE COMMITTEE
AGENDA

Friday, October 10, 2003
9:00 a.m.
SANDAG
401 B Street
7th Floor Conference Room
San Diego, CA 92101

AGENDA HIGHLIGHTS

• NEW ADMINISTRATIVE POLICIES
• ARJIS CONSOLIDATION

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.

San Diego Association of Governments  •  401 B Street, Suite 800, San Diego, CA 92101-4231
(619) 595-5300  •  Fax (619) 595-5305  •  www.sandag.org
Welcome to SANDAG. The regularly scheduled meeting of the San Diego Association of Governments Executive Committee has been called by its Chair for Friday, October 10, 2003, starting at 9:00 a.m. in the SANDAG offices, 401 B Street, Suite 800, 7th Floor Conference Room, San Diego. The Executive Committee may take action on any item appearing on the agenda.

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ITEM # | RECOMMENDATION
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+1. | APPROVAL OF SEPTEMBER 12, 2003 MEETING MINUTES

**PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS**

Members of the public will have the opportunity to address the Executive Committee on any issue within the jurisdiction of the Committee. Speakers are limited to three minutes each. Committee members may provide information and announcements under this agenda item.

**CONSENT ITEM**

+2. | ENERGY TASK FORCE (Mayor Pro Tem Ramona Finnila, Energy Task Force Chair)

The Energy Task Force has set its meetings and agenda topics for meetings to discuss Implementation of the Regional Energy Strategy.

**REPORTS**

+3. | 2003 YEAR-END LEGISLATIVE WRAP UP (Ellen Roundtree)

The outcome of significant legislation the Board took a position on in 2003 is provided.

+4. | NEW SANDAG ADMINISTRATIVE POLICIES (Julie Wiley)

Last month, SANDAG's legal staff presented three new draft policies to the Executive Committee for review and comment. The Executive Committee requested that staff collect some information from member agencies and agencies similar to SANDAG relating to emergency procurement authority and that information is provided in the report. The Executive Committee is asked to approve these policies and recommend their approval by the Board.

+5. | ARJIS CONSOLIDATION WITH SANDAG: STATUS AND PUBLIC SAFETY POLICY ADVISORY COMMITTEE PROPOSAL (Mayor Art Madrid, ARJIS Chair; Pam Scanlon, ARJIS)

This report provides a status and proposed schedule for the consolidation of ARJIS with SANDAG, and a proposal for creating a fifth SANDAG policy advisory committee. The proposed Public Safety Policy Advisory Committee (PSPAC) would oversee both ARJIS and SANDAG’s Criminal Justice Research functions and replace the current ARJIS Board of Directors and ARJIS Executive Committee. The ARJIS/SANDAG Consolidation Committee has recommended the proposed PSPAC, which was discussed by the ARJIS Board of Directors at their September 26, 2003 meeting.
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<th>ITEM #</th>
<th>RECOMMENDATION</th>
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<td>+6.</td>
<td>2004 ANNUAL BOARD RETREAT (Garry Bonelli)</td>
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<td>As in previous years, the Executive Committee is being asked to serve as the working group to help develop the retreat agenda and format.</td>
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<td>+7.</td>
<td>REVIEW OF THE DRAFT BOARD AGENDA FOR OCTOBER 24, 2003</td>
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<td>8.</td>
<td>UPCOMING MEETINGS</td>
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<td>The next Executive Committee meeting is scheduled for November 7, 2003.</td>
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<td>9.</td>
<td>ADJOURNMENT</td>
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GARY L. GALLEGOS
Executive Director

+next to an agenda item indicates an attachment.
APPROVAL OF SEPTEMBER 12, 2003 MEETING MINUTES

Chairman Ron Morrison (South County) called the Executive Committee meeting to order at 9:14 a.m. Committee members in attendance were Vice Chairman Mickey Cafagna (North County Inland), Ramona Finnila (North County Coastal), Hal Ryan (East County), Jim Madaffer (City of San Diego), Greg Cox (County of San Diego), and alternates Lori Holt Pfeiler (North County Coastal), Christy Guerin (North County Coastal) and Art Madrid (East County).

CONSENT ITEMS (1-A and 1-B)

1. LEGISLATIVE UPDATE (INFORMATION)

A. AB 361 (KEHOE)

On September 8, 2003, the bill passed the legislature and will be sent to the Governor. The bill was amended on September, 2, 2003, to clarify and improve some of its provisions. Among other things, the amended language now requires any water supply components or provisions of the Integrated Regional Infrastructure Strategy regarding water supply that SANDAG may decide to put in the Regional Comprehensive Plan to be consistent with the urban water management plan and other adopted regional water facilities and supply plans of the San Diego County Water Authority.

B. PROPOSITION 53

Proposition 53, placed on the October 7, 2003 ballot by the Legislature through Assembly Constitutional Amendment 11, would dedicate a percentage of the General Fund to an Infrastructure Investment Fund (IIF) to address state and local government infrastructure investments. The measure does not change the overall level of General Fund revenues. The dedication to the IIF would result in a commensurate reduction in resources for all other purposes.

Action: The Executive Committee voted to approve consent items 1-A and 1-B.
Staff announced that an agreement was reached regarding SB 1055 (Committee on Budget and Fiscal Review). SB 1055, which deals with weight fees, is good news for transportation statewide and will provide approximately $600 million to the State highway account.

Chairman Morrison noted that the last session of the Regional Academy for Elected Officials will be held from 1:00 p.m. to 5:00 p.m. on Thursday, September 28, 2003 at the San Marcos Community Center. He encouraged all to attend.

REPORTS

3. REGIONAL ENERGY STRATEGY IMPLEMENTATION (APPOINT)

Staff reported that the SANDAG Board of Directors approved the Regional Energy Strategy (RES) at its meeting on July 25, 2003. At that meeting, the Board also heard a discussion of four options to implement the strategy. The preferred option (Option 2) recommended by the San Diego Regional Energy Office (SDREO) and its advisory committee, the Regional Energy Policy Advisory Council (REPAC), was to have SANDAG assume responsibility for the implementation of the RES (Option 1) and establish an Energy Committee within SANDAG (Option 2) with the possibility of this entity transitioning into a Regional Energy Authority, under state legislation (Option 3), after 18 months; and further transition into a Joint Powers Authority (Option 4) if needed.

The Executive Committee agreed that it would make sense to take action regarding establishing an Energy Task Force to investigate this issue and that members of the Executive Committee should be included in the make up the Task Force. Some members felt that it would be appropriate to include on the Task Force members from the three cities that already have powerplants in their jurisdictions. Those cities are Carlsbad, Chula Vista and Escondido. Executive Committee members also expressed concern with the size of the committee and the level of expertise on the Task Force, noting that those appointed should have some previous knowledge of the subject. It was suggested that Councilmember Jerry Jones (Lemon Grove) be appointed to the Task Force because of this participation on the REPAC. Some members added that the make up of the membership of the Task Force should be geographical to represent the entire region. If that is the case, then the County should also be included on the Task Force.

Staff reminded the Executive Committee that this Task Force will have start and end date and will have a certain time to complete its task. The purpose of this Task Force is to determine how to begin work to implement the regional energy strategy. The Task Force will: report to the Executive Committee on a monthly basis; make a recommendation to the Executive Committee; and in turn the Executive Committee will review the Task Force’s recommendation and forward its recommendation to the full Board for approval. Staff noted that the SDREO is an agency that SANDAG hired to develop the regional energy strategy. Right now budgets are tight and funding needs to be identified for implementation of the RES.
Public Comment:

Kurt Kammerer, former Executive Director of the SDREO, expressed concern with the timeliness of this item noting that the region does not have 18 months to complete this project. There is state funding currently available for this issue however, funding will most likely not be available after the 1st quarter of next year. He commented that he believes that the risk appears high but the region cannot afford to do nothing – and status quo is not the answer. There is legislation in place now to do what the region wants. He concluded that the region will not be able to achieve the objectives in the strategy 18 months from now and added that he is willing and available to serve on the Task Force.

Mitch Mitchell, representing the San Diego Regional Chamber of Commerce, stated that the Public Utilities Commission (PUC) has not helped the region in this matter. Creating a Task Force makes sense and is a step in the right direction, but 18 months is not enough time to evaluate this issue.

Bob Resley, Vice President of Resource Management for SDG&E, mentioned that he is happy to be part of this process and the staff recommendation makes sense.

Jennifer Badgeley, Organizer for the International Brotherhood of Electrical Workers, Local 569, felt that it is important for the electricians to provide input in this process and for the workforce to be represented. She requested a seat at the table on the Task Force.

Some Executive Committee members commented that an independent energy consultant be hired during the work of this Task Force. Decisions need to be based on facts, current market rate and availability. It was pointed out that there is no guarantee that the region will have a cheaper cost of gas or electricity. The $600 million that has been allocated over the next 10 years for energy projects can change rapidly. Members agreed that the region has not moved as quickly as it needs to on this issue but this is one of the biggest decisions that the region is facing. Moving quickly is not the answer. Executive Committee members commented that it is good that this is a Brown Act Task Force that way the public will be notified and can attend the meetings under the public process. It was noted that very seldom does the Executive Committee have the authority to create a committee to do valuable work. It was also suggested that the chair and vice chair of the Task Force be elected officials.

**Action:** The Executive Committee voted, subject to approval by the Board of Directors, to (1) convene an Energy Task Force; (2) designate the membership; and (3) direct the Task Force to report by the end of the calendar year on: (a) its finding regarding the feasibility of implementation of the Regional Energy Strategy by SANDAG; and (b) the identification of funding for the implementation program.

Chairman Morrison appointed Mayor Pro Tem Ramona Finnila (Carlsbad) and Councilmember Jerry Jones (Lemon Grove) as Chair and Vice Chair of the Task Force, respectively. He noted that additional members of the Task Force will include a representative from each of the following: the Regional Energy Office/Regional Energy Policy Advisory Council, SDG&E, Business/Industry, Consumer Representative and an
Environmental Organization. He added that this will be a 90-day Task Force, which will provide monthly reports to the Executive Committee and will come back to the Executive Committee in December with a recommendation for implementation and financing of the RES to consider. In addition to Mayor Finnila and Councilmember Jones, appointed to the Energy Task Force were Mayor Steve Padilla (Chula Vista), Mayor Lori Holt Pfeiler, (Escondido), Supervisor Dianne Jacob, (Second District), Mr. John Moot (SDREO/REPAC), Mr. Robert Resley (SDG&E), Mr. James Callahan (Qualcomm Inc.), Mr. Michael Shames (UCAN), and Mr. Dan Perkins (Sierra Club).

4. NEW SANDAG ADMINISTRATIVE POLICIES (REVIEW/COMMENT)

Staff reported that SANDAG’s legal staff has continued the process of reviewing existing policies to determine whether they need to be supplemented to address SANDAG’s expanded responsibilities and has determined that some additional policies and safeguards are needed. SANDAG’s legal staff has prepared three new policies for review and comment by the Executive Committee. The policies are entitled Procurement of Services, Delegation of Authority, and Discrimination Complaint Procedures. Any changes requested by Executive Committee members or staff over the next month will be incorporated into these proposed policies and brought back to the Executive Committee in October. At the October meeting, the Executive Committee will be asked to recommend approval of the policies to the SANDAG Board. The policies will be brought to the Board for approval at its October 24, 2003 meeting. Following is a description of the new administrative polices.

The Procurement of Services policy provides direction from the Board to staff concerning procurement of service contracts. The policy is in compliance with the procurement and contracting mandates in SB 1703. The policy will be enhanced by a contracting procedures manual that is being prepared by staff using the best practices from SANDAG, NCTD, and MTDB, and will be approved by the Executive Director upon completion. The Delegation of Authority policy establishes the authority of the Executive Director and his/her authority to delegate functions to staff. Among other things, it provides the Executive Director with authority to take action in emergency situations, to approve design plans, specifications and estimates, and to initiate litigation. The Discrimination of Complaint Procedures policy establishes a procedure under which complaints alleging disability discrimination in SANDAG’s provision of services or SANDAG activities can be made by persons who are not employees of SANDAG and to set forth the Board’s policy concerning other forms of discrimination against protected classes of persons.

Executive Committee members asked how staff will select consultants, and were concerned that qualified private entities may be excluded because of a low bid process. Members also addressed the emergency limit for the Executive Director and questioned if that amount needs to be increased.

Staff responded that consultants will be selected on a case by case basis and that the goal is to get the best value for the agency. Staff added that currently there is a $100,000 threshold for the Executive Director that could be changed by the Executive Committee, if needed. Staff reminded the Executive Committee that it has a $500,000 limit, as does the Transportation Committee.
Chairman Morrison directed staff to benchmark some member agencies for their emergency limits and bring that information back to the Executive Committee for discussion.

5. AMENDED FY 2004 FINAL PROGRAM BUDGET AND CONSOLIDATION PROGRESS REPORT (APPROVE)

The FY 2004 Final Program Budget was adopted in May 2003, was amended in June and is being amended once again to include additional consolidation of the transit agencies, MTDB and NCTD, per SB 1703. The Budget structure has been changed and the projects renumbered to reflect the new SANDAG organization and to accommodate a new accounting system. This transition brings payroll from 119 staff to 172 ½. Most of these staff are capital project managers and engineers but there are also some executive, administrative, and financial positions included in this latest transfer. The budget will increase to over $400,000,000 consisting of Federal, State and Local Funds. Because of capital projects with TransNet funding, the appropriate amount of TransNet has been transferred from “Pass-through” funds to actual SANDAG projects, however, the 1/3 split is still accurate.

The Executive Committee requested that staff prepare a document that compares what the three agencies spent on overhead, individually, to what the regional agency will be spending. Committee members also questioned when the regional agency’s report to the Legislative Analysts’ Office (LAO) will be due.

Staff noted that even though overhead will increase, the budget amounts will end up being the same. This information will be brought back to the Executive Committee for its information. Staff also noted that currently AB 361 (Kehoe) is on the Governor’s desk for signature. If the bill is signed, the LAO dates will be switched where the regional agency report will be due in December 2004 and the LAO’s report will be due in December 2005. This action to swap the dates makes sense; therefore, the regional agency can assess itself first. SANDAG staff will be sending out a stakeholders survey and public opinion survey and will create a focus group. All tools will be used to provide information to the LAO for its report. In addition, staff introduced new staff members to the Executive Committee: Bob Leiter, Director of Land Use and Transportation Planning; Jack Boda, Director of Mobility Management and Project Implementation; Ellen Roundtree, Director of Governmental Relations; and Jim Linthicum, Director of Design and Construction Engineering. Staff also announced that Debra Greenfield, SANDAG’s General Counsel, will be retiring next month and Jack Limber, Acting General Manager/General Counsel at MTDB has agreed to come on board as soon as MTDB selects a General Manager.

Action: Cafagna-Madaffer: Motion passed unanimously.

6. REVIEW OF DRAFT BOARD AGENDA FOR SEPTEMBER 26, 2003 (APPROVE)

Action: The Executive Committee unanimously approved the draft Board agenda for the September 26, 2003 meeting.

7. ADJOURNMENT

Chairman Morrison adjourned the meeting at 10:21 p.m.
ENERGY TASK FORCE

Introduction

The Executive Committee, at its September 12, 2003 meeting, appointed the Energy Task Force and directed that it study the feasibility of having SANDAG take on the responsibilities outlined in the Regional Energy Strategy and the Implementation Report, which were presented to the Board of Directors at its July 25, 2003 meeting. The Task Force was asked to make recommendations on the following points:

1. Determining the best way that the RES can be implemented under the current structure of SANDAG;
2. Identifying the roles and responsibilities of the involved jurisdictions and organizations; and
3. Identifying funding that is available to SANDAG and implementation partners to carry out the RES.

The Energy Task Force will report to the Executive Committee at its December 5, 2003 meeting on its recommendations.

Discussion

Schedule

The Energy Task Force held its first meeting on October 9, 2003. The schedule for meetings and the topics to be discussed at each meeting were presented to the Task Force for its consideration and approval, as follows.

Meeting 1, October 9, 2003
The Task Force is scheduled to agree on its objective, meeting schedule and content, and reviews the energy implementation responsibilities and organizational principles contained in the RES. The Task Force should work to distinguish implementation responsibilities that should be pursued in the first time period of January 2004 through FY 2005 from longer term actions. The results of this first meeting will be reported at the Executive Committee meeting.

Meeting 2, October 23, 2003
The Task Force reviews the funding levels and potential funding sources identified in the RES for the various implementation responsibilities, with an emphasis on the first time period needs, January 2004 through June 2005.

Meeting 3, November 6, 2003
The Task Force determines the appropriate roles for the region’s existing organizations in carrying out RES implementation responsibilities based on the organizational principles in the RES, with an emphasis on the first time period of January 2004 through June 2005.
Meeting 4, November 13, 2003
The Task Force reviews and approves a report and recommendations to the Executive Committee. The report and recommendations will incorporate the results of the Task Force conclusions.

This schedule will allow consideration of the Task Force recommendations by the Executive Committee at its December 5, 2003 meeting. The Executive Committee could then have the opportunity to forward the results of its consideration of the Task Force report to the Board for action as early as December 19, 2003.

Agenda Topics, Meeting No. 1
The responsibilities of the implementing entity, organizational principles, and the above timeline were discussed.

Responsibilities
The following responsibilities, from the RES, should be coordinated regionally but could be implemented in a number of ways.

1. Regional Energy Planning and Implementation Strategies
2. Public Information and Technical Assistance
3. Traditional Energy Supply Infrastructure
4. Renewable and Distributed Electricity Supply Infrastructure
5. Energy Efficiency and Management

Organizational Principles
The following organizational principles were listed in the RES Implementation Report.

1. Organizations implementing the RES should:
   a. Be publicly accountable and have an open, inclusive planning and decision process
   b. Have a long term commitment to the public good
   c. Be objective
   d. Be effective, and provide unified advocacy for the region
   e. Be legitimate in the eyes of the public, regulators and legislators
   f. Be inclusive of all major energy stakeholders
   g. Practice equitable decision making

2. The organizational option for implementing the RES should:
   a. Implement the Regional Energy Strategy (RES)
   b. Be timely – action needed now
   c. Have a reasonable cost
   d. Not require new taxes or fees
   e. Not increase bureaucracy
   f. Avoid setting up conflicts of interest in governance and operation
   g. Be efficient and avoid duplication of effort

GARY L. GALLEGOS
Executive Director

Key Staff Contact: Nan Valerio, (619) 595-5365; nva@sandag.org
2003 YEAR-END LEGISLATIVE WRAP UP

Introduction

In terms of Federal and State Legislation, 2003 was a critical year for SANDAG and one which can be categorized as a fairly successful one. Following the passage of Senate Bill 1703, the Metropolitan Transit Development Board (MTDB), North County Transit District (NCTD), and SANDAG joined together in the development of a joint federal transportation agenda, including the pursuit of federal discretionary dollars and other federal programs. While various Federal legislation affecting transportation programs has not been finalized yet, the combined advocacy efforts of MTDB, NCTD, and SANDAG were fruitful now and for the future. The San Diego Congressional delegation in Washington was supportive and appreciative of the unified message.

Although the State Budget and recall efforts have taken center stage in Sacramento, there have been a few highlights on the positive side for SANDAG. Described in more detail below, of particular significance to SANDAG was the passage of Senate Bill 491, which extended the housing element deadline for cities and counties throughout the state one year. This extension will allow SANDAG and our member agencies to better coordinate planning efforts in conjunction with the regional comprehensive plan. Also on the positive side was the passage of Senate Bill 491, which extended the housing element deadline for cities and counties throughout the state one year. This extension will allow SANDAG and our member agencies to better coordinate planning efforts in conjunction with the regional comprehensive plan. Also on the positive side was the passage of Senate Bill 491, which extended the housing element deadline for cities and counties throughout the state one year. This extension will allow SANDAG and our member agencies to better coordinate planning efforts in conjunction with the regional comprehensive plan.

Discussion

In December 2002, the Board set the items listed below as the highest/higher priority legislative items for this year. The items and outcomes are as follows:

1. Support/Co-Sponsor legislation and/or initiatives that would authorize local sales taxes or other new revenue sources for transportation projects and purposes to be approved by a majority vote.

Outcome

Although successful outcome was not achieved in the 2003 legislative session, there was a myriad of bills introduced addressing a change to the super majority vote. The effort will continue next year.
ACA 7 (Dutra) authorizes a local transportation agency and a regional transportation agency as defined to impose an additional transactions and use tax for a specified period at a rate of .5% for transportation purposes only within jurisdiction of the local transportation agency if the tax is approved by 55% of voters of the affected jurisdiction.

STATUS-Assembly Inactive File 9/03

ACA 9 (Levine) authorizes a city, county, or special district to impose a qualified special tax, as defined, to fund capital infrastructure construction projects, with the approval of a majority of its voters voting on the tax.

STATUS-Assembly Inactive File 9/03

ACA 14 (Steinberg) authorizes the imposition by a local government for an additional transaction and use tax upon the approval of 55% of its voters, if the tax is imposed exclusively to fund projects for local infrastructure.

STATUS-Assembly Inactive File 9/03

SCA 7 (Murray) authorizes a county, a city, a local transportation authority, or a regional transportation agency, with the approval of a majority of its voters voting on the proposition, to impose a special tax if the tax is imposed exclusively to fund transportation projects and services and smart growth planning.

STATUS-Senate Third Reading 3/03

SCA 11 (Alarcon) authorizes a local government to incur indebtedness for infrastructure projects with the approval of 55% of its voters, to fund infrastructure projects, including construction of affordable housing for persons of very low, low, and moderate income, transportation enhancement activities, acquisitions of land for open-space use, and other general infrastructure needs.

STATUS-Postponed by the Senate Committee 7/03

2. Participate in the development of a unified statewide position on TEA-21 reauthorization in accordance with adopted Board policy and support ongoing implementation of the TEA-21 legislation with a focus on obtaining discretionary funding from the new programs established in TEA-21.

Outcome

The Bush Administration proposed a six-year transportation bill, titled SAFETEA (Safe, Accountable, Flexible and Efficiency Transportation Equity Act) for $246 billion. The House Transportation and Infrastructure Committee proposed a $375 billion six-year plan to be funded with an increase in federal gasoline tax. The Senate proposed a $311 billion bill for the next six years. Unfortunately, consensus on a six-year transportation bill was not accomplished and a five-month bill extension of TEA-21 (Transportation Equity Act for the 21st Century) was sent to the President on September 29, 2003.

The 2003 Federal Joint Transportation Agenda included requests for discretionary funding in both the six-year Transportation Reauthorization bill and the FY 2004 Transportation Appropriations bill.
There is no new funding in the five-month extension, thus decisions on SANDAG’s discretionary funding requests for inclusion in the reauthorization bill are unknown at this time. The FY 2004 Appropriations bill has not been approved yet and a one month continuing resolution was passed on September 30. Thus far, conference committee hearings to resolve House and Senate differences have not been scheduled. The House bill included $41 billion for highway and transit programs. The Senate Appropriations Committee bill proposed a $41.1 billion bill, but the full Senate has not taken action. The House and Senate Appropriations recommendations included for San Diego are as follows.

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<th>Project</th>
<th>House</th>
<th>Senate Appropriations</th>
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<td>Mission Valley East LRT</td>
<td>$65.0 million</td>
<td>$65.0 million</td>
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<tr>
<td>Oceanside-Escondido Rail</td>
<td>$48.0 million</td>
<td>$48.0 million</td>
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<tr>
<td>State Route 905</td>
<td>--</td>
<td>$3.0 million</td>
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<tr>
<td>I-15 Managed Lanes BRT</td>
<td>$2.0 million</td>
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<tr>
<td>Spring Valley Multi-modal Center</td>
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<tr>
<td>Escondido Bus Facility</td>
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<tr>
<td>Oceanside Maintenance Improvements</td>
<td>$750,000</td>
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<tr>
<td>Transit First Implementation-Chula Vista</td>
<td>$400,000</td>
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3. Oppose revisions to state transportation programming and funding reform legislation not consistent with Board policy and SB 45. Oppose legislative appropriation of State Highway Account (SHA) Funds for specific programs and projects which would reduce the amounts available for the State Transportation Improvement Program (STIP).

Outcome

There were early reports that there was a desire to change the formula allocation for state transportation dollars from the 75/25 percent split directed by SB 45. However there was no legislation introduced to do so.

However, due to the State Budget problems, transportation funding was affected significantly. The budget partially suspended Proposition 42 and only $289 million of the $1.145 billion originally slated for transportation will be transferred to the Transportation Investment Fund. Of the $289 million, $189 million will fund the continuation of the Transportation Congestion Relief Program (TCRF) and $100 million would be allocated to the STIP. Assembly Bill 751 directs that the $856 million be paid back by June 30, 2009.

Over the last two years, the General Fund borrowed $1.283 billion from the Traffic Congestion Relief Fund (TCRF) with repayments scheduled over a three year period. The first of these repayments will now be deferred until 2008-2009.

The Public Transportation Account (PTA) was funded at $100 million, with the estimated PTA “spillover” of $87 million retained for the General Fund. This is significant because the funds could have been used for transportation purposes, including transit operations.

There have been many attempts to increase the SHA funding. SB 1055 was approved at the end of the legislative session and is currently awaiting the Governor’s signature. This bill addresses a number of fees for the Department of Motor Vehicle and California Highway Patrol budget items. Most
significantly the bill provides for an across-the-board increase in weight fees for commercial vehicles. Estimates by Caltrans indicate that this measure will provide $600 million over the life of the 2004 STIP.

AB 487, currently pending the Governor’s signature, permits car rental companies to capture a transaction fee of 5%. Of this amount, 2.71% would be retained by car rental companies to equal 80% of the increase in Vehicle License Fees. The remaining 2.29% would generate more than $300 million to the SHA and will serve as a credit towards the amount the General Fund owes the SHA.

The California Transportation Commission (CTC) may only spend the AB 487 funds on projects near airports or tourist destinations. There are sufficient projects already in the STIP, identified with other funding sources that have shortfalls that could now utilize this new source of funding.

4. Support, in coordination with the transit operators, efforts to identify additional transit operating funds in response to near-term operating shortfalls and long-term needs to implement the Regional Transit Vision and to support the implementation of the Smart Growth strategies.

Outcome

Due to the Budget issues in the State, identifying funding for transit operations this year was difficult. If Federal discretionary funding for some of the smaller projects is approved, for example, the Escondido Bus Maintenance Facility, formula funds are leveraged.

While not finalized, the House appropriations bill has funding recommendations for projects that implement the Regional Transit Vision and support the Smart Growth strategies. Their recommendations include funding for Spring Valley Multimodal Facility, I-15 Managed Lanes/Bus Rapid Transit, and Transit First Implementation in Chula Vista.

5. In cooperation with MTDB and NCTD, seek to obtain the annual appropriation levels needed to meet the federal funding commitments identified in the Full Funding Grant Agreements for the Mission Valley East project and the Oceanside-Escondido Rail Project.

Outcome

MTDB and NCTD have executed Full Funding Grant Agreements (FFGA) with the Federal Transit Administration for the Mission Valley East and the Oceanside-Escondido Rail projects, respectively. Included in the FFGA contracts are schedules for annual appropriations. Both the House approved appropriations bill and the Senate Appropriations Committee bill include $65 million for Mission Valley East and $48 million for the Oceanside-Escondido Rail project, which is consistent with the schedules included in the projects’ respective agreements.

Other significant legislation or administrative action this past year related to the Board’s position or responsibilities is as follows:

A. AB 361 (Kehoe) San Diego Consolidated Transportation Agency

AB 361 declares that it is the intent of the Legislature that if the Agency (SANDAG), adopts a regional comprehensive plan (RCP), to make the plan, policies and objectives available to all local agencies and to maintain materials used in formulating the plan in a form suitable for the availability and use by
other government agencies and private organizations and that the regional comprehensive plan be compatible with the regional transportation plan.

It is also the intent of the legislature that the Consolidated Agency complete a public process by June 30, 2004, to prepare and adopt a regional comprehensive plan based on the local general and regional plans, that integrates land uses, transportation systems, infrastructure needs, and public investment strategies, within a regional framework, in cooperation with member agencies and the public.

The legislation changes the dates for the submittal of the report by the Legislative Analyst Office to the Governor and Legislature from December 31, 2004 to December 31, 2005. The bill also advances the requirement for SANDAG to submit a progress report to the Governor and Legislature from December 31, 2005 to December 31, 2004. Both of these revisions were recommended by SANDAG.

B. AB 1279 (Horton) High Occupancy Lanes

This bill, introduced by Assembly Member Horton, which SANDAG will sponsor next year, would authorize a transportation agency to design and implement a high-occupancy vehicle lane concept that authorizes single occupant vehicles to operate in underutilized high-occupancy vehicle lanes on the state highway system within the jurisdiction of the transportation planning agency. Passage of a bill with this language is critical to enable the implementation of the Regional Transportation Plan. The bill did not get out of committee this year and thus will become a high priority in the 2004 Legislative Program.

C. SB 491 (Ducheny) Local Government: Housing Element

This bill, signed by the Governor July 14, extends the housing element deadline for cities and counties by one year, which will allow SANDAG and the local jurisdictions to coordinate planning efforts in conjunction with the development of the regional comprehensive plan.

D. SB 492 (Ducheny) Housing Element Self Certification

This bill would extend the sunset date on the sections of law that relate to the San Diego housing element self-certification pilot program. This bill has been held over until next year to evaluate the issue on a state-wide basis.

GARY L. GALLEGOS
Executive Director

Key Staff Contact: Ellen Roundtree, (619) 595-5631, ero@sandag.org
NEW SANDAG ADMINISTRATIVE POLICIES

Introduction

Last month, SANDAG’s legal staff presented three new draft policies to the Executive Committee for review and comment. These policies are entitled: Procurement of Services, Delegation of Authority, and Discrimination Complaint Procedures. In discussing the Delegation of Authority policy, the Executive Committee requested that staff collect some information from member agencies and agencies similar to SANDAG relating to emergency procurement authority. The policies will be brought to the Board for approval at its October 24, 2003 meeting if they are approved by the Executive Committee.

These policies are important for the efficient operation of the agency. Therefore, it is my RECOMMENDATION that the Executive Committee approve these policies and recommend their approval by the Board.

Discussion

No comments were received from the Executive Committee or staff on any of these three policies during the comment period. No questions or comments concerning the Delegation of Authority policy were received subsequent to the Executive Committee’s September meeting.

As requested at the September meeting, staff contacted various agencies to provide the Executive Committee with information it could use for benchmarking purposes when determining the level of authority the Executive Director should be given in emergency situations under the Delegation of Authority. The draft policy suggested a limit of $200,000. The following table contains a summary of the information provided to SANDAG concerning various entities’ procurement policies in emergency situations.

<table>
<thead>
<tr>
<th>Entity Interviewed</th>
<th>Limitation on $ Amount For Emergency Situations</th>
<th>Position With Authority</th>
<th>Required to Report Back To Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of San Diego</td>
<td>No limit</td>
<td>City Manager or designee</td>
<td>Yes</td>
</tr>
<tr>
<td>County of San Diego</td>
<td>No limit</td>
<td>Director of Purchasing</td>
<td>Yes</td>
</tr>
<tr>
<td>City of Chula Vista</td>
<td>No limit</td>
<td>City Manager or Purchasing Agent</td>
<td>Yes</td>
</tr>
<tr>
<td>City of La Mesa</td>
<td>$50,000</td>
<td>City Manager</td>
<td></td>
</tr>
<tr>
<td>MTDB</td>
<td>No limit</td>
<td>General Manager</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Based on this information, staff recommends that the $200,000 limit on the Executive Director’s authority in an emergency, in paragraph 3 of the Delegation of Authority policy, be revised to reflect “no limit” on this authority. This change is reflected in the attached Delegation of Authority policy.

GARY L. GALLEGOS
Executive Director

Attachments (3)

Key Staff Contact: Julie D. Wiley, (619) 595-5647, jwi@sandag.org
PROCUREMENT OF SERVICES

Pursuant to Public Utilities Code section 132352.4, the following statutory requirements apply to procurements of services. If the estimated total cost of required services exceeds one hundred thousand dollars ($100,000), the services will not be performed by another government entity, and the services are not within the category of services defined in Section 4525 of the Government Code, SANDAG must solicit bids in writing and award the work in a competitive procurement process that is in SANDAG’s best interest. Services defined in Section 4525 include: architectural, landscape architectural, engineering, environmental, land surveying services and construction project management services, as those terms are defined in Government Code section 4525 (hereinafter “Section 4525 Services”). If Section 4525 Services with a contract value in excess of $50,000 must be procured or the contract will be funded with federal money SANDAG will make the procurement pursuant to the provisions of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code. SANDAG must use the procedures of the Brooks Act if Federal funds are used and the services are architectural or engineering in nature (hereinafter “A&E Services”). Contracts that do not exceed these statutory limitations may be procured using simplified procedures. All references to the Executive Director in this policy also apply to the Executive Director’s designee.

Procedures

1. Micro Service Agreements ($2,500 or less). These procedures apply to the procurement of all services excluding Section 4525 Services funded with Federal money.

   1.1 For purchases below $2,500 a micro purchase procurement method may be used. A micro purchase is a non-competitive purchase technique; however, the price of the item must still be fair and reasonable.

   1.2 There should be equitable distribution among qualified service providers in the local area and no splitting of procurements to avoid competition.

   1.3 A bid is only required from the vendor of choice and a purchase order, invoice, or simple letter agreement may be used instead of the standard services agreements.

2. Minor Service Agreements ($2,500 - $50,000). These procedures apply to the procurement of all services excluding Section 4525 Services funded with Federal money.

   2.1 If the estimated value of the contract is $10,000 or less, staff may select a qualified proposer whose proposal is most advantageous to the Board, price and all other
factors considered, with the approval of their division director or department director.

2.2 The Executive Director shall determine the selection procedure for contracts valued between $10,001 and $49,999 to distribute work in a fair and equitable manner. Prior approval of the selection procedure shall be obtained from the applicable level of management. An informal competitive process shall be followed with price or rate quotations obtained from an adequate number of qualified sources to ensure that SANDAG is obtaining a fair and reasonable price. The informal competitive process must be documented by staff. In obtaining price or rate quotations, a scope of work shall be developed and supplied to all bidders.

3. Major Service Agreements ($50,000 and greater). These procedures apply to the procurement of all services including procurement of Section 4525 Services.

3.1 Normally, a "one-step" selection procedure will be used for service contracts in excess of $50,000. The "one-step" competitive process is as follows:

3.1.1 Firms shall submit a response to a SANDAG Request for Proposals (RFP). The RFP shall include:

3.1.1.1 Pass/fail criteria to be used as an initial screening of responses. Such criteria shall include, but not be limited to, insurance requirements, licensing, and any other consideration which would make the proposer ineligible to perform the work.

3.1.1.2 All evaluation factors and their relative importance.

3.1.1.3 The standard contract language that the successful proposer will be required to comply with, including applicable federal clauses and certifications.

3.1.2 Notice of the professional services required shall be published at least once in a newspaper of general circulation in San Diego County and in community newspapers, as appropriate, at least three weeks before the proposal due date. For federally funded projects, notice shall also be published in one or more DBE-certified newspapers and in such other minority newspapers as appropriate in San Diego County. The notice shall state that the Board is interested in receiving responses from qualified firms, and indicate how additional information can be obtained, and the time and place for receiving responses.

3.1.3 Notice shall also be sent to firms or individuals previously known to be interested in providing the required services, including small and emerging businesses on SANDAG’s various interested party lists, and to appropriate DBE firms or individuals listed in the SANDAG DBE Directory (for federal procurements).
3.1.4 Responses to an RFP shall list all proposed subconsultants and subcontractors, their area of the work, and identify which of them are certified DBEs.

3.1.5 Responses to an RFP shall include a cost estimate.

3.1.5.1 For Section 4525 Services, separately bound or sealed cost proposals shall be submitted as part of the process and shall not be opened until after the evaluation committee has ranked the proposers. Cost proposals shall be excluded as an evaluation factor and will only be used by the Executive Director, or his/her designee, when negotiating within the prescribed budget, except as provided in 3.1.8 below.

3.1.5.2 For all other services, the cost proposal shall be submitted along with the technical proposal and will be used as an evaluation factor by the evaluation committee.

3.1.6 The responses shall be evaluated by an evaluation committee. The evaluation committee should consist of SANDAG staff and at least one person from outside the agency.

3.2 The top-ranked firm(s) shall then be interviewed, if deemed necessary. The final list of qualified firms shall be based on the response to the RFP, references, the interview, and other relevant factors. The project manager will summarize the findings of the evaluation committee in a recommendation memo to the Executive Director. The memo shall include the evaluation committee’s recommendation for negotiations with one or more firms in the competitive range.

3.2.1 The Executive Director will approve or reject the recommendation based upon information provided by the evaluation committee, and other factors as deemed appropriate, including, but not limited to, qualifications, ability to meet schedule and budget, cost of work, meeting insurance requirements, and DBE participation (for federally funded projects). The Executive Director may also interview one or more of the firms prior to making a selection.

3.2.2 Approval by the Executive Director of the recommendation shall be deemed approval to enter into negotiations with one or more firms in the competitive range.

3.2.2.1 For contracts for Section 4525 Services, the separately submitted cost proposal shall be used as a basis for negotiation. Negotiations will be conducted by the Executive Director, or his/her designee, and can include factors other than cost, such as staffing levels, project
schedule, etc. Should negotiations fail, the Executive Director, or his/her designee, will enter into negotiations with the next ranked firm. Once negotiations are complete, a contract incorporating the negotiated terms and conditions will be prepared for the approval of the Executive Director or his/her designee. Only the cost proposal of the firm in negotiations shall be opened. At the end of the process, all unopened cost proposals shall be disposed of, unopened.

3.2.2.2 For all other service contracts, the cost proposals from the firm(s) in the competitive range shall be used as a basis for negotiation. Negotiations will be conducted by the Executive Director, or his/her designee, and can include factors other than cost, such as staffing levels, project schedule, etc. If negotiations are only conducted with one firm and those negotiations fail, staff will enter into negotiations with the next ranked firm. If negotiations are conducted with more than one firm in the competitive range, then staff attempt to obtain the most favorable terms by negotiating with all of the firms. Once negotiations are complete, a contract incorporating the negotiated terms and conditions will be prepared for the approval of the Executive Director or his/her designee.

3.3 For those services that are able to be defined with a very explicit scope of work containing detailed, straight-forward specifications that will allow consistent responses (i.e., freeway service patrol contracts), proposers will be considered qualified or not qualified based on predetermined criteria. Cost proposals will then be opened for those proposers considered qualified and the consultant with the lowest bid will be awarded the contract. The department directors will determine whether the nature of any of the services within their purview lend themselves to using this low bid procedure.

3.4 If desired, a “two-step” selection process may be followed, as follows:

3.4.1 Letters of Interest/Statements of Qualifications (LOIs/SOQs) shall be solicited from the current SANDAG consultant list for the particular services specialty.

3.4.2 Notice of the professional services required shall be published at least once in a newspaper of general circulation in San Diego County and in one or more DBE-certified newspapers in San Diego County at least three weeks before the proposal due date and in such other minority and community newspapers, as appropriate. The notice shall state that the Board is interested in receiving LOIs/SOQs from qualified firms, and indicate how additional information can be obtained, and the time and place for receiving responses.
3.4.3 Requests for LOIs/SOQs may be sent to firms or individuals previously known to be interested in or capable of providing the required services. Reasonable effort shall be made to send requests to minority firms known to be capable of providing the required services.

3.4.4 "Pass/fail" criteria will be established by staff and clearly stated in the LOI/SOQ to be used as a screening of responses. Such criteria shall include, but not be limited to: adherence to project budget, insurance requirements, and DBE participation.

3.4.5 An evaluation committee will be formed, which should consist of SANDAG staff and at least one person from outside the agency.

3.4.6 The evaluation committee will evaluate the SOQs and the project manager will prepare a memo to the Executive Director summarizing the evaluation committee's findings and recommending one or more qualified firms to be invited to receive an RFP. Following approval by the Executive Director, staff shall then issue an RFP to the qualified firm(s). The RFP shall include all evaluation factors and their relative importance and the contract that the successful proposer will be expected to execute (including all applicable federal clauses and certifications).

3.4.7 From this point, the steps above for a one-step procurement should be followed.

4. Compliance with Brooks Act Provisions for Federally Funded Contracts. If Federal Funds are used and the services are A&E in nature, SANDAG shall comply with the provisions of the Brooks Act.

5. Non-Competitive Procurements (More than $2,500)

5.1 Also known as sole source acquisitions, these shall only be permitted when the conditions below are met.

5.2 When the acquisition will be paid for in whole or in part by federal funds, one of the following conditions must be met:

5.2.1 There is an urgent need for the service due to an emergency or some other exigency that will not permit a delay resulting from competitive solicitation. Examples of such need include a danger to the public or loss of use of a transportation facility used by the public.

5.2.2 Staff solicited competitive bids and was unable to obtain a responsive bid from a responsible bidder.
5.2.3 The grantor agency providing funds for the project has approved sole source acquisition.

5.2.4 The service is only available from a single source.

5.3 When there are no federal funds involved one of the following additional factors may be utilized to justify a sole source acquisition:

5.3.1 There is only one consultant capable of providing the services because the services are unique or highly specialized.

5.3.2 The services should be purchased from a particular consultant in the interest of economy or efficiency as a logical follow-on to services already in progress under a competitively awarded contract.

5.3.3 The cost to prepare for a competitive procurement exceeds the cost of the services.

5.3.4 The services are essential to maintain research or operational continuity.

5.3.5 The service is one with which staff members who will use the deliverables have specialized training and/or expertise and retraining would incur substantial cost in time and/or money.

6. General Conditions

6.1 In the event that circumstances dictate other than the processes indicated above for procurements that do not exceed $100,000, the Executive Director may authorize a variation within the limits of Public Utilities Code section 132352.4. For procedural variations on procurements that will exceed $100,000, prior Board concurrence shall be obtained following submittal of a written statement by staff setting forth the reasons for not pursuing all or part of any of the processes.

6.2 Where proposals received are deemed inadequate by the Executive Director, the Board may authorize a negotiated contract with a recommended firm based on a newly approved scope of services, performance schedule, and/or instructions and conditions.

6.3 The Executive Director is not required to make a contract award if he/she determines that the proposals received or contract terms negotiated by SANDAG staff are not in SANDAG’s best interests.

6.4 The Executive Director may approve contract amendments totaling up to $100,000 that are necessary to complete services as originally contemplated subject to the limitations set forth in Section 12.2 of this policy. The Board will be notified of all such amendments. Contract amendments in excess of $100,000 or those contemplating a significant change in the original scope of services, must be processed in accordance with SANDAG’s procurement manual and policies.
6.5 For purchases involving no federal funds and not exceeding $25,000, a purchase order may be used. For purchases in excess of $2,500 involving federal funds, all applicable federal requirements and certifications must be attached to the purchase order or contract. For purchases that exceed $10,000, a contract must be used in order to ensure provisions are included to protect SANDAG’s interests.

6.6 The Board’s Equal Employment Opportunity Program will be incorporated by reference in all services contracts. The Board’s Disadvantaged Business Enterprise (DBE) Program shall be incorporated by reference in all services contracts that are federally funded. DBEs shall have every possible opportunity to participate in the procurement of services as set forth in the Board’s DBE program.

7. Conflicts of Interest

7.1 A consultant is eligible for award of service contracts by SANDAG so long as the contract in question does not create an actual, potential, or apparent conflict of interest. A prohibited conflict of interest exists when a firm is or may be unable to render impartial, objective assistance or advice to SANDAG or where a firm would receive an unfair competitive advantage. Prohibited conflicts of interest include, but are not limited to, the following situations:

7.1.1 Any firm that provides design services to SANDAG will be ineligible for award of a construction contract to construct the improvements which are the subject of the design services.

7.1.2 Any firm that provides design services to SANDAG will be ineligible for award of any contract to provide construction management services resulting from the specific project for which design services were provided.

7.1.3 Any firm that provides construction management services to SANDAG will be ineligible for award of a construction contract for which construction management services were or will be provided.

7.2 General consultants or subconsultant firms may provide services on other SANDAG projects. A consultant shall not, however, participate in the review and analysis of, or render opinions regarding, its work performed on other SANDAG projects or as limited in this section. Unless otherwise defined by the Executive Director, a general consultant is a consultant whose procurement is typically for a two-year period with an option for one or more one-year option extensions to provide services as needed from time to time on a work order or task order basis, rather than for one specific predefined project. General consultants support SANDAG staff in managing other SANDAG consultants. General consultants are prime consultants to SANDAG. Subconsultants to general consultants are not classified as general consultants. General consultant procurements are identified as such during the RFP process.
7.3 A Notice of Potential for Conflict of Interest shall be included within any RFP for services issued by SANDAG. The Notice shall be the policy of the Board as listed herein. Any major service agreement issued in accordance with this policy shall include or make reference to the policy listed herein.

7.4 A “firm” shall be defined as any company or family of companies where there is a single parent board of directors or staff of officers who can influence the policies and actions of the design company, construction management company, and the construction company.

7.5 “Ineligible” shall include the prime consultant for the services, subcontractors for portions of the services, and affiliates of either. An affiliate is a firm that is subject to the control of the same persons through joint ownership or otherwise.

7.6 If there is any doubt by a firm regarding a potential conflict of interest for a specific project or function, the appropriate member of management staff, depending on type of project, will, upon written request, provide a written ruling. This procedure is encouraged prior to submittal of RFPs. In the event a conflict of interest is determined to exist, a written appeal may be made by the affected firm to the Executive Director within five calendar days of notice from SANDAG the conflict. The Executive Director shall determine the adequacy of the appeal and make a subsequent final decision. No further appeal shall be considered.

7.7 The Executive Committee shall review and, if appropriate, waive any actual, potential, or apparent conflict of interest that may exist or arise as a result of concurrent legal representation of SANDAG and parties whose interests may conflict.

8. Protests to Solicitation, Bid, or Award

8.1 SANDAG shall include in all contracts a procedure to be followed by interested parties who wish to protest a specification or procedure. The procedure shall include the following:

8.1.1 A requirement that protest submittals shall be in writing, be specific to the specification being protested, state the grounds for protest, and include all documentation needed to enable SANDAG to reach a decision.

8.1.2 A statement that the protest shall be submitted within clearly defined time limits prior to receiving proposals or opening bids or prior to award of contracts.

8.1.3 A statement specifying the review and determination process by SANDAG, including time limits for response.

8.1.4 Requirements for submittal of a protest reconsideration.
8.1.5 A statement that the initial protest will be reviewed by a protest review committee and that protest reconsiderations will be reviewed by the Executive Director.

9. Procedure for Consultants with Claims Against SANDAG on Service Contracts

9.1 On all SANDAG services contracts estimated to cost more than $25,000, a section shall be included in the contract provisions that specifies how a consultant should file a "Notice of Potential Claim" and the procedures for review and disposition thereof.

9.2 Written notice of the potential claim must be given to the project manager prior to the time the consultant shall have performed the work giving rise to the potential claim, if based upon an act or failure to act of the project manager; or in all other cases, within 15 calendar days of the happening of the event, thing or occurrence giving rise to the potential claim.

9.3 It is the intention of this requirement that differences between the parties arising under and by virtue of the contract be brought to the attention of the project manager at the earliest possible time in order that such matters may be settled, if possible, or other appropriate action promptly taken. The consultant shall agree to have no right to additional compensation for any claim that may be based on any such act, failure to act, event, thing or occurrence for which no written notice of potential claim as herein required was filed. A claim must be presented and acted upon as a prerequisite to suit thereon.

9.4 If a consultant files an appropriate "Notice of Potential Claim," the administrative procedure shall be as follows:

9.4.1 SANDAG staff shall respond in writing within 25 calendar days with an appropriate decision. It is expected that SANDAG staff shall investigate the area of claim thoroughly and shall issue a decision that is fair to all parties. It is further expected that every effort will be made to resolve the claim at the job level.

9.4.2 If it appears to staff that the claim cannot be settled, the project manager and contracts staff shall, as soon as practicable, forward the details of the claim to the Executive Director and shall so notify the consultant of the action.

9.4.3 The Executive Director shall direct the appropriate department director to obtain all pertinent information, including any oral or written presentation, concerning the claim the consultant might wish to present. The department director shall provide all information to the Executive Director, including any recommendations.

9.4.4 The Executive Director shall report a final decision in writing to the consultant. The written decision shall notify the consultant that this
action completes the consultant's administrative remedies and any further dispute would have to be resolved by either a nonbinding Dispute Resolution Board or arbitration if provided for in the provisions of the contract and agreed to by both parties, or litigation.

9.4.5 The final recommendation of the Dispute Resolution Board or arbitration shall be presented to the Executive Director for approval before going to the Board for action.

9.4.6 Any claim disputes not resolved by the Executive Director shall be reported to the Board at one of the Board's regular meetings.

9.5 If a contract amendment proposed for the settlement of a claim causes a budget impact over $100,000, the amendment must be sent to the Board for approval.

9.6 Federal Transit Administration review and concurrence may be required for claim settlements that exceed $100,000 if federal funds are involved.

9.7 A list of all outstanding claims exceeding $100,000 which involve the use of federal funds shall be included in the federal grants quarterly report.

10. Debarment Procedures for Service Contracts

10.1 In addition to all other remedies permitted by law, SANDAG may, upon advice of the Executive Director and Office of General Counsel, by resolution declare a proposer or consultant ineligible to bid on SANDAG contracts for a period not to exceed three years for any of the following grounds:

10.1.1 unjustified failure or refusal to timely provide or properly execute contract documents;

10.1.2 unsatisfactory performance of contract;

10.1.3 excessive and/or unreasonable claims while performing work for SANDAG;

10.1.4 two or more occasions within a two year period of failure to submit bond or insurance documents acceptable to SANDAG in the time periods required;

10.1.5 unjustified refusal to properly perform or complete contract work or warranty performance;

10.1.6 unjustified failure to honor or observe contractual obligations or legal requirements pertaining to the contract;
10.1.7 conviction under a state or federal statute or municipal ordinance for fraud, bribery, theft, falsification or destruction of records, receiving stolen property or of any other similar crime;

10.1.8 any offense or action which indicates a lack of business integrity and which could directly affect the reliability and credibility of performance of the consultant on future contracts with SANDAG;

10.1.9 any debarment of the consultant by another governmental agency; and

10.1.10 two or more claims of computational, clerical, or other error in cost proposal submission within a two year period.

10.2 SANDAG may permanently debar a firm for a conviction under federal or state antitrust statutes involving public contracts or the submission of bid proposals, for any corrupt practices involving the administration or award of a contract with SANDAG, or permanent debarment of the bidder or consultant by another governmental agency, as permitted by law.

10.3 The proposer or consultant shall be provided notice and an opportunity to present evidence and show cause before the Board why such ineligibility should not be declared after the Executive Director has established a factual basis for debarment.

10.4 A consultant’s debarment shall be effective amongst SANDAG and any of its subsidiary entities. Debarment prohibits SANDAG and subsidiary entities from executing contracts with the debarred consultant.

10.5 Debarment constitutes debarment of all divisions or other organizational elements of the consultant, unless the development decision is limited by its terms to specific divisions, organizational elements, or commodities. The debarment decision may be extended to include any affiliate of the consultant if the affiliate is (1) specifically named, and (2) given written notice of the proposed debarment and an opportunity to respond.

10.6 Notwithstanding the debarment of the consultant, the Board may continue contracts in existence at the time the consultant is debarred, unless the Board directs otherwise, after receiving advice from the Executive Director or his or her designee as to the effects of termination of an existing agreement.

11. Contract Administration and Consultant Assurances

11.1 SANDAG consultants must meet all applicable laws concerning labor law, labor rates, EEO and licenses.

11.2 SANDAG shall ensure that all services requiring a licensed consultant shall be performed by licensed consultants.
11.3 Consultants will be responsible for complying with the provisions of the Fair Labor Standards Act of 1938 as amended.

11.4 Consultants shall be required to provide Workers' Compensation Insurance to their employees in accordance with the provisions of Section 3700 of the Labor Code. Prior to commencement of work, the consultant shall sign and file with SANDAG a certification of compliance.

11.5 The SANDAG requirements for consultant labor compliance shall be guided by the California Labor Code and the “Labor Compliance” section of the California Department of Transportation's Construction Manual.

11.6 Consultants shall comply with the EEO requirements set forth by Title VI of the 1964 Civil Rights Act on any project where Federal funds are included, and any other requirements established by the Federal Transit Administration.

11.7 Consultants shall comply with Sections 1431 and 1735 of the Labor Code and Sections 300 and 317 through 323 of Title 8 of the California Administrative Code, which prohibits labor discrimination and requires the consultant to submit an Equal Opportunity Program and certification fee to the Fair Employment Practice Commission for contracts over $200,000.

12. Amendments to Service Contracts

12.1 All contracts may be amended by a suitable amendment processed in accordance with SANDAG’s procurements manual and policies.

12.2 The Executive Committee or Transportation Committee or, if not practical, the Chairperson of the Board or the Vice Chairperson in the absence of the Chairperson, are hereby authorized to approve amendments exceeding $100,000 when waiting for Board approval could potentially delay a project or increase the cost of the change. In such an instance, the Executive Director shall notify the Board of the Committee’s action or Chairperson/Vice Chairperson’s action at the next regular Board meeting.

12.3 All amendments that impact or potentially impact Board-adopted policies shall be brought before the Board for decision.

12.4 All amendments which utilize federal funds shall conform to the Code of Federal Regulations, Volume 49, Part 18 and Federal Transit Administration Circular 4220.1 E and any successors thereof that are applicable by law.
DELEGATION OF AUTHORITY

The purpose of this policy is to establish the authority granted by the Board of Directors to the Executive Director. It also provides the Executive Director with the authority to delegate functions he or she has been delegated by the Board to SANDAG staff.

Definitions

The following words shall have the meanings indicated when used in this policy:

“Agreement” shall be interpreted to include contracts, memorandums of understanding, agreement amendments, purchase orders, invoices, money transfers, or any other document that could be enforced against SANDAG in a court of law.

“Budget” shall be interpreted to include SANDAG's annual budget, revisions and amendments thereto, and the Overall Work Program.

“Emergency or Urgent Need” for purposes of this policy shall mean a situation in which, in the Executive Director’s or his/her designee’s opinion, injury to persons, or significant injury to property or interruption of a public service will occur if immediate action is not taken.

Procedures

1. Adoption of a budget by the Board shall automatically authorize the Executive Director to enter into any agreements or take any other actions necessary to implement the budget items or other actions approved by the Board.

2. Any authority delegated to the Executive Director shall automatically vest with a Chief Deputy Executive Director when business must be conducted in the absence of the Executive Director.

3. In the event of emergency or an urgent need, the Executive Director is authorized to take all necessary actions to prevent significant unnecessary loss to SANDAG, a shut-down of public services, or to address a situation threatening the health or safety of persons or property, including, but not limited to, authorization to contract with a contractor or consultant on a sole source basis, consistent with applicable state or federal law, in an amount up to $200,000, without prior approval from the Board. In the event such an emergency or urgent need occurs, the Executive Director will consult with the Chair of the
Board and report all actions to the Board at its next regular meeting in order to obtain ratification for those actions.

4. The Executive Director is hereby authorized to carry out the actions set forth below. In the event any of the authorities in this paragraph are exercised, the Executive Director will report actions taken to the Board in summary written form at the next regular meeting of the Board.

4.1 Enter into agreements not currently incorporated in the budget and make other modifications to the budget in an amount up to $100,000 per transaction so long as the overall budget remains in balance. This provision may not, however, be used multiple times on the same budget line item or contract in order to circumvent the $100,000 limit.

4.2 Approve all design plans, specifications and estimates for capital improvement projects.

4.3 Execute all right-of-way property transfer documents, including but not limited to, rights of entry, licenses, leases, deeds, easements, escrow instructions, and certificates of acceptance.

4.4 Direct payment to persons for right-of-way property so long as the payment amount does not exceed 110% of the appraised value.

4.5 Reject all bids and/or suspend the competitive procurement process.

4.6 Provide the final determination to persons or firms filing a protest regarding SANDAG’s procurement or contracting process or procedures.

4.7 File administrative claims and to initiate and maintain lawsuits on behalf of the Board to recover for damage to or destruction of SANDAG property, or interruption of a public service.

4.8 Settle all lawsuits initiated under paragraph 4.7.

5. The Executive Director shall act as the appointing authority for SANDAG with the authority to appoint, promote, transfer, discipline, and terminate all employees of SANDAG subject to the provisions of SANDAG’s Administrative Rules and Regulations.

6. Pursuant to Article V, Section 4, paragraph c of the Bylaws, the Executive Director shall promulgate an administrative policy governing the procedures for delegating his/her authority to other SANDAG staff.
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.

Background

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 “B.” 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 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.

4.2 **What To File** - A complaint must be in writing and include the following:

4.2.1 The complaining party’s name, address, e-mail address and phone number;

4.2.2 A full description of the problem;

4.2.3 A statement of the remedy requested; and

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

4.3 **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.
4.4 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.

4.5 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.

4.6 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.

4.7 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.

4.8 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 the 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, 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.
ARJIS CONSOLIDATION WITH SANDAG: STATUS AND PUBLIC SAFETY POLICY ADVISORY COMMITTEE PROPOSAL

Status

Since April 2003 the consolidation of ARJIS with SANDAG has been actively pursued by the ARJIS/SANDAG Consolidation Committee, a working group composed of members from the ARJIS Board of Directors and Chief’s/Sheriff Management Committee. The Consolidation Committee, ARJIS Board of Directors, and ARJIS Management Committee have met monthly to review, discuss, and make recommendations for the consolidation. Staff has also met with elected officials, key law enforcement officials, and local staff to facilitate the consolidation. The consolidation is being viewed as beneficial for SANDAG, ARJIS, and regional law enforcement activities.

Attachment 1 shows that substantial progress has been made on this consolidation effort. Policy and implementation issues related to the consolidation have been identified and are being addressed. Legal Counsel has reviewed and made recommended modifications to the ARJIS JPA, Bylaws, and SANDAG Policy Advisory Committee procedures. These documents and the full draft consolidation plan will come before the Executive Committee in November. Building security is being addressed in the SANDAG office space plan and IT staff is ensuring data security and integrity. Finance and Administration staff are working on contracts, finances, staffing, and other administrative/budgetary tasks required for consolidation. The timeline and key milestones for completing the consolidation are contained in Table 1.

Table 1  
ARJIS/SANDAG Consolidation: Timeline and Key Milestones

| Proposed Public Safety Committee | Consolidation Committee: September  
| ARJIS Board Discussion: September  
| SANDAG Executive Committee: October |
| Draft Consolidation Plan | Consolidation Committee: October  
| ARJIS Board: October  
| SANDAG Executive Committee: November |
| Final Consolidation Plan | Consolidation Committee: November/December  
| ARJIS Board: November/December  
| SANDAG Board: November/December |
| Adoption and Execution of JPA and Related Policies | January – March 2004 |
| Complete Implementation | July 2004 |
The timeline would have the consolidation in effect as of July 1, 2004. However, the Plan envisions initiation of a new SANDAG policy advisory committee over ARJIS by spring 2004, and inclusion of ARJIS in the SANDAG FY 2005 budget development process.

Proposed Public Safety Policy Advisory Committee

Attachment 2 shows a new Public Safety Policy Advisory Committee (PSPAC) proposed to be a fifth SANDAG policy advisory committee that would report directly to the SANDAG Board of Directors. The PSPAC would replace the current ARJIS Board of Directors and Executive Committee and have direct support from the Chief’s Management Committee, and the PSPAC also would oversee SANDAG’s Criminal Justice Research Division activities. The formation of the PSPAC would strengthen the coordination and relationships between the elected officials and key law enforcement agencies, including Homeland Security, and provide a prominent regional forum for public safety matters.

After extensive discussion and dialogue, the Consolidation Committee, ARJIS Board of Directors, and ARJIS Management Committee are proposing the following structure for the PSPAC.

1. PSPAC Membership – 15 members (11 Voting, 4 Advisory)
   - 6 SANDAG Board Members - (Voting)
     - 4 subregions
     - City of San Diego
     - County of San Diego
   - 5 Public Safety Members - (Voting)
     - 1 County Sheriff
     - 1 State Public Safety Association Member
     - 2 Members of the County Chiefs/Sheriff Association
     - 1 Regional Homeland Security Committee Member
   - 4 Public Safety Advisory Members – (Non-Voting)
     - 2 Federal Law Enforcement (e.g. US Attorney, FBI)
     - 1 County (DA/Probation)
     - 1 Court

2. Appointing Committee Members

SANDAG Board members serving on the PSPAC would be selected based on the current SANDAG policy for Policy Advisory Committee appointment and rotations. It was recommended that the following organizations appoint the remaining members on an annual basis:

a) County Chief/Sheriff’s Association – 2 voting members
b) Regional Homeland Security Committee - 1 voting member
c) State Public Safety Association – 1 voting member
d) County Criminal Justice Association – 1 advisory member
e) Federal Agency Association – 2 advisory members
f) Courts - 1 advisory member
There would be a primary and alternate designated for each member of the PSPAC. Consistent with Board policy, the SANDAG Board Chair would appoint the Chair and Vice Chair of the Committee, who would be SANDAG Board members. Modifications to SANDAG Board policy, however, will be required to allow non-SANDAG Board Members to vote on the PSPAC.

3. Meeting Frequency

The Consolidation Committee recommended monthly meetings initially. The day and time of the meetings needs to be finalized.

GARY L. GALLEGOS  
Executive Director

Attachments (2)

Key Staff Contact: Jeff Tayman, (619) 595-5374, jta@sandag.org
Scope of Work for ARJIS/SANDAG Consolidation

(Tasks may not necessarily be performed in a sequential order)

1. (Completed) Form ARJIS Board of Directors, Police Chiefs/Sherriff, Federal law enforcement agencies, SANDAG staff, and ARJIS staff into an ARJIS/SANDAG consolidation team to prepare consolidation plan, scope of work and schedule. The consolidation team would meet as needed on a monthly basis to complete the consolidation plan and oversee the implementation.

The composition of the consolidation team includes: 1) Members from the Board of Directors: Art Madrid, Christy Guerin, Mark Lewis, Lori Holt Pfeiler, Phil Monroe, Ramona Finnila, and Pam Slater; 2) Members from the ARJIS Chief’s: Chief Jim Davis (El Cajon), Chief Robert Hutton (Coronado), Commander Robert Apostolos (SD Sheriff) Chief John Welter (SD Police) and one or two representative from DA, US Attorney, FBI, or other federal agency; 3) Members from SANDAG staff: Tom Larwin, Jeff Tayman, and Cindy Burke, and 4) Pam Scanlon from ARJIS staff.

2. (Completed) The Consolidation Team would meet as needed to complete the tasks outlined in the scope of work. Monthly meetings of the Consolidation Team will be held on the 1st Wednesday of each month at 8:00 a.m. at the Western Division offices of SDPD, 5215 Gaines Street.

3. (Completed) ARJIS staff prepare resource guide for each member of the consolidation team with ARJIS work program and projects (current and planned), budget, current contracts and planned contracts, staff organization chart, description of current committees and working groups, recent Board agendas representing issues bought before the ARJIS Board, and information systems being used.

4. (Completed) Discussion by consolidation team on advantages, disadvantages, and issues of the ARJIS/SANDAG consolidation to both agencies. The advantages and disadvantages, and transitions issues should be documented along with a recommendation by the team to the ARJIS Board of Directors.

5. (Completed) ARJIS Chiefs provide their vision 2008 for ARJIS. The ARJIS Strategic Plan goals and objectives will also be provided for consideration of consolidation into a common strategy. At September meeting team will confirm common vision, elements, goals and objectives for ARJIS that should be considered as part of the consolidation.

6. (In-Progress) Consolidation Team will identify issues and options to address each of the issues. Bring in necessary outside parties to help develop solutions. Where appropriate, obtain policy direction from the ARJIS Board of Directors. (June - November)

7. (Proposal Completed) Identify appropriate committee and working group make-up under the SANDAG Board, including membership and selection of members. (September - October)

8. (Drafts Completed) Identify needed changes to ARJIS JPA, Bylaws, and SANDAG policies to address identified implementation and policy issues related to consolidation, and to help achieve vision, goals and objectives (October)

9. (In-Progress) Prepare Draft Consolidation Plan for review and action by the ARJIS Management Committee, ARJIS Board of Directors, and SANDAG Board of Directors. (October)

10. Develop ARJIS work program that addresses agreed upon vision, goals and objectives for incorporation into SANDAG Overall Work Program and Budget. (November - June 2004)

11. Finalize Consolidation Plan and proceed with implementation steps. (November - June 2004)
Draft – Proposed Board and Policy Advisory Committee Organization with ARJIS Consolidation

SANDAG Board of Directors
Makes regional public policy

Executive Committee
Sets agenda; oversight for budget and work program; reviews grant applications; makes recommendations on legislative proposals & agency policies

Transportation Committee
Policy recommendations on planning and programming; strong focus & commitment to meet public transit needs

Public Safety Committee
Policy recommendations on public safety & Homeland Security related to ARJIS & Criminal Justice Research activities

Borders Committee
Policy recommendations on interregional programs & projects

Regional Planning Committee
Policy recommendations on Regional Comprehensive Plan development & implementation

Chiefs Management Committee

10/10/03
2004 ANNUAL BOARD RETREAT

Introduction

The SANDAG annual retreat is scheduled for Wednesday evening, all day Thursday, and Friday morning, January 28, 29 and 30, 2004 in the desert community of Borrego Springs.

The primary objective of the retreat continues to be to give participants the opportunity to discuss in detail a few of SANDAG’s regional public policies and programs. From these retreat discussions, participants can develop ideas for the future direction of the agency. Board members also may want to consider some of these issues during the ensuing months as they develop the fiscal year 2005 Overall Work Program and associated budget.

In previous years, the Executive Committee has served as the working group to help the Board of Directors and staff develop the retreat agenda and format. Staff is recommending that the Executive Committee continue in this important role.

Discussion

To date, individual Board members and staff have suggested the following topics as potential retreat agenda items:

- Evolving regional roles, responsibilities, and structure under the new consolidated agency;
- Developing the TransNet ½ penny transportation sales tax extension process and expenditure plan for the November 2004 election ballot;
- Decision-making as the draft Regional Comprehensive Plan is refined in response to the public’s and member agencies’ comments and recommendations;
- Evaluating the agency’s work during calendar year 2003, including the legislative program; and
- Consensus-building on the regional priorities during the year 2004.

During past retreats, participants also have found it useful to include:

- a primer on the agency’s vision, mission, and functions, and the roles of a Director (important for new Board members beginning to serve during the new year as well as a refresher for veteran members); and
- a primer on the topics to be discussed during the retreat so new members as well as veteran Board members can engage one another with much of the same foundation of information.
Staff also would welcome suggestions the Executive Committee might have regarding a particular topic or specific keynote speaker for the retreat. One suggestion for a speaker is Richard Bowers, the former city manager of the Scottsdale, Arizona. Mr. Bowers presented leadership concepts and team approaches during the SANDAG Regional Academy.

Why Have a Retreat?

A retreat provides the opportunity for Board members and alternates to get together in a relaxed and informal atmosphere to allow for more time to have in-depth discussion on a few significant regional policies. A well-planned, well-executed retreat provides the time for reflection on and evaluation of the worthiness of existing programs as well as the development of new initiatives. For example, initiatives from past retreats have resulted in your development of the Regional Economic Prosperity Strategy, your statewide fiscal reform proposal, the creation of the Committee on Binational Regional Opportunities, and the Regional Shoreline Preservation Strategy. In addition, a well-organized retreat enhances team building, program planning, commitment to goal accomplishment, and organizational development.

Where Is the Best Location?

The key to any retreat is to get participation. It is important to afford participants a different physical setting from the routine and pressures of their daily workplaces. The best location is a place that is relaxing and lends itself to clear, creative thought. La Casa Del Zorro in the community of Borrego Springs has worked very well as our retreat venue.

What’s the Proper Duration for the Retreat?

According to the California Association of Chamber of Commerce Executives, one and one-half to two-day retreats offer the best opportunity to incorporate work time and team building. A two-day session may allow time for a presentation by an outside speaker, reports on various committees and projects, time to brainstorm, develop a wish list, and time to fine tune the overall organization. The chamber executives note that retreat social events can be as valuable as the working sessions.

Conclusion

The annual retreat has been of immense value for SANDAG Board members and alternates to help set the direction of the agency. Based on the Executive Committee’s discussions at this meeting and during the November 7th Executive Committee meeting, staff will draft an agenda for the Board’s consideration at the November 21, 2003 SANDAG meeting. Once the Board approves the retreat agenda, a letter of invitation along with an RSVP card will be mailed to each Director and Alternate during the first week of December 2003. The final agenda, background materials, and retreat logistics will be mailed to participants the week of January 19, 2004.

GARY L. GALLEGOS
Executive Director

Key Staff Contact: Garry Bonelli, (619) 595-5360, gbo@sandag.org
REVIEW OF DRAFT BOARD AGENDA FOR OCTOBER 24, 2003

ITEM # RECOMMENDATION

#1. APPROVAL OF MEETING MINUTES
   A. SEPTEMBER 26, 2003 BOARD OF DIRECTORS MEETING
   B. OCTOBER 10, 2003 POLICY DEVELOPMENT BOARD MEETING

2. ADDITIONS AND DELETIONS

PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

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

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. ACTIONS FROM POLICY ADVISORY COMMITTEES

#4. NEW SANDAG ADMINISTRATIVE POLICIES (Julie Wiley)

In September SANDAG’s legal staff asked the Executive Committee to review and comment on three new Board Policies: Procurement of Services, Delegation of Authority, and Discrimination Complaint Procedures. The Executive Committee approved these three policies at its October meeting and is recommending their approval.
5. LOCAL TECHNICAL ASSISTANCE (LTA) PROJECT REQUIRING MORE THAN $1,000 OR THREE DAYS STAFF TIME (Karen Lamphere)

Local Technical Assistance (LTA) policy guidelines require that projects involving more than three days staff time be reported to the Board of Directors. The projects covered in this month’s report are a public opinion survey for the City of La Mesa and a survey of Chula Vista residents regarding police service.

6. LOCAL TECHNICAL ASSISTANCE (LTA) ANNUAL REPORT (Karen Lamphere)

The LTA program provides member agencies access to SANDAG’s Regional Information System. Each year, we assist local agency staffs on a variety of projects through the LTA program. In accordance with the policy guidelines approved by the SANDAG Board, this report summarizes the projects and activities conducted under the Local Technical Assistance (LTA) program in FY 2003.

The LTA program provides member agencies access to SANDAG’s Regional Information System. Each year, we assist local agency staffs on a variety of projects through the LTA program. In accordance with the policy guidelines approved by the SANDAG Board, this report summarizes the projects and activities conducted under the Local Technical Assistance (LTA) program in FY 2003. The LTA program and selected projects are highlighted on the display board in the 7th Floor lobby.

7. PROGRESS REPORT ON TRANSPORTATION PROJECTS (Jose Nuncio)

This report summarizes the current status of major highway, transit, arterial, traffic management, and Transportation Demand Management (TDM) projects in SANDAG’s five-year Regional Transportation Improvement Program (RTIP). The TransNet one-half percent local sales tax and other local, state, and federal sources fund these projects.

8. 2003 YEAR-END LEGISLATIVE WRAP UP (Ellen Roundtree)

The outcome of significant legislation the Board took a position on in 2003 is provided.

9. CHAIR’S REPORT

10. PRESENTATION OF AWARD OF RECOGNITION TO SENATOR DENISE MORENO DUCHENY FOR PASSAGE OF SB 491, WHICH EXTENDS THE HOUSING ELEMENT DEADLINE FOR COUNTIES AND CITIES FOR ONE YEAR (Ellen Roundtree)

(paragraph)

11. 2003 COBRO CONFERENCE REPORT (Councilmember Crystal Crawford)

(paragraph)
12. AMERICAN PUBLIC TRANSPORTATION ASSOCIATION (APTA) 2003 ANNUAL MEETING (Chairman Ron Morrison)

(paragraph)

13. REPORTS

#14. OVERVIEW OF AB 361 (KEHOE) – CONSOLIDATED AGENCY/REGIONAL COMPREHENSIVE PLAN (Gary Gallegos)

(paragraph)

#15. FRAMEWORK FOR THE TransNet EXTENSION EXPENDITURE PLAN (Craig Scott)

Based on the direction provided at the September 12, 2003 Policy Board meeting, a draft framework for the TransNet Extension Expenditure Plan has been developed. The framework was approved by the Ad Hoc Working Group on TransNet at its September 26, 2003 meeting. Approval of the framework will establish direction from the Board of Directors to the Working Group on the ongoing development of the draft TransNet Extension Ordinance and Expenditure Plan.

16. STATUS REPORT ON THE FINAL QUANTIFICATION SETTLEMENT AGREEMENT (QSA)-IMPERIAL WATER TRANSFER (CWA Staff Member; Shelby Tucker)

Staff from the San Diego County Water Authority will summarize the final QSA provisions and update the Board on the significant changes from earlier versions that were presented to SANDAG. They will also identify the next steps.

17. UPCOMING MEETINGS

The next policy development meeting of the Board of Directors is scheduled for Friday, November 7, 2003 at 10:15 a.m. immediately following the Executive Committee meeting. The next business meeting of the Board of Directors is scheduled for Friday, November 21, 2003 at 9 a.m.

19. ADJOURNMENT

GARY L. GALLEGOS
Executive Director

# 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.