Board Members
Steve Vaus, Chair
Mayor, Poway

Catherine Blakespear, Vice Chair
Mayor, Encinitas

Cori Schumacher
Councilmember, Carlsbad

Mary Salas
Mayor, Chula Vista

Richard Bailey
Mayor, Coronado

Ellie Haviland
Mayor, Del Mar

Bill Wells
Mayor, El Cajon

Paul McNamara
Mayor, Escondido

Serge Dedina
Mayor, Imperial Beach

Bill Baber
Councilmember, La Mesa

Racquel Vasquez
Mayor, Lemon Grove

Alejandra Sotelo-Solis
Mayor, National City

Jack Feller
Deputy Mayor, Oceanside

Kevin Faulconer
Mayor, City of San Diego

Georgette Gomez
Council President, City of San Diego

Jim Desmond
Vice Chair, County of San Diego

Kristin Gaspar
Supervisor, County of San Diego

Rebecca Jones
Mayor, San Marcos

John Minto
Mayor, Santee

David A. Zito
Councilmember, Solana Beach

Judy Ritter
Mayor, Vista

Advisory Members
Hon. Jesus Escobar, Supervisor, District 1
Imperial County
Toks Omishakin, Executive Director
California Department of Transportation
Paloma Aguirre, Boardmember
Metropolitan Transit System
Tony Kranz, Chair
North County Transit District
Joe Stuyvesant, Navy Region Southwest
Executive Director
U.S. Department of Defense
Garry Bonelli, Commissioner
Port of San Diego

SANDAG is relying on commercial technology to broadcast the April 10 Board meeting via GoToWebinar. With the recent increase of virtual meetings, platforms such as Microsoft Teams, WebEx, GoToMeeting, and Zoom are working to scale their systems to meet the new demand. If we experience technical difficulty or you are unexpectedly disconnected from the broadcast, please close and re-open your browser and click the link to re-join the meeting. SANDAG staff will take all possible measures to ensure a publicly accessible experience. Please note that the meeting will continue to be broadcast audio-only via the “Listen to the meeting” link on www.sandag.org.

Public Comments: Persons who wish to address the Board on an item to be considered at this meeting, or on non-agendized issues, may email comments to the Board at clerk@sandag.org (please reference: “April 10 Board Meeting” in your subject line and identify the item number(s) to which your comments pertain). Comments received by 4 p.m. on Thursday, April 9, will be provided to Board members prior to the meeting. Comments received during the meeting will be read into the record at the appropriate time for public comments. All comments received prior to the close of the meeting will be made part of the meeting record.
Welcome to SANDAG. Members of the public may speak to the Board of Directors on any item at the time the Board is considering the item. Public speakers are limited to three minutes or less per person. The Board may only take action on any item appearing on the agenda.

In order to keep the public informed in an efficient manner and facilitate public participation, SANDAG also provides access to all agenda and meeting materials online at sandag.org/meetings. Additionally, interested persons can sign up for email notifications at sandag.org/subscribe.

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SANDAG agenda materials can be made available in alternative languages. To make a request, call (619) 699-1900 at least 72 hours in advance of the meeting.

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请在会议前至少 72 小时打电话 (619) 699-1900 提出请求。

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3. Enter the Meeting Password: SANDAG

Message from the Clerk

In compliance with Government Code §54952.3, the Clerk hereby announces that the compensation for legislative body members attending the following simultaneous or serial meetings is: Executive Committee (EC) $100, Board of Directors (BOD) $150, and Regional Transportation Commission (RTC) $100. Compensation rates for the EC and BOD are set pursuant to the SANDAG Bylaws, and the compensation rate for the RTC is set pursuant to state law.

Mission Statement

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

San Diego Association of Governments · 401 B Street, Suite 800, San Diego, CA 92101-4231
(619) 699-1900 · Fax (619) 699-1905 · sandag.org
Board of Directors
Friday, April 10, 2020

Item No.  Action

+1.  Approval of Meeting Minutes  Approve
+1A. February 14, 2020, Board Policy Meeting
+1B. February 14, 2020, Joint Meeting of the Board of Directors, Transportation Committee, and Regional Planning Committee
+1C. February 28, 2020, Board Business Meeting

2.  Public Comments/Communications/Member Comments
Public comments under this agenda item will be limited to five public speakers. Members of the public shall have the opportunity to address the Board on any issue within the jurisdiction of SANDAG that is not on this agenda. Other public comments will be heard during the items under the heading “Reports.” Persons who wish to address the Board on an item to be considered at this meeting, or on non-agendized issues, may email comments to the Board at clerk@sandag.org (please reference: “April 10 Board Meeting” in your subject line and identify the item number(s) to which your comments pertain). Comments received by 4 p.m. on Thursday, April 9, will be provided to Board members prior to the meeting. Comments received during the meeting will be read into the record at the appropriate time for public comments. All comments received prior to the close of the meeting will be made part of the meeting record. Board members also may provide information and announcements under this agenda item.

3.  Policy Advisory Committee Chairs’ Report  Information
Policy Advisory Committee Chairs will provide updates on key committee activities.

4.  Executive Director’s Report  Discussion
Hasan Ikhrata, SANDAG
An update on key programs, projects, and agency initiatives, including the agency’s response to COVID-19, San Diego Forward: The 2021 Regional Plan, and the Airport Connectivity project, will be presented.

Consent

+5.  Waiver of Review for Time Extension Amendments: TransNet Grant Programs*  Approve
Julie Wiley, SANDAG
The Board of Directors is asked to waive Policy Advisory Committee review of time extension amendments for TransNet Grant Program grantees who are unable to perform under their current schedule due to COVID-19 and delegate the authority to approve these extensions to the Executive Director.
+6. COVID-19 Forecast and Development of the Draft FY 2021 SANDAG Program Budget*
André Douzdjian and Ray Major, SANDAG
The Board of Directors is asked to provide feedback on the development of the draft FY 2021 SANDAG Program Budget.

+7. Proposed Amendments to Bylaws Relating to the SANDAG Budget Process*
John Kirk, SANDAG
The Board of Directors is asked to approve the proposed amendments to Section 1 of Article VI of the SANDAG Bylaws relating to the SANDAG budget process.

+8. Regional Housing Needs Assessment Appeals Public Hearing Continuance
Seth Litchney, SANDAG
The Board of Directors is asked to ratify a further continuance of the Regional Housing Needs Assessment Appeals Hearing until such time as an in-person meeting can be held consistent with local and state physical distancing requirements.

+9. Appointment of Interim Director of the Automated Regional Justice Information System
Melissa Coffelt, SANDAG
The Board of Directors is asked to:
1. Adopt Resolution No. 2020-22, approving an exception to the CalPERS 180-day waiting period for work after retirement for former Chief Craig Carter; and
2. Authorize the Executive Director to extend an offer of temporary employment to Chief Carter for the position of Interim Director of the Automated Regional Justice Information System.

+10. CARES Act: Federal Transit Administration Apportionment Grant Applications
Michelle Smith, SANDAG
The Board of Directors is asked to approve the submittal of Federal Transit Administration (FTA) grant applications for the San Diego region for the CARES Act FTA apportionments.

+11. Proposed Suspension of FasTrak Monthly Fees and Registration Holds
Ryan Ross, SANDAG
The Board of Directors is asked to approve the suspension of the FasTrak monthly account maintenance fee and the practice of placing vehicle registration holds with the California Department of Motor Vehicles for overdue accounts until the statewide Shelter in Place Executive Order has been lifted.
12. **Continued Public Comments**  
If the five-speaker limit for public comments was exceeded at the beginning of this agenda, other public comments will be taken at this time. Subjects of previous agenda items may not again be addressed under public comment.

13. **Upcoming Meetings Information**  
The next Board meeting is scheduled for Friday, April 24, 2020, at 9 a.m.

14. **Adjournment**  

+ next to an item indicates an attachment  

* next to an agenda item indicates that the Board of Directors also is acting as the San Diego County Regional Transportation Commission for that item
February 14, 2020, Board of Directors Meeting Minutes

Chair Steve Vaus (Poway) called the meeting of the Board of Directors to order at 11 a.m.

Jack Shu, Cleveland National Forest Foundation, spoke regarding support for the Executive Director.

Chair Vaus adjourned to closed session at 11:01 a.m.

9. Closed Session: Performance Evaluation of Executive Director (Government Code Section 54957)*

The Board was asked to discuss the performance of the Executive Director for the period December 2018 to December 2019 and to provide feedback on his performance.

8. Closed Session: Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8 and Legal Counsel Pursuant to Government Code Section 54956.9(d)(1) Regarding Property to be Acquired for the Mid-Coast Trolley*

The Board was briefed on negotiations with Marshalls of CA, LLC and Ulta Salon, Cosmetic & Fragrance, Inc. regarding terms of a proposed tolling agreement to defer final resolution of those parties’ claims until after construction of the parking structure at La Jolla Village Square and an update on the existing litigation in SANDAG v. 8650 Villa La Jolla (Superior Court Case No. 37-2017-00039831).

Chair Vaus reconvened open session at 12:14 p.m.

General Counsel John Kirk reported the following out of closed session: there were no reportable actions.

1. Public Comments/Communications/Member Comments

None.

2. Policy Advisory Committee Chairs' Report (Information)

None.

Action: Information only.

Consent

3. Policy Advisory Committee Actions (Approve)

The Board was asked to ratify the delegated actions taken by the Policy Advisory Committees.

4. Federal Grant Opportunities (Approve)

The Board was asked to approve the proposed project submittals for the U.S. Department of Transportation Federal Fiscal Year 2020 Infrastructure for Rebuilding America Grant Program.

Action: Upon a motion by Councilmember Kristine Alessio and a second by Deputy Mayor Jack Feller (Oceanside), the Board approved Consent Items Nos. 3 and 4. Yes: Chair Vaus, Vice Chair Catherine Blakespear (Encinitas), Councilmember Cori Schumacher (Carlsbad), Mayor Richard Bailey (Coronado), Mayor Ellie Haviland (Del Mar), Mayor Paul McNamara (Escondido), Mayor Serge Dedina (Imperial Beach), Councilmember Alessio, Mayor Racquel Vazquez (Lemon Grove), Mayor Alejandra Sotelo-
Solis (National City), Deputy Mayor Feller, Council President Georgette Gomez (City of San Diego), Mayor Rebecca Jones (San Marcos), and Councilmember David Zito (Solana Beach). No: None. Abstain: None. Absent: Chula Vista, El Cajon, County of San Diego, Santee, and Vista.

Reports

5. California Department of Finance Population Projections (Information)

This item was postponed.


Special General Counsel Julie Wiley presented the item.

Action: Upon a motion by Mayor Sotelo-Solis and a second by Deputy Mayor Feller, the Board authorized the Executive Director to conduct a solicitation for on-call consultant services. Yes: Chair Vaus, Vice Chair Blakespear, Councilmember Schumacher, Mayor Bailey, Mayor Haviland, Mayor McNamara, Mayor Dedina, Councilmember Alessio, Mayor Vazquez, Mayor Sotelo-Solis, Deputy Mayor Feller, Council President Gomez, Mayor Jones, and Councilmember Zito. No: None. Abstain: None. Absent: Chula Vista, El Cajon, County of San Diego, Santee, and Vista.

7. Memorandum of Understanding with the San Diego International Airport, Port of San Diego, and City of San Diego Regarding Airport Connectivity Project (Approve)

Senior General Counsel Ryan Kohut presented the item.

Jack Shu, Cleveland National Forest Foundation, spoke in support of this item.

Dr. Murtaza Baxamusa, San Diego Building Trades Family Housing Corporation, spoke in support of this item.

Action: Upon a motion by Mayor Sotelo-Solis and a second by Vice Chair Blakespear, the Board authorized the Executive Director to execute a Memorandum of Understanding with the San Diego International Airport, Port of San Diego, and City of San Diego with regard to interagency cooperation on the Airport Connectivity project. Yes: Chair Vaus, Vice Chair Blakespear, Councilmember Schumacher, Mayor Bailey, Mayor Haviland, Mayor McNamara, Mayor Dedina, Councilmember Alessio, Mayor Vazquez, Mayor Sotelo-Solis, Deputy Mayor Feller, Council President Gomez, Mayor Jones, and Councilmember Zito. No: None. Abstain: None. Absent: Chula Vista, El Cajon, County of San Diego, Santee, and Vista.

10. Continued Public Comments

None.

11. Upcoming Meetings

The next Board Business meeting is scheduled for Friday, February 28, 2020, at 9 a.m.

12. Adjournment

Chair Vaus adjourned the meeting at 12:21 p.m.
## Confirmed Attendance at Board of Directors Meeting

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February 14, 2020, Joint Meeting Minutes of the Board of Directors, and Transportation and Regional Planning Committees

Board of Directors Chair Steve Vaus (Poway) called the joint meeting of the Board, and Transportation and Regional Planning Committees to order at 9:05 a.m.

1. Public Comments/Communications/ Member Comments

Clive Richard, a member of the public, spoke regarding various regional transportation issues.

Megan Murray, member of the public, spoke regarding climate changes impacts in the region.

Jack Shu, Cleveland National Forest Foundation, spoke regarding the need for greenhouse gas emission reduction in the region.

Karl Aldinger, member of the public, spoke regarding climate changes impacts in the region.

2. Policy Advisory Committee Chairs' Report (Information)

None.

Action: Information only.

3. Executive Director’s Report (Discussion)

Executive Director Hasan Ikhrata presented an update on key programs, projects, and agency initiatives, including San Diego Forward: The 2021 Regional Plan.

Action: Discussion only.

Reports


An overview of state laws related to vehicle miles traveled, greenhouse gas emission reductions, and modeling tools was presented.

Chief Analytics Officer and Chief Economist Ray Major, Director of Regional Planning Coleen Clementson, and Principal Regional Planner Elisa Arias introduced the item and the panel members.

Kate Gordon, Director, Governor’s Office of Planning and Research, Senior Advisor to the Governor on Climate; Dr. Jennifer Gress, Chief, Sustainable Transportation & Communities Division, California Air Resources Board; and Ellen Greenberg, Deputy Director, Sustainability, Caltrans, discussed how these state requirements apply to the 2021 Regional Plan, including what has changed since the 2015 Regional Plan was adopted.

Sophie Wolfram, Climate Action Campaign, spoke in support of this item.

Sarah Walsh, SD Green New Deal Alliance, spoke in support of this item.

Dr. Murtaza Baxamusa, San Diego Building Trades Family Housing Corporation, spoke in support of this item.

Action: Approve

The Board of Directors is asked to approve the minutes from its February 14, 2020, meeting.
Gretchen Newsome, Quality of Life Coalition, spoke in support of this item.
Oscar Medina, Environmental Health Coalition, spoke in support of this item.
Esperanza Gonzalez, Environmental Health Coalition, spoke in support of this item.
Alicia Sanchez, Environmental Health Coalition, spoke in support of this item.
Nicole Burgess, a member of the public, spoke in support of this item.

**Action**: Discussion only.

5. **Continued Public Comments**

None.

6. **Upcoming Meetings**

The next Board Business meeting is scheduled for Friday, February 28, 2020, at 9 a.m.

7. **Adjournment**

Chair Vaus adjourned the joint meeting at 10:54 a.m.
## Confirmed Attendance at SANDAG Joint Board of Directors and Transportation and Regional Planning Committees Meeting

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<td>Mary Salas, Chair Mike Donovan</td>
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<td>Rebecca Jones Joe Green</td>
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**Advisory Members**

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<td>Regional Planning Technical Working Group</td>
<td>Karen Brindley Tony Shute</td>
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<td>Steve Chung Mary Beth Dreusike</td>
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<td>Vacant David Mayer</td>
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<td>Michelle Lynch Kyle Dahl</td>
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<td>U.S. Fish and Wildlife Service</td>
<td>Vacant Susan Wynn</td>
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February 28, 2020, Board of Directors Meeting Minutes

Vice Chair Catherine Blakespear (Encinitas) called the meeting of the Board of Directors to order at 9 a.m.

1. Approval of Meeting Minutes (Approve)

Action: Upon a motion by Mayor Mary Salas (Chula Vista) and a second by Deputy Mayor Jack Feller (Oceanside), the Board approved the minutes from the January 10, 2020, Board Policy Meeting; the January 17, 2020, Joint Meeting of the Board of Directors, Transportation and Regional Planning Committees; and the January 24, 2020, Board Business Meeting.

Yes: Vice Chair Catherine Blakespear (Encinitas), Councilmember Cori Schumacher (Carlsbad), Mayor Salas, Mayor Ellie Haviland (Del Mar), Councilmember Steve Goble (El Cajon), Mayor Paul McNamara (Escondido), Mayor Serge Dedina (Imperial Beach), Councilmember Mona Rios (National City), Deputy Mayor Feller, Councilmember Caylin Frank (Poway), Councilmember Vivian Moreno (City of San Diego), Supervisor Jim Desmond (County of San Diego), Mayor Rebecca Jones (San Marcos), Councilmember David Zito (Solana Beach), and Mayor Judy Ritter (Vista). No: None. Abstain: None. Absent: Coronado, La Mesa, and Lemon Grove.

2. Public Comments/Communications/ Member Comments

Jerome Toliver, RMJ Technologies, spoke regarding geo-tab technology available to government agencies.

Martha Welch, member of the public, spoke regarding various regional concerns.

North County Transit District Chair Tony Kranz announced that the agency celebrated the 25th anniversary of the COASTER service for the region.

Supervisor Desmond commented that the Board meetings should be live-streamed video and audio.

Councilmember Schumacher announced the recent celebration for the completion of the Poinsettia Station improvements project.

3. Policy Advisory Committee Chairs' Report (Information)

None.

Action: Information only.

4. Executive Director's Report (Discussion)

Executive Director Hasan Ikhrata presented an update on key programs, projects, and agency initiatives, including San Diego Forward: The 2021 Regional Plan and the Airport Connectivity project.

Action: Discussion only.

Consent

5. Policy Advisory Committee Actions (Approve)

The Board was asked to ratify the delegated actions taken by the Policy Advisory Committees.

The Audit Committee recommended that the Board of Directors approve an FY 2020 Budget Amendment to transfer the remaining FY 2020 budget for Internal Audit position to the Office of the Independent Performance Auditor.

8. Proposed FY 2020 Program Budget Amendment: Division 6 Bus Maintenance Facility (Approve)

The Transportation Committee recommended that the Board of Directors approve an amendment to the FY 2020 Program Budget to create new Capital Improvement Program Project No. 1147500 for the Division 6 Bus Maintenance project and accept up to $100,000 from Metropolitan Transit System to fund the initial environmental studies.

9. Federal Transit Administration Section 5311 Program of Projects (Approve)

The Transportation Committee recommended that the Board of Directors approve the FFY 2020 apportionment of Federal Transit Administration Section 5311 Non-Urbanized Area Formula Program funds for the San Diego region.

10. 2020 Transit Asset Management Regional Targets (Approve)

The Board was asked to approve the proposed 2020 Transit Asset Management regional targets in accordance with the Fixing America’s Surface Transportation Act.

11. Executive Director Delegated Actions* (Approve)

In accordance with various Board Policies, this report summarized delegated actions taken by the Executive Director since the last Board Business meeting. In addition, the Board was asked to renew its annual delegation of authority to the Executive Director pursuant to Board Policy No. 003 and re-approve Board Policy No. 032.

12. Appointment of Policy Advisory Committee Members and Designation of Transit Representatives to the Board of Directors (Information)

This report summarized the voting and advisory members appointed to the Policy Advisory Committees, including the committee chairs and vice chairs appointed by the SANDAG Chair, and the designation of Board members as transit representatives for the purpose of meeting federal requirements.

13. Meetings and Events Attended on Behalf of SANDAG (Information)

Board members provided brief reports on external meetings and events attended on behalf of SANDAG.


This quarterly report provided various finance-related items to the Board, including a quarterly report of investments, including all money under the direction or care of SANDAG; an update on the SANDAG debt portfolio; and information about the latest developments in the financial markets, the economy, and sales tax revenues.


This quarterly report provided an update on the status of major SANDAG and Caltrans projects and programs in the San Diego region.

Action: Upon a motion by Mayor Minto and a second by Mayor Jones, the Board approved Consent Items Nos. 5, 6, and 8 through 15. Yes: Vice Chair Blakespear, Councilmember Schumacher, Mayor Salas, Mayor Richard Bailey (Coronado), Mayor Haviland, Councilmember Goble, Mayor McNamara, Mayor Dedina, Councilmember Bill Baber (La Mesa), Mayor Racquel Vazquez (Lemon Grove), Councilmember Rios,
Deputy Mayor Feller, Councilmember Frank, Councilmember Moreno, Supervisor Desmond, Mayor Jones, Mayor Minto, Councilmember Zito, and Mayor Ritter. No: None. Abstain: None. Absent: None.

7. **TransNet Regional Transportation Congestion Improvement Program Fee Adjustment** * (Approve)

The Board was asked to approve a 2% adjustment to the Regional Transportation Congestion Improvement Program (RTCIP), raising the minimum fee from $2,533.15 to $2,583.82, beginning July 1, 2020.

**Action:** The Board approved Consent Item No. 7 and requested the Audit Committee review the expenditure of the RTCIP revenue since inception. Yes: Vice Chair Blakespear, Councilmember Schumacher, Mayor Salas, Mayor Bailey, Mayor Haviland, Mayor McNamara, Mayor Dedina, Councilmember Baber, Mayor Vazquez, Councilmember Rios, Deputy Mayor Feller, Councilmember Frank, Councilmember Moreno, Supervisor Desmond, Mayor Jones, Mayor Minto, Councilmember Zito, and Mayor Ritter. No: Councilmember Goble. Abstain: None. Absent: None.

**Reports**

16. **California Department of Finance Population Projections** * (Information)

Chief Analytics Officer and Chief Economist Ray Mayor presented an update on the population projections released by the Department of Finance in January 2020.

**Action:** Information only.

17. **FY 2021 to FY 2025 TransNet Program and Transit-Related Revenues** * (Approve)

Supervisor Desmond introduced the item.

Financial Programming Manager Dawn Vettese, Senior TransNet Program Manager Ariana zur Nieden, and Senior Economist Stephanie Guichard presented the item.

**Action:** Upon a motion by Supervisor Desmond and a second by Councilmember Moreno, the Board approved the FY 2021 to FY 2025 estimates and apportionments for Transportation Development Act, Federal Transit Administration, and TransNet funds. Yes: Vice Chair Blakespear, Councilmember Schumacher, Mayor Salas, Mayor Bailey, Mayor Haviland, Councilmember Goble, Mayor McNamara, Mayor Dedina, Councilmember Baber, Mayor Vazquez, Councilmember Rios, Deputy Mayor Feller, Councilmember Frank, Councilmember Moreno, Supervisor Desmond, Mayor Jones, Mayor Minto, Councilmember Zito, and Mayor Ritter. No: None. Abstain: None. Absent: None.

18. **Impact of the Safer Affordable Fuel-Efficient Vehicle Rule on the 2020 Regional Transportation Improvement Program** * (Information)

Senior Project Control Analyst Sue Alpert presented an overview of the impact of the Safer Affordable Fuel-Efficient rule on the 2020 Regional Transportation Improvement Program.

**Action:** Information only.

19. **Adoption of the California Building Code and Delegation of Authority to Act as a Building Official for SANDAG Capital Projects** * (Adopt)

Director of Engineering and Construction John Haggerty and Senior Legal Counsel Ryan Kohut presented the item.

**Action:** Upon a motion by Councilmember Moreno and a second by Mayor Minto, the Board waived the requirements of Sections 1.3 and 1.6 of Board Policy No. 004 by a two-thirds vote, allowing the immediate consideration of the proposed ordinance by the Board and allowing for its immediate implementation. Yes: Vice Chair Blakespear, Councilmember Schumacher, Mayor Salas, Mayor Bailey, Mayor Haviland, Councilmember Goble, Mayor McNamara, Mayor Dedina, Councilmember Baber, Mayor Vazquez, Councilmember Rios, Deputy Mayor Feller, Councilmember Frank, Councilmember Moreno, Supervisor Desmond, Mayor Jones, Mayor Minto, Councilmember Zito, and Mayor Ritter. No: None. Abstain: None. Absent: None.
Action: The Board waived the reading of the full Ordinance 2020-01 by reading the title into the record. Yes: Vice Chair Blakespear, Councilmember Schumacher, Mayor Salas, Mayor Bailey, Mayor Haviland, Councilmember Goble, Mayor McNamara, Mayor Dedina, Councilmember Baber, Mayor Vazquez, Councilmember Rios, Deputy Mayor Feller, Councilmember Frank, Councilmember Moreno, Supervisor Desmond, Mayor Jones, Mayor Minto, Councilmember Zito, and Mayor Ritter. No: None. Abstain: None. Absent: None.

Action: The Board adopted Ordinance 2020-01, adopting the 2019 California Building Standards Code by reference and authorizing the Executive Director to contract with consultants to serve as the Building Official for the Mid-Coast Trolley Project and as needed to serve as the Board of Appeals under the adopted Code. Yes: Vice Chair Blakespear, Councilmember Schumacher, Mayor Salas, Mayor Bailey, Mayor Haviland, Councilmember Goble, Mayor McNamara, Mayor Dedina, Councilmember Baber, Mayor Vazquez, Councilmember Rios, Deputy Mayor Feller, Councilmember Frank, Councilmember Moreno, Supervisor Desmond, Mayor Jones, Mayor Minto, Councilmember Zito, and Mayor Ritter. No: None. Abstain: None. Absent: None.

20. 2020 Legislative Program (Approve)

Vice Chair Blakespear introduced the item.

Director of Government Relations Victoria Stackwick, Borders Program Manager Hector Vanegas, Manager of Government Relations Robyn Wapner, and Associate Government Relations Analyst Laurie Gartrell presented the item.

Action: Upon a motion by Councilmember Baber and a second by Councilmember Schumacher, the Board approved the proposed 2020 Legislative Program, including sponsorship of Assembly Bill 2026 (Boerner Horvath). Yes: Vice Chair Blakespear, Councilmember Schumacher, Mayor Salas, Mayor Bailey, Mayor Haviland, Councilmember Goble, Mayor McNamara, Mayor Dedina, Councilmember Baber, Mayor Vazquez, Councilmember Rios, Deputy Mayor Feller, Councilmember Frank, Councilmember Moreno, Supervisor Desmond, Mayor Jones, Mayor Minto, Councilmember Zito, and Mayor Ritter. No: None. Abstain: None. Absent: None.

Councilmember Baber and Supervisor Desmond stated their opposition to Item 15 of the 2020 Legislative Program.

21. A Primer on Environmental Review for Transportation Improvements (Information)

TransNet Department Director José Nuncio, Principal Regional Planner Keith Greer, and Environmental Counsel Al Herson presented information on the environmental review process for transportation projects under the National Environmental Policy Act and California Environmental Quality Act.

Action: Information only.

22. Continued Public Comments

None.

23. Upcoming Meetings

Please Note: The Board of Directors Annual Retreat, scheduled for March 11-13, 2020, will be held at the following location: Viejas Resort 5000 Willows Road Alpine, CA 91901

The next Board Business meeting is scheduled for Friday, March 27, 2020, at 9 a.m.

24. Adjournment

Vice Chair Blakespear adjourned the meeting at 11:26 a.m.
## Confirmed Attendance at Board of Directors Meeting

February 28, 2020

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Waiver of Review for Time Extension Amendments: *TransNet* Grant Programs

**Overview**

Due to COVID-19, at least eight *TransNet* Grant Program grantees have requested extensions of time to perform under their grant agreements. The grantees, which include four cities and the County of San Diego, have expressed concern that they will be unable to meet milestones and termination dates in their current Smart Growth Incentive Program, Environmental Mitigation Program, or Active Transportation Grant Program grant agreements due to COVID-19.

Under SANDAG Board Policy No. 035 (Attachment 1), time extensions in excess of six months are required to come to either the Transportation Committee or the Regional Planning Committee for approval. Due to the number of requests and the uniformity of the basis of those requests, staff proposes that the formal approval process for these amendment requests be waived and that authority be delegated to the Executive Director or his designee to approve the amendments under certain conditions.

**Key Considerations**

Section 3.2 of Board Policy No. 035 contains the following process for *TransNet* grantee time extension requests in excess of six months:

> A grantee seeking an extension must document previous efforts undertaken to maintain the project schedule, explain the reasons for the delay, explain why the delay is unavoidable, and demonstrate an ability to succeed in the extended time frame the grantee proposes. The grantee must provide the necessary information to SANDAG staff to place in a report to the Policy Advisory Committee. If sufficient time is available, and the grant utilized TransNet funds, the request will first be taken to the Independent Taxpayer Advisory Committee (ITOC) for a recommendation. The grantee should make a representative available at the meeting to present the information to, and/or answer questions from, the ITOC and Policy Advisory Committee.

At least eight grantees have requested time extensions of six to twelve months due to COVID-19. The bases of the requests include: inability to obtain the materials to carry out the work due to supply chain disruption, inability to conduct public outreach, inability to commence construction or other field work, and inability to obtain permits or approvals from city council or another agency to carry out the work. In each case, the cause of the delay or disruption is due to COVID-19.

Staff believes more of these requests are possible in the coming months and proposes that all such requests be handled in a streamlined manner to prevent further strain on the resources of all parties involved. With Board approval, staff will require each grantee requesting an extension to document previous efforts undertaken to maintain the project schedule, explain the reasons for the delay, explain why the delay is

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**Action: Approve**

The Board of Directors is asked to waive Policy Advisory Committee review of time extension amendments for *TransNet* Grant Program grantees who are unable to perform under their current schedule due to COVID-19 and delegate the authority to approve these extensions to the Executive Director.

**Fiscal Impact:**

None.

**Schedule/Scope Impact:**

Approval of the proposed waiver request would allow *TransNet* Grant Program grantees to exceed their original project completions dates for up to an additional 12 months.

**Action:** Approve
unavoidable, and demonstrate an ability to succeed in the extended time frame the grantee proposes. If the information provided establishes the need for the amendment is due to COVID-19, the Executive Director or his designee would be permitted to authorize a time extension of no more than twelve months without the need to obtain additional review and approval from the ITOC, a Policy Advisory Committee, or the Board. All such extensions would be reported to the ITOC and the Board at their next regular meetings.

Next Steps

Pending authorization of the Board for waiver of portions of the requirements in Board Policy No. 035, staff will process amendments to extend the term of performance for grantees that meet the conditions outlined in this report.

Hasan Ikhrata, Executive Director

Key Staff Contact: Julie Wiley, (619) 699-6966, Julie.Wiley@sandag.org
Attachment: 1. Board Policy No. 035
COMPETITIVE GRANT PROGRAM PROCEDURES

Applicability and Purpose of Policy

This Policy applies to all grant programs administered through SANDAG, whether from TransNet or another source, including but not limited to the Smart Growth Incentive Program, Environmental Mitigation Program, Bike and Pedestrian Program, Senior Mini Grant Program, Federal Transit Administration grant programs, and Active Transportation Grant Program.

Nothing in this Policy is intended to supersede federal or state grant rules, regulations, statutes, or contract documents that conflict with the requirements in this Policy. There are never enough government grant funds to pay for all of the projects worthy of funding in the San Diego region. For this reason, SANDAG awards grant funds on a competitive basis that takes the grantees’ ability to perform their proposed project on a timely basis into account. SANDAG intends to hold grantees accountable to the project schedules they have proposed in order to ensure fairness in the competitive process and encourage grantees to get their projects implemented quickly so that the public can benefit from the project deliverables as soon as possible.

Procedures

1. Project Milestone and Completion Deadlines

   1.1. When signing a grant agreement for a competitive program funded and/or administered by SANDAG, grant recipients must agree to the project delivery objectives and schedules in the agreement. In addition, a grantee’s proposal must contain a schedule that falls within the following deadlines. Failure to meet the deadlines below may result in revocation of all grant funds not already expended. The final invoice for capital, planning, or operations grants must be submitted prior to the applicable deadline.

   1.1.1. Funding for Capital Projects. If the grant will fund a capital project, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary construction contract must be awarded within two years following execution of the grant agreement, and construction must be completed within eighteen months following award of the construction contract. Completion of construction for purposes of this policy shall be when the prime construction contractor is relieved from its maintenance responsibilities. If no construction contract award is necessary, the construction project must be complete within eighteen months following execution of the grant agreement.

   1.1.2. Funding for Planning Grants. If the grant will fund planning, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary consultant contract must be awarded within one year following execution of the grant agreement, and the planning project must be
complete within two years following award of the consultant contract. Completion of planning for purposes of this policy shall be when grantee approves the final planning project deliverable. If no consultant contract award is necessary, the planning project must be complete within two years of execution of the grant agreement.

1.1.3 Funding for Operations Grants. If the grant will fund operations, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary services contract for operations must be awarded within one year following execution of the grant agreement, and the operations must commence within six months following award of the operations contract. If no services contract for operations is necessary, the operations project must commence within one year of execution of the grant agreement.

1.1.4 Funding for Equipment or Vehicles Grants. If the grant will fund equipment or vehicles, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary purchase contracts for equipment or vehicles must be awarded within one year following execution of the grant agreement, and use of the equipment or vehicles for the benefit of the public must commence within six months following award of the purchase contract.

2. Project Milestone and Completion Deadline Extensions

2.1. Schedules within grant agreements may include project scopes and schedules that will identify interim milestones in addition to those described in Section 1 of this Policy. Grant recipients may receive extensions on their project schedules of up to six months for good cause. Extensions of up to six months aggregate that would not cause the project to miss a completion deadline in Section 1 may be approved by the SANDAG Executive Director. Extensions beyond six months aggregate or that would cause the project to miss a completion deadline in Section 1 must be approved by the Policy Advisory Committee that has been delegated the necessary authority by the Board. For an extension to be granted under this Section 2, the following conditions must be met:

2.1.1. For extension requests of up to six months, the grantee must request the extension in writing to the SANDAG Program Manager at least two weeks prior to the earliest project schedule milestone deadline for which an extension is being requested. The Executive Director or designee will determine whether the extension should be granted. The Executive Director’s action will be reported out to the Board in following month’s report of delegated actions.

2.1.2. A grantee seeking an extension must document previous efforts undertaken to maintain the project schedule, explain the reasons for the delay, explain why the delay is unavoidable, and demonstrate an ability to succeed in the extended time frame the grantee proposes.

2.1.3. If the Executive Director denies an extension request under this Section 2, the grantee may appeal within ten business days of receiving the Executive Director’s
response to the responsible Policy Advisory Committee by sending the appeal to the SANDAG Program Manager.

2.1.4. Extension requests that are rejected by the Policy Advisory Committee will result in termination of the grant agreement and obligation by the grantee to return to SANDAG any unexpended funds within 30 days. Unexpended funds are funds for project costs not incurred prior to rejection of the extension request by the Policy Advisory Committee.

3. Project Delays and Extensions in Excess of Six Months

3.1. Requests for extensions in excess of six months, or that will cause a project to miss a completion deadline in Section 1 (including those projects that were already granted extensions by the Executive Director and are again falling behind schedule), will be considered by the Policy Advisory Committee upon request to the SANDAG Program Manager.

3.2. A grantee seeking an extension must document previous efforts undertaken to maintain the project schedule, explain the reasons for the delay, explain why the delay is unavoidable, and demonstrate an ability to succeed in the extended time frame the grantee proposes. The grantee must provide the necessary information to SANDAG staff to place in a report to the Policy Advisory Committee. If sufficient time is available, and the grant utilized TransNet funds, the request will first be taken to the Independent Taxpayer Advisory Committee (ITOC) for a recommendation. The grantee should make a representative available at the meeting to present the information to, and/or answer questions from, the ITOC and Policy Advisory Committee.

3.3. The Policy Advisory Committee will only grant an extension under this Section 3 for extenuating circumstances that the grantee could not have reasonably foreseen.

4. Resolution and Execution of the Grant Agreement

4.1. Two weeks prior to the review by the Policy Advisory Committee of the proposed grants, prospective grantees must submit a resolution from their authorized governing body that includes the provisions in this Subsection 4.1. Failure to provide a resolution that meets the requirements in this Subsection 4.1 will result in rejection of the application and the application will be dropped from consideration with funding going to the next project as scored by the evaluation committee. In order to assist grantees in meeting this resolution deadline, when SANDAG issues the call for projects it will allow at least 90 days for grant application submission.

4.1.1. Grantee governing body commits to providing the amount of matching funds set forth in the grant application.

4.1.2. Grantee governing body authorizes staff to accept the grant funding and execute a grant agreement if an award is made by SANDAG.

4.2. Grantee’s authorized representative must execute the grant agreement within 45 days from the date SANDAG presents the grant agreement to the prospective grantee for
execution. Failure to meet the requirements in this Subsection 4.2 may result in revocation of the grant award.

5. Increased Availability of Funding Under this Policy

5.1. Grant funds made available as a result of the procedures in this Policy may be awarded to the next project on the recommended project priority list from the most recent project selection process, or may be added to the funds available for the next project funding cycle, at the responsible Policy Advisory Committee's discretion. Any project that loses funding due to failure to meet the deadlines specified in this Policy may be resubmitted to compete for funding in a future call for grant applications.

Adopted: January 2010
Amended: November 2014
COVID-19 Forecast and Development of the Draft FY 2021 SANDAG Program Budget

Overview

At its meeting on March 27, 2020, the Board of Directors was scheduled to review the draft FY 2021 Budget; however, due to the COVID-19 crisis, the Board instead directed staff to return with updated funding assumptions based on the potential impacts of the current situation.

Key Considerations

SANDAG is closely monitoring the COVID-19 virus impact on the region and on the regional economy and is working closely with other agencies and to assess the economic impact on our revenue. During the week of March 29, 2020, staff developed revenue projections based on the best available information from the state at that time. As of today, April 3, 2020, the economic team is reevaluating this projection to account for state’s latest projection of economic impact and the impact of the Governor’s Executive Order permitting small businesses to defer payment of sales tax. Staff’s presentation to the Board will include the latest information and will include a range of revenue assumptions describing the short- and long-term effects of the pandemic and the potential local revenue losses for the Transportation Development Act and TransNet funds. By the time the draft FY 2021 Program Budget is presented to the Board on May 8, 2020, it is likely that the outcomes from this model will be further revised and updated, as the duration and extent of this current disruption will be better known.

In addition, staff has contacted the federal and state funding agencies who have confirmed that there should not be any near-term revenue impact in FY 2021, as most of the funds have been previously appropriated. In fact, the federal and state governments have commenced stimulus programs that could have a positive impact to revenues.

Next Steps

Upon review of the economic outlook and potential revisions of the funding assumptions by the Board, the draft FY 2021 SANDAG Program Budget will be revised by staff and presented to the Board at its May 8, 2020, meeting. Staff will continue to review all programs and projects, monitor the situation, and propose further budget changes for the final Program Budget on June 12, 2020. Staff will also recommend that the Budget is reviewed and potentially amended on a quarterly basis in FY 2021, as necessary.

Upon action by the Board at its May 8, 2020, meeting, the draft FY 2021 SANDAG Program Budget will be provided to the member agencies and other interested parties for their review and comment.

On June 12, 2020, the Board is scheduled to review and adopt the proposed final FY 2021 SANDAG Program Budget and address any comments received from the funding and member agencies.

André Douzdjian, Chief Financial Officer

Key Staff Contact: Ray Major, (619) 595-5668, ray.major@sandag.org
Proposed Amendments to Bylaws Relating to the SANDAG Budget Process

Overview

Section 1 of Article VI of the SANDAG Bylaws currently requires the Board of Directors to approve a preliminary budget no later than April 1 of each year, and to adopt a final budget no later than June 30 of each year.

The Board was scheduled to consider approval of a preliminary budget at its March 27, 2020, meeting; however, due to the extraordinary changes in economic circumstances arising as a result of the COVID-19 crisis, the Board requested that the preliminary budget be modified to reflect updated economic projections before its consideration. The Board also requested that amendments to the SANDAG Bylaws be drafted for its consideration to allow flexibility in the budget process to allow for such circumstances.

Key Considerations

Amendments to the SANDAG Bylaws allowing the requested flexibility are attached in redline format as Attachment 1 (Article VI on page 9). The proposed amendments require that the Board consider, rather than approve, a draft budget by April 1 of each year. The proposed amendments also allow the Board to either approve the proposed draft budget as presented, or to request amendments to the budget or additional information on the projected revenues or expenditures in the budget to be considered at a future meeting prior to approval of the draft budget. The proposed process is similar to the approach being taken by the Board in this year’s budget process. This would allow the Board to be more involved in the budget process on an ongoing basis, potentially seeking either modifications or additional information before approval of the preliminary budget. Additionally, the term “preliminary budget” is proposed to be replaced with the term “draft budget” to more accurately reflect the nature of the document.

Article IX of the Bylaws states that any proposed amendments to the Bylaws should be first considered by the Executive Committee at two meetings for review, discussion, and recommendation to the Board. The use of the word “should” reflects that this preliminary step is advisory rather than mandated, and that proposed amendments may be properly considered directly by the Board. The text of the currently proposed Bylaw amendments was shared with each primary and alternate Board member, as well as with each member jurisdiction through its City Clerk in advance of today’s meeting.

Next Steps

Any approved amendments to the Bylaws would go into effect immediately and would allow the Board to carry out the balance of the FY 2021 budget process in full compliance with its Bylaws.

Hasan Ikhrata, Executive Director

Key Staff Contact: John Kirk, General Counsel, (619) 699-1997, john.kirk@sandag.org

Attachment: 1. Proposed SANDAG Bylaws Amendments
SAN DIEGO ASSOCIATION OF GOVERNMENTS
BYLAWS

ARTICLE I
NAME AND PURPOSE

Section 1
The name of this organization shall be the San Diego Association of Governments (hereinafter referred to as SANDAG).

Section 2
The purposes of this organization are as set forth in the San Diego Regional Transportation Consolidation Act (the “Act”1), as established by state and federal law, and as approved by the Board of Directors. The primary purpose for which this organization is created is to engage in regional cooperative comprehensive planning, programming and where authorized, implementation thereof, and to assist the Member Agencies.

ARTICLE II
DEFINITIONS

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

a. “Board Member” shall mean a voting member of the Board of Directors.

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

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

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

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

e. “Subregion” shall mean one of the following six geographic areas: San Diego County; the City of San Diego; "North County Coastal," which includes the cities of Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside; "North County Inland," which includes the cities of Vista, San Marcos, Escondido, and Poway; “South County,” which includes the cities of Chula Vista, National City, Imperial Beach, and Coronado; and “East County,” which includes the cities of El Cajon, Santee, La Mesa, and Lemon Grove.

ARTICLE III
MEMBERSHIP AND ORGANIZATION

Section 1
Membership in this organization shall be as provided in state law, Board Policies, and these Bylaws.

1 Public Utilities Code §132350 et seq.
Section 2

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

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

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

Section 3

There shall be at least six standing committees which shall be known as Policy Advisory Committees with the membership set forth in the Act or Board Policy.

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

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

c. The Board Chair and Vice Chair may serve as ex-officio, non-voting members of the Policy Advisory Committees.

d. The Board Chair shall select the Chair and Vice Chair of all Policy Advisory Committees except the Executive Committee and Audit Committee, annually in or around February.

e. The Board Chair shall serve as the chair of the Executive Committee. The Board Vice Chair shall serve as the Vice Chair of the Executive Committee.

f. The Chair and Vice Chair of the Audit Committee shall be selected as set forth in Board Policy No. 039.

Section 4

The Board of Directors or a Policy Advisory Committee with delegated authority shall have the authority to appoint all additional committees or working groups and may provide for the appointment of alternates to these committees if permitted by a Board Policy.
a. Additional Policy Advisory Committees may be appointed by the Board of Directors as may be required to carry out general and continuing functions and may be abolished only upon specific action by the Board of Directors.

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

Section 5

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

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

b. For attendance by Board Members and alternates when serving as a member or alternate of a Policy Advisory Committee, $100 per meeting.

c. For attendance by Board Members and alternates, or advisory Board members when serving as a chair of a Working Group, $100 per meeting.

d. For attendance by Board Members at meetings or events other than those described above when serving as an official representative of SANDAG or from which from which SANDAG will derive a specific benefit through the attendance of a representative, $100 per each day of the meeting or event in which business is conducted if within the County of San Diego, or $150 per each day of the meeting or event in which business is conducted if outside of the County of San Diego. Ethics training and similar classes of an educational nature shall not constitute an event for which compensation will be paid unless the Board Member is attending the training as an official representative of SANDAG.

e. The limit on the total number of paid Board, Policy Advisory Committee, and Working Group meetings is six meetings per individual per month.

f. The Chair of the Board shall receive additional monthly compensation of $700 per month.

g. The Vice Chair of the Board shall receive additional monthly compensation of $350 per month.

ARTICLE IV
MEETINGS

Section 1

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

b. A quorum shall be required for the conduct of any business of a committee. No business shall be conducted by a committee without a quorum. A simple majority of the appointed members of a committee shall constitute a quorum. All decisions by a committee shall be by simple majority of the quorum.
Section 2
Parliamentary procedure at all meetings shall be governed by Roberts Rules of Order except as otherwise modified by state law, Board Policy, or these Bylaws. SANDAG shall forward notice of the meetings of the Board of Directors and each Policy Advisory Committee, stating the time, location, and the agenda of business to each Board Member’s agency and to the respective members and alternates of the Board of Directors or the Policy Advisory Committees, at the earliest time possible, but in no event less than 72 hours prior to meetings, except that such written notice of regular Board of Directors’ meetings may be forwarded by first class mail or other appropriate means not less than seven days prior to such meeting.

Section 3
All meetings of a SANDAG legislative body, including without limitation regular, adjourned regular, and special meetings of the Board of Directors, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code). Closed session items should be heard by the Board of Directors unless timeliness requires consideration by the Executive Committee or, for transportation matters the Transportation Committee. The Audit Committee may hold closed sessions on matters within its purview. In any event, the Transportation Committee is authorized to convene closed sessions and make final decisions with regard to real property transactions related to transportation projects, however, this delegation does not include the authority to make a Resolution of Necessity or to commence litigation. The Transportation Committee will report real property transaction purchase amounts at the next regular meeting of the Board occurring after final execution of the purchase documents.

Section 4
The Board and committees shall meet according to the following schedule:

a. The Board of Directors and Policy Advisory Committees shall hold their regular meetings on Fridays unless otherwise determined from time to time by the Board of Directors or Policy Advisory Committee. Regular meetings of the Board of Directors shall be held on the second and fourth Friday mornings of the month at the SANDAG offices or at other locations within San Diego County, unless otherwise provided by the Board. Special meetings of the Board of Directors or Policy Advisory Committees may be called from time to time by their respective Chair.

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

Section 5 (Sections 132351.2 and 132352.1 of the Public Utilities Code)

a. There are 19 Member Agencies on the Board and a majority of the Member Agencies constitutes a quorum for the transaction of business. In order to take final action on any item, except the final vote(s) electing the Chair and Vice Chair of the Board, which shall require use of the weighted vote procedure as described below in subsection b, a majority vote of the Board Members present on the basis of one vote per agency (tally vote) is required. After the tally vote of the Board Members is taken, a weighted vote may be called by the Board Members of any two Member Agencies unless otherwise required by law. Approval under the weighted vote procedure requires the vote of not less than four Board Members representing separate Member Agencies and not less than 51 percent of the total weighted vote to supersede the original action of the Board.
b. The election of the Chair and Vice Chair of the Board shall require use of the weighted vote procedure set forth in Public Utilities Code Section 132351.2(e) without a prior tally vote requirement. In the event approval using the procedure in Public Utilities Code Section 132351.2(e) cannot be obtained to allow final action on the election, one or more preliminary votes may be taken using the tally vote method in order to narrow the options sufficiently to obtain approval on the final action as required by Public Utilities Code Section 132351.2(e).

c. The City and County of San Diego shall each determine how to allocate their tally vote between their two members by resolution and shall provide their resolutions to the SANDAG Clerk of the Board. The City and County of San Diego shall allocate their weighted votes equally.

d. For the weighted vote, there shall be a total of 100 votes, except additional votes shall be allowed pursuant to subdivision (h). Each Member Agency shall have that number of votes determined by the following apportionment formula, provided that each agency shall have at least one vote, no agency shall have more than 50 votes, and there shall be no fractional votes in the allocation of votes to each Member Agency:

(1) If any agency has 50 percent or more of the total population of the San Diego County region, allocate 50 votes to that agency and follow paragraph (2), if not, follow paragraph (3).

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

(A) Multiply each percentage derived above by 50 to determine fractional shares.

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

(C) If the answer to subparagraph (B) is 50, drop all fractions and the whole numbers are the votes for each Member Agency.

(D) If the answer to subparagraph (B) is less than 50, the remaining vote(s) is allocated one each to the Member Agency having the highest fraction excepting those whose vote was increased to one pursuant to subparagraph (B) above.

(E) If the answer to subparagraph (B) is more than 50, the excess vote is taken one each from the Member Agency with the lowest fraction. In no case shall a Member Agency’s vote be reduced to less than one.

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

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

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

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

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

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

f. The weighted vote formula shall be recomputed in the above manner every July 1.
g. For purposes of subsection d, the population of the County of San Diego is the population in the unincorporated area of the county. In those years when the primary representative of the San Diego County Board of Supervisors to the SANDAG Board of Directors is from a district that is substantially an incorporated area, a supervisor who represents a district that is substantially an unincorporated area shall be appointed to the Board as the secondary representative. Alternatively, in those years when the primary representative of the San Diego County Board of Supervisors is from a district that is substantially an unincorporated area, a supervisor who represents a district that is substantially an incorporated area shall be appointed to the Board as the secondary representative.

h. Any newly incorporated city shall receive one vote under the weighted vote procedure specified above until the next recomputation of the weighted vote formula, at which time the new agency shall receive votes in accordance with the recomputed formula. Until this recomputation, the total weighted vote may exceed 100.

ARTICLE V
OFFICERS AND THEIR DUTIES

Section 1
The Board of Directors shall have as officers a Chair and Vice Chair who are primary members of the Board. Policy Advisory Committees shall have as officers a Chair and Vice Chair, who are primary or alternate members of the Board and primary members of their respective committees. The Executive Director shall be the Secretary of the Board and each Policy Advisory Committee.

a. The Chair shall preside over Board and committee meetings and have general supervision of Board and committee affairs. The Chair shall sign all official documents when directed to do so by the Board and committees respectively.

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

c. In the event of the absence of both officers of the Board of Directors or Executive Committee at a meeting or otherwise, a Chair of a Policy Advisory Committee shall serve as Chair Pro Tempore and perform the duties of the Chair according to the following schedule: first quarter of calendar year: Chair of Borders Committee; second quarter of calendar year: Chair of Public Safety Committee; third quarter of calendar year: Chair of Regional Planning Committee; fourth quarter of calendar year: Chair of Transportation Committee.

d. In the event of the absence of both officers of a Policy Advisory Committee, or in the case of a Board of Directors or Executive Committee meeting, the absence of all officers including the then-current Chair Pro Tempore as designated above, the Immediate Past Chair may preside or the Board Chair may appoint a voting member of the Board or committee in advance to act as acting chair of the body for that meeting.

Section 2
The Board may delegate authority to the Board Chair for action consistent with Board approved criteria on categories of items.
Section 3

Election of officers of the Board of Directors shall be held every two years during a regular meeting in or around December. A majority of the Board Members may approve variations to the schedule in this Section in the event of a vacancy or other exigency. The Chair and Vice Chair shall not be from the same subregion. Officers for the Board of Directors shall be elected in the following manner:

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

b. The Chair shall appoint up to a six-person nominating committee, who shall be members of the Board from each of the subregions. The nominating committee appointments shall be announced at a regular meeting in or around September of each year. The nominating committee shall not, however, include Board Members from Member Agencies that have applicants for the Chair or Vice Chair position on the Board of Directors.

c. If more than one candidate has applied for a particular office, the nominating committee shall interview the candidates. The nominating committee shall submit a slate of nominees for the two Board offices in writing for mailing to Board Members in or around November. Additional nominations for any office may be made by Board Members at the election meeting.

d. In the event that the nominating committee is unable to recommend any of the applicants for any or all chair positions, either because an applicant is or is reasonably expected to be unavailable to serve, or for any other reason, the nominating committee may recommend a supplemental process, subject to Board approval. The constraints set forth in the normal nomination process, apart from the prohibition of a jurisdiction of a candidate for office serving on the nominating committee, shall not be mandated to apply to the supplemental process.

e. In choosing the nominees from the Board Members, the nominating committee shall take into account the nominee’s availability, experience, skills, geographic diversity, and the benefits associated with having the Vice Chair succeed the outgoing Chair. The nominating committee also shall take into account the prohibition against both officers being from the same subregion in determining which nominees to present to the Board.

f. The officers shall be elected pursuant to the weighted vote process set forth in Article IV, Section 5(b) of these Bylaws.

g. All officers shall be elected for a term(s) of two years or until their successors are elected. They shall begin their term of office on January 1.

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

i. Any vacated office of Chair or Vice Chair may be filled at the next regular Board meeting by nominations from the floor, and the election shall be carried out pursuant to the weighted vote process set forth in Article IV, Section 5(b) of these Bylaws. A member must be a primary member to be nominated from the floor.
Section 4

a. The Board of Directors shall appoint an Executive Director who shall hold office until he or she resigns or is removed by the Board of Directors. The Executive Director shall be the chief executive officer of SANDAG. The Executive Director shall have charge of all projects and property of SANDAG. The Executive Director and if she or he is an employee, the independent performance auditor, shall file with the Director of Finance of SANDAG an official bond in the minimum amount of $100,000 or such larger amount as the Board of Directors specifies, guaranteeing faithful performance of his or her duties.

b. The Executive Director will be responsible to the SANDAG Board of Directors as set out in Board Policies and administrative policies and manuals for the administration of SANDAG’s business, including: (1) development of program objectives, definition, directions and priorities; (2) management of SANDAG programs and coordination of staff and support services; (3) the development of financial support programs for SANDAG activities; (4) the recommendation and submission of an annual SANDAG program budget to the Board of Directors; (5) execution of the adopted personnel, purchasing, and budgetary systems; and (6) development of a recommended administrative policy that includes a process to conduct staff performance evaluations on a regular basis to determine if the knowledge, skills, and abilities of staff members are sufficient to perform their respective functions, and which is brought to the Board for review on an annual basis. The Executive Director shall perform such other and additional duties as is necessary to carry out the objectives and function of SANDAG and as directed by the Board of Directors.

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

d. The Executive Director is hereby enabled to promulgate an employee manual, as well as all other administrative policies governing the administrative procedures of SANDAG.

ARTICLE VI
FINANCIAL

Section 1

The Board of Directors shall approve a preliminary draft budget for approval no later than April 1 of each year. Upon consideration, the Board of Directors may approve the preliminary draft budget as presented, or direct staff to either make specified revisions to the preliminary draft budget or provide the Board with additional information regarding projected revenues or proposed expenditures in the preliminary draft budget. After approval of a preliminary draft budget, the Board of Directors shall adopt a final budget no later than June 30 of each year. A copy of the preliminary-draft budget when approved and a copy of the final budget when adopted shall be filed with each Member Agency.
Section 2
Responsibility for supplying funds for that portion of the budget for SANDAG, which is to be supplied by the Member Agencies, as adopted by the Board of Directors, shall be divided among the Member Agencies based on their population with each Member Agency including within its budget as funds to be supplied to SANDAG that sum of money determined by taking the ratio its population bears to the total population of the region and multiplying it by that portion of the approved budget to be supplied by the Member Agencies. Payment of this determined sum of money shall be made by each Member Agency by July 15 of each year. If payment by a Member Agency has not been made by September 1 of each year, that Member Agency shall no longer vote as a member of the Board of Directors. A delinquent Member Agency will be allowed to vote when full payment has been made, including interest computed from July 15 at the established legal rate.

Section 3
The Director of Finance of SANDAG shall establish and maintain such funds and accounts as may be required by good accounting practice, state and federal law, and these Bylaws. The books and records of SANDAG in the hands of the Director of Finance shall be open to inspection at all reasonable times by representatives of the Member Agencies. The Director of Finance of SANDAG shall issue a Comprehensive Annual Financial Report by December 31 after the close of each fiscal year and a copy shall be provided to each of the Member Agencies.

Section 4
The Director of Finance of SANDAG shall receive, have the custody of, and disburse SANDAG funds upon the warrant or check-warrant of the Finance Manager pursuant to the accounting procedures developed under Section 3 above, and shall make the disbursements required to carry out any of the provisions or purposes of SANDAG. The Director of Finance of SANDAG may invest SANDAG funds in accordance with state and federal law. All interest collected on SANDAG funds shall be accounted for and posted to the account of such funds.

Section 5
Delegation of authority from the Board of Directors for final financial/contracting approvals, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting budget amendment to serve as a limitation applicable to a particular job or program (not to be exceeded on a serial basis), shall be as follows:

a. Up to $100,000 to the Executive Director, subject to increase by Board action, or as may be modified in Board Policy No. 017 concerning delegation of authority to the Executive Director.
b. Up to $500,000 to the Executive Committee for any item, subject to increase by Board action.
c. Up to $500,000 to the Transportation Committee for transportation items, subject to increase by Board action.
d. Up to $500,000 to the Public Safety Committee for ARJIS and Criminal Justice Division items, subject to increase by Board action.
e. The Executive Director, Executive Committee, Public Safety Committee, and Transportation Committee shall report approvals under this section to the Board of Directors at least quarterly.
Section 6
The amount budgeted for Member Assessments related to Criminal Justice database access shall be as adopted by the Board of Directors and divided among the Member Agencies using a formula based on population. Payment of this determined sum of money shall be made by each Member Agency by July 15 of each year. If payment by a Member Agency has not been made by September 1 of each year, that Member Agency shall no longer vote as a member of the Board of Directors. A delinquent Member Agency will be allowed to vote when full payment has been made, including interest computed from July 15 at the established legal rate.
ARTICLE VII
RELATIONSHIPS AND RULES OF PROCEDURE

Section 1
The functions of the Board of Directors and Policy Advisory Committees shall be established by Board policy. The Board of Directors may delegate functions to the Policy Advisory Committees as it deems appropriate.

Section 2
The Board of Directors shall provide guidance to committees and working groups. The Board may advise Member Agencies on the coordination of general plans, or on the resolution of conflicts between the general plans of agencies in the San Diego region.

Section 3
Conflicts between governmental agencies should be resolved among the affected agencies. In matters affecting more than one local government, and where requested by the affected agencies, SANDAG shall have the authority to hear and make recommendations if the conflicts are not resolved to the satisfaction of each affected agency. Regional plans should serve as the guideline for the resolution of conflicts.

Section 4
Each action taken by SANDAG that requires implementation should include designation of the agency or agencies directly responsible for such implementation.

Section 5
The general and specific references to the construction authority of SANDAG in SB 1703 shall be interpreted as applicable solely to its responsibilities for project development and construction of transit projects which were previously within the purview of the transit development boards and are consolidated under the authority of SANDAG.

ARTICLE VIII
INFORMATION AND EVALUATION

Section 1
a. SANDAG shall disseminate information concerning its work program and activities. The required information system should be organized and categorized so that it will continue to allow full and efficient use of information by the public and private sectors.

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

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

Section 1
The Board of Directors shall be responsible for making all amendments to these Bylaws.

a. Proposed amendments may be originated by the Board of Directors, the Executive Committee, or any member of the Board of Directors.

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

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

d. Amendments to these Bylaws (except those provisions mandated by state law) shall require the vote of a majority of the Member Agencies using the voting process described in Article IV, Section 5(a) of these Bylaws.

Adopted July 2003 by the SANDAG Board of Directors
Revised November 2003 by the SANDAG Board of Directors
Amended November 2004 by the SANDAG Board of Directors
Amended January 2006 by the SANDAG Board of Directors
Amended July 2007 by the SANDAG Board of Directors
Amended December 2008 by the SANDAG Board of Directors
Amended January 2010 by the SANDAG Board of Directors
Amended March 2014 by the SANDAG Board of Directors
Amended November 2014 by the SANDAG Board of Directors
Amended December 2015 by the SANDAG Board of Directors
Amended January 2017 by the SANDAG Board of Directors
Amended February 2018 by the SANDAG Board of Directors
Amended January 2019 by the SANDAG Board of Directors
Amended April 2020 by the SANDAG Board of Directors
Regional Housing Needs Assessment Appeals Public Hearing Continuance

Overview

On November 22, 2019, the Board of Directors voted to adopt the final Regional Housing Needs Assessment (RHNA) Methodology. As required by state law, SANDAG staff distributed the final RHNA Methodology and draft RHNA Allocation to each jurisdiction in the region and the state’s Department of Housing and Community Development (HCD), which began the 45-day appeal period. SANDAG received appeals from the cities of Coronado, Imperial Beach, Lemon Grove, and Solana Beach, which are available at sandag.org/rhna.

At the conclusion of the appeal period, SANDAG distributed the four appeals to each jurisdiction and HCD, which began a second 45-day period for jurisdictions or HCD to provide comments on any or all appeals. SANDAG received five comment letters on the appeals: three from the City of Lemon Grove and one each from the cities of Coronado and Solana Beach. These letters are available at sandag.org/rhna.

State law requires that SANDAG conduct a public hearing to consider the appeals and any comments on the appeals from jurisdictions or HCD. On February 28, 2020, the Board ratified procedures for the appeals hearing and the appeals hearing was scheduled for the March 27, 2020, Board meeting.

In the subsequent weeks, the four appealing jurisdictions requested a continuance of the hearing, included with this report as Attachments 1, 2, 3, and 4. The requests noted that preparation for the appeals presentation would require diverting their staff resources from their COVID-19 crisis response efforts and also expressed concern about the adequacy of a teleconference or web meeting in providing opportunity for public participation. Initially, the hearing was postponed to the April 10, 2020, Board meeting.

On March 26, 2020, SANDAG released draft determinations outlining staff’s findings and recommendations to the Board on each appeal. The findings and determinations are available at sandag.org/rhna. Staff recommended that two adjustments to the draft RHNA allocations be granted, affecting the allocation of the cities of Coronado, Imperial Beach, and San Diego; and recommended that all other requests in the appeals be rejected.

The California Stay-at-Home Order (Executive Order N-33-20) remains in effect without any projection on when it may be lifted, and the federal government recently extended through the end of April 2020 its nationwide guidelines to slow the spread of COVID-19, which advises continued social distancing. On April 1, 2020, the SANDAG Executive Director, in consultation with the Board Chair, directed the RHNA Appeals Hearing be continued until such time as an in-person meeting can be held consistent with local and state physical distancing requirements.

Action: Approve

The Board of Directors is asked to ratify a further continuance of the Regional Housing Needs Assessment Appeals Hearing until such time as an in-person meeting can be held consistent with local and state physical distancing requirements.

Fiscal Impact:

Development of the Regional Housing Needs Assessment (RHNA) Plan is funded through Overall Work Program No. 3102000 in the FY 2020 Program Budget.

Schedule/Scope Impact:

The public hearing, determination of the appeals of the RHNA allocation, and release of the draft RHNA Plan would occur at a later date. Jurisdictions will continue to be required to adopt their housing elements by April 2021, regardless of the timing of an RHNA Appeals Hearing.
state physical distancing requirements. This continuation of the hearing date was intended to avoid diverting appealing jurisdictions’ resources that could otherwise be directed to assist in responding to the COVID-19 health emergency.

Pursuant to SANDAG Board Policy No. 017, the Board is asked to ratify the continuance of the RHNA Appeals Hearing as described above.

Key Considerations

Appeals Hearing Extension

SANDAG staff discussed the timeline for the RHNA Appeals Hearing provided in state law with HCD. While the statute provides that SANDAG may approve up to a 30-day extension of the timeline for the RHNA Appeals Hearing – which it approved in rescheduling the hearing to April 10 – it does not describe how conducting the hearing outside this window affects the RHNA process. The statute does not provide HCD with the authority to further extend the timeline, or to waive or enforce compliance with the timeline.

Housing Element Adoption

Pursuant to state law, HCD set the April 2021 adoption date for housing elements in the San Diego region. According to HCD, state law does not allow adjustments to the adoption date, therefore, continuing the RHNA Appeals Hearing would provide jurisdictions less time to complete their housing element updates. HCD informed SANDAG that state agencies are considering allowing jurisdictions without adopted housing elements to qualify for certain grant programs, but the guidelines for those programs must be amended to reflect that change.

Several jurisdictions have started updating their housing elements and utilizing HCD’s technical assistance. HCD plans to continue providing assistance by webinar until its staff can safely travel and meet in person again, and jurisdictions are encouraged to initiate or continue the housing element update process during the RHNA appeals continuation.

Next Steps

SANDAG will continue to monitor the status of the health emergency, and all Board members and their jurisdictions will be provided the minimum 21-day hearing notice required by law when the public hearing is rescheduled. Pending a final determination on all appeals and issuance of the RHNA Plan, the Board would be asked to adopt a final RHNA Plan at the conclusion of a second public hearing at a future meeting of the Board.

Hasan Ikhrata, Executive Director

Key Staff Contact: Seth Litchney, (619) 699-1943, seth.litchney@sandag.org

Attachments: 1. City of Coronado Request to Continue RHNA Appeals Hearing
2. City of Imperial Beach Request to Continue RHNA Appeals Hearing
3. City of Lemon Grove Request to Continue RHNA Appeals Hearing
4. City of Solana Beach Request to Continue RHNA Appeals Hearing
Hi Seth,

I would like to register the City of Coronado’s concerns with SANDAG’s decision to push forward with the scheduled RHNA hearing. SANDAG, like all its member jurisdictions, is experiencing and coping with a public health emergency of unprecedented proportions. SANDAG, like all its member jurisdictions, has announced cessation in providing all but essential public services through at least April 3, 2020. Yet, unlike its member jurisdictions, SANDAG is continuing to go forward with some non-essential matters, like hearing the appeals on RHNA in a manner that all but preclude meaningful public participation. This is an ill-advised decision and deeply disturbing.

Our collective focus should be on the immediate need of the public’s health and not to make the public choose between their right to participate or their safety. The public should be encouraged to participate and not be deprived of their opportunity to be heard during an unprecedented time. At a time when cities are focused on preserving life and preventing deaths, SANDAG is asking that we divert resources away from keeping the public safe and instead direct them toward preparing for this hearing. This is impractical, insensitive and fundamentally unfair.

Local agency efforts should be spent handling the current crisis. The appeals can and should be heard after the emergency has been averted. To do otherwise puts public health and safety in further, unneeded and totally preventable, increased peril. We urge you to be fair and do to the right thing and reschedule the hearings after the local emergencies have been lifted. We look forward to your anticipated cooperation.

Thanks, Rich

Richard Grunow
Community Development Director
City of Coronado
1825 Strand Way
Coronado, CA 92118
619-522-7338
Hello Planning and Community Development Directors,

SANDAG is currently planning to hold the RHNA Appeals hearing at the Board of Directors meeting scheduled for March 27, 2020. Our SANDAG legal and technology teams are working to ensure that state and local open meeting requirements are met along with guidance for public meetings in light of COVID-19.

We intend to post the meeting agenda and reports in the next few days. We are also in discussions with HCD on how we can best meet the statutory deadlines for holding the appeals hearing.

As you know, conditions are constantly changing, and if the meeting is cancelled or moved, I will send you the notice as soon as possible.

Thank you for your flexibility and please let me and Coleen know if you have any questions.

Seth Litchney  
Senior Regional Planner  
SANDAG  
(619) 699-1943  
401 B Street, Suite 800, San Diego, CA 92101

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SANDAG offices are open Tuesday-Friday and every other Monday from 8 a.m.-5 p.m.
March 19, 2020

RE: SANDAG RHNA APPEAL CONTINUANCE REQUEST

Dear Mr. Litchney,

The City of Imperial Beach is formally requesting that the RHNA appeal hearing scheduled for March 27, 2020 be continued to a later date. Most agencies within San Diego County are working tirelessly to keep essential services operating while also managing a remote workforce during times of a global pandemic. In order to comply with mandates from the State of California and the County of San Diego, numerous public meetings have been cancelled for public health and safety purposes. The RHNA allocations can substantially impact a community and all members of the public should feel welcomed to participate. However, most will be focused on their personal safety, the safety of their families, and following the recommendation to shelter-in-place. A meeting and/or teleconference for such a significant matter at this time would not be appropriate when public testimony may be hindered by the lack of information, lack of technological capability, or health concerns. It is the City's recommendation that the appeals be heard when the public and decision-makers can comfortably sit in the same room, listen to public testimony, understand the issues, and render a decision. Thank you for considering this request.

Sincerely,

Tyler Foltz, AICP
Community Development Director
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach, CA 91932
Phone: (619) 628-2381
tfoltz@imperialbeachca.gov

cc: Serge Dedina, Mayor
    Andy Hall, City Manager
    Erika Cortez, Assistant City Manager
Litchney, Seth

Subject: FW: SANDAG RHNA Appeal Hearing

From: Kristen Steinke <kss@lfap.com>
Sent: Thursday, March 19, 2020 10:14 AM
To: Kirk, John <John.Kirk@sandag.org>
Cc: Lero, Tessa <Tessa.Lero@sandag.org>; Johanna Canlas <jcanlas@mcdougallove.com>; Alena Shamos <aso@lfap.com>
Subject: SANDAG RHNA Appeal Hearing

CAUTION: This email originated from outside of SANDAG. Do not click links or open attachments unless you are expecting the content.

Hello John: I hope you and your family are staying safe and healthy in this strange new world.

I am writing to touch base about the RHNA appeal hearing scheduled for March 27. The City of Lemon Grove hereby requests a continuance of the hearing given the current state of affairs regarding COVID-19 and issues with social gatherings in the midst of the coronavirus outbreak. My concern lies primarily with the health and safety of City staff (who are just trying to hold it all together for the City at the moment) as well as the impact on the City’s ability to properly present the issues to the board and the public during this extraordinary time. I see no reason that the hearing cannot be continued particularly since SANDAG has the statutory authority to continue the matter without suffering any prejudice. I hope SANDAG will take this request seriously and continue the hearing.

Please feel free to call me if you would like to discuss these concerns in more detail.

Sincerely,

Kris Steinke
Senior Counsel
Lounsbery Ferguson Altona & Peak
960 Canterbury Place, Suite 300
Escondido, CA 92025
T: 760-743-1226 Ext. 124
F: 760-743-9926
KSS@LFAP.COM
WWW.LFAP.COM

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Litchney, Seth

From: Joseph Lim <jlim@cosb.org>
Sent: Wednesday, March 18, 2020 6:36 PM
To: Clementson, Coleen
Cc: Litchney, Seth
Subject: RE: RHNA Appeal Hearing

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Dear Coleen,

I find it ironic in your email that SANDAG does not want to put the region at risk of failing to comply with the law related to some arbitrary housing policies and methodology, but is apparently willing to expose the public to health risks in order to conduct a hearing and take public testimony. I’m pretty sure the City of Solana Beach, other appealing jurisdictions and many of the Board would agree that protecting the public’s health is far more important than the RHNA appeal hearing. The deadlines set forth in current law related to this process certainly did not anticipate, nor could it have anticipated, the unprecedented health crisis caused by the pandemic that we currently face. It is unclear from the emails received from you and Seth how the public and appellants will be informed about how they may participate in the hearing. How will appellant and public testimony be received? How will appellants and the public be informed about that process? Will appellants and the public have to go to a specific location to provide testimony? Will there be some sort of call in phone number? Or, if there is another technology used, how can it be ensured that everyone will have access?

The RHNA appeal hearing should be formally postponed until such time that unfettered appellant and public testimony can be provided to the Board with little to no fear of exposure to COVID-19. Failure to postpone the appeal hearing would only further demonstrate SANDAG and the SANDAG Board’s disregard for the legitimacy of the appeals and the willingness to allow for complete, uncompromised testimony by the appellants and the public.

All County jurisdictions, including those that are appealing the RHNA methodology, have much greater and more pressing issues to deal with during this pandemic. City Council meetings are being cancelled and only those items that are necessary for essential services are being acted upon under current State and County health orders. The RHNA and the Housing Element Update process is far from an essential service. If we do not minimize the spread of COVID-19, we may not need the housing in the future.

Please consider this as our formal request to continue the RHNA Appeal Hearing to a later date.

Sincerely,

Joseph Lim, AICP
Community Development Director
City of Solana Beach
Phone: (858) 720-2434
Fax: (858) 720-2435
www.cityofsolanabeach.org
Hi Joe,

As it stands, we are planning on a 3/27 board meeting which will include the RHNA item (Seth will be reaching out to all the planning departments with an update.) We have two other items that require board action on 3/27. We recognize the concerns you raised and are also in touch with HCD. We want to be sure that we do not put the region at risk of complying with the law.

We will be sure to update you if anything changes.

Coleen

Coleen Clementson
Director of Regional Planning

SANDAG
(619) 699-1944
401 B Street, Suite 800, San Diego, CA 92101

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Coleen,

Has there been any discussion about continuing the RHNA Appeal hearing? Please provide update as soon as possible.

Joseph Lim, AICP
Community Development Director
City of Solana Beach
Phone: (858) 720-2434
Fax: (858) 720-2435
www.cityofsolanabeach.org
To: Joseph Lim <jlim@cosb.org>
Cc: Litchney, Seth <Seth.Litchney@sandag.org>
Subject: Re: RHNA Appeal Hearing

Joseph,

We are talking with HCD about this now and will be in touch.

Take care,

Coleen

Coleen Clementson
Director of Regional Planning
SANDAG

On Mar 16, 2020, at 10:37 AM, Joseph Lim <jlim@cosb.org> wrote:

CAUTION: This email originated from outside of SANDAG. Do not click links or open attachments unless you are expecting the content.

Dear Seth and Coleen,

As local governmental agencies, we are all feeling the strain in responding to the national public health emergency presented by COVID-19 and the related federal, state and county orders and declarations of local emergencies. We understand that SANDAG has closed its offices from March 16 through April 3, 2020. Accordingly, we are assuming that SANDAG will be rescheduling the public hearing on the RHNA appeals with proper notice from March 27, 2020 to a date after this crisis has past.

Please confirm the rescheduling of the public hearing on the RHNA appeals in light of the state of emergency and SANDAG’s closure. Thank you for your timely response!

Sincerely,

Joseph Lim, AICP
Community Development Director
City of Solana Beach
Phone: (858) 720-2434
Fax: (858) 720-2435
www.cityofsolanabeach.org
Appointmen of Interim Director of the Automated Regional Justice Information System

Overview
SANDAG is conducting a nationwide recruitment to fill the vacant Director of Automated Regional Justice Information System (ARJIS) position. An Interim Director has been recommended to provide oversight and leadership to the ARJIS program while the recruitment is underway. The individual is a recent CalPERS retiree, and the Board of Directors is asked to adopt a resolution to waive the usual waiting period for hiring an annuitant before SANDAG may proceed with an offer of temporary employment.

Key Considerations
At the recommendation of the San Diego County Chiefs'/Sheriff’s Management Committee, which, among its responsibilities, approves and oversees implementation of the ARJIS annual work program, SANDAG is proposing to extend an offer of temporary employment to former chief Craig Carter for the position of Interim Director of ARJIS until the regular Director of ARJIS position is filled. Chief Carter retired as Chief of Police from the City of Escondido in December 2019 having served in this role for six years, and with 28 total years of experience with the City’s police department. Additional supporting information about the critical need to fill the Interim Director of ARJIS position and Chief Carter’s qualifications and experience are described in Attachment 1.

CalPERS rules generally require a minimum 180-day “waiting period” following retirement before an annuitant may be considered for employment with a CalPERS agency. There are limited exceptions to this prohibition. Specifically, Government Code section 21221(h) allows a retiree to serve without reinstatement from retirement for a single interim appointment to a vacant managerial, executive, or other unique position during recruitment for a permanent appointment. Given Chief Carter’s recent retirement date, the Board is asked to adopt a resolution (Attachment 2) waiving the usual 180-day waiting period for annuitant employment.

Next Steps
Staff will coordinate approval of the adopted resolution with CalPERS and then extend an offer of temporary employment to Chief Carter for the Interim Director of ARJIS position.

Hasan Ikhrata, Chief Executive Officer

Action: Approve
The Board of Directors is asked to:
1. Adopt Resolution No. 2020-22, approving an exception to the CalPERS 180-day waiting period for work after retirement for former Chief Craig Carter; and
2. Authorize the Executive Director to extend an offer of temporary employment to Chief Carter for the position of Interim Director of the Automated Regional Justice Information System.

Fiscal Impact:
Costs associated with the recruitment of the Automated Regional Justice Information System (ARJIS) director and appointment of the Interim Director will be absorbed by salary savings in the FY 2020 and FY 2021 ARJIS Administrative budgets.

Schedule/Scope Impact:
It is anticipated the Director of ARJIS position will be filled by April 30, 2021.

Key Staff Contact: Melissa Coffelt, (619) 699-1955, melissa.coffelt@sandag.org

Attachments:
1. Statement of Critical Need to fill the Interim Director of ARJIS Position
2. Resolution Approving an Exception to the CalPERS 180-Day Waiting Period for Work After Retirement
Statement of Critical Need to fill the Interim Director of ARJIS Position

ARJIS Program

The Automated Regional Justice Information System (ARJIS) was created as a Joint Powers Agency to share information among justice agencies throughout San Diego and Imperial counties. ARJIS has evolved into a complex criminal justice enterprise network used by 80+ local, state, and federal agencies in the two California counties that border Mexico. The ARJIS governance structure promotes data sharing and cooperation at all levels for member agencies, from chiefs to officers to technical staff.

ARJIS is responsible for major public safety initiatives, including wireless access to photos, warrants, and other critical data in the field, crime and sex offender mapping, crime analysis tools evaluation, and an enterprise system of applications that help users solve crimes and identify offenders. ARJIS also serves as the region’s information hub for officer notification; information sharing; and the exchange, validation, and real-time uploading of many types of public safety data.

Interim Director of ARJIS

SANDAG has initiated a nationwide recruitment to fill the vacant Director of ARJIS position. Staff is recommending that an Interim Director of ARJIS be appointed while the recruitment is conducted. The Interim Director will provide leadership and management experience, as well as local knowledge and technical expertise regarding the local law enforcement community, both of which are necessary to oversee and ensure that ARJIS programs, projects, systems, and services continue without disruption. Examples of the responsibilities anticipated to be assigned to the Interim Director position include:

- Assume full management responsibility and leadership for ARJIS programs, projects, systems, and services.
- Direct, plan, manage, and coordinate the development and implementation of ARJIS program goals, objectives, policies, and priorities; establish, within SANDAG policy, appropriate resource and staffing levels; allocate resources accordingly.
- Assign and review the work of management, supervisory, professional, technical, and administrative support staff; establish employee performance expectations and evaluate performance; provide or coordinate employee training; work with employees to improve job-related skills and competencies.
- Meet with staff to identify and resolve problems; assign projects and programmatic areas of responsibility; review and evaluate work methods, procedures, and necessary resources.
- Continuously monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; assess and monitor workload, administrative and support systems, and internal reporting relationships; identify opportunities for improvement; direct the implementation of changes.
- Prepare and present written, oral, and visual reports to the Board of Directors, Policy Advisory and stakeholder committees, outside agencies and organizations, and/or community groups.
- Provide staff support and participate in the Public Safety Committee and assume responsibility for the Chiefs'/Sheriffs’ Management Committee, the Business Working Group, and other ARJIS technical and user committees.
- Oversee and manage enhancements to existing public safety applications and new projects, including crime analysis and statistical reporting tools, mapping dashboards, and other tactical and investigative tools.
- Oversee the ARJIS Enterprise system and network to ensure security, stability, and compliance with Department of Justice (DOJ)/Federal Bureau of Investigation (FBI) procedures and security regulations; oversee ongoing operation of the ARJIS help desk and ensure 24/7/254 service to troubleshoot critical issues.
• Oversee the ARJIS Mobile Program to include identifying new applications and tools, the development of acceptable use policies, and ensuring compliance with FBI and Cal-DOJ security requirements.

• Oversee the implementation and operation of applications developed for collecting, compiling, integrating, and disseminating public safety information; collaborate with ARJIS members, users, and vendors to develop user requirements, design specifications, and identify project deliverables; prepare Memoranda of Understanding (MOUs), Project Charters, and other agreements to document data ownership and participant roles and responsibilities.

Recommended Candidate for Interim Director Position

A suitable candidate for the Interim Director of ARJIS position has been recommended by the San Diego County Chiefs’/Sheriff’s Management Committee. The individual being considered is Craig Carter, former Chief of Police for the City of Escondido. Chief Carter retired from public service in December 2019 and is a CalPERS annuitant.

SANDAG is required to comply with CalPERS rules pertaining to hiring CalPERS retirees. CalPERS retirees cannot be hired into a vacant regular staff position sooner than 180 days following the retirement date unless the Board approves a limited duration interim appointment to a position that requires the unique expertise of a retiree to efficiently and effectively perform specialized work, such as executive-level vacancies.

Chief Carter’s appointment as Interim Director of ARJIS, effective April 27, 2020, or upon approval by CalPERS, whichever shall occur last, meets the CalPERS requirements (Government Code section 21221(h)) for hiring a retired annuitant for the following reasons:

• The Director of ARJIS role is a key executive position that requires specialized skill and experience in law enforcement systems, services, and programs.

• The Director of ARJIS position became vacant in January 2020 when Ms. Pam Scanlon passed away while holding the position. SANDAG management has taken several actions to ensure ARJIS operations are not disrupted due to the vacant role; these include developing a recruitment plan and nationwide search to fill this critical role, and identifying a suitable individual with the knowledge and credibility to maintain leadership of the ARJIS program while the recruitment effort is underway.

• Chief Carter has extensive experience leading and managing within the region’s law enforcement community. In addition to his six years as Chief of Police for the City of Escondido, and 28 total years of service with the Escondido police department, Chief Carter has deep familiarity with the ARJIS program having served on the SANDAG Public Safety Policy Advisory Committee as an associate member between 2013 and 2019.

• Chief Carter has established relationships with ARJIS member agencies and key partners in the law enforcement community, including the FBI, U.S. Attorney, and DOJ. He is highly regarded for his ability to work with local, state, and federal law enforcement officials to develop and implement innovative policies to advance cooperation and collaboration throughout the region.

• Chief Carter has maintained a leadership role in the law enforcement community since retiring in late 2019 and during the course of his career served on the following Boards and Committees:
  o President, San Diego County Police Chiefs’ and Sheriffs
  o International Association of Chiefs of Police
  o Appointed Board Member, California Governor’s State 911 Board
  o Board Member, California Police Chiefs Association

• Chief Carter’s temporary appointment as the Interim Director is critical to ensuring continuity of ARJIS operations, which, if disrupted, could significantly impact the efficiency and effectiveness of local law enforcement officers and subsequently the safety of community members.

• Chief Carter will be a CalPERS retiree with less than 180 days between his retirement effective date and the effective date of his appointment. The resolution regarding his appointment includes approval of an
exception to the 180-day waiting period because his technical skills and leadership experience are needed to effectively and efficiently maintain ARJIS operations for a limited duration and Chief Carter is well qualified to fill the role.

- This will be a single appointment of limited duration, focusing on leadership and management of the ARJIS programs, projects, systems, and services, and continuing only until the vacant Director of ARJIS position is successfully filled via an external recruitment.

- Chief Carter will work in the classification of Director I and will be compensated at a rate of $91.34 per hour which falls within the published salary range for the Director I classification.

- Chief Carter will not receive any other form of compensation, benefits, or incentives.
Adopted by the San Diego Association of Governments
April 10, 2020, Resolution for Exception to the
180-Day Wait Period for Work After Retirement for
Craig Carter, Interim Director of ARJIS,
Government Code Sections 7522.56 & 21221(H)

WHEREAS, in compliance with Government Code section 7522.56, the SANDAG Board of Directors (SANDAG Board) must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since their retirement date; and

WHEREAS, Craig Carter retired from the City of Escondido in the position of Chief of Police, effective December 28, 2019, and

WHEREAS, Government Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 26, 2020, without this certification resolution; and

WHEREAS, Government Code section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the SANDAG Board, SANDAG, and Craig Carter certify that Craig Carter has not and will not receive any other retirement-related incentives; and

WHEREAS, an appointment under Government Code section 21221(h) requires that the retiree is appointed into the interim appointment during recruitment for a permanent appointment; and

WHEREAS, SANDAG commenced the process for performing a nationwide recruitment to fill the vacant position of Director I (Director of ARJIS); and

WHEREAS, Craig Carter is hereby appointed, subject to the terms and conditions described herein and detailed in the attached offer of employment letter (Attachment A), as an interim appointment retired annuitant to the vacant position of Director I (Director of ARJIS) for SANDAG under Government Code section 21221(h), effective Monday, April 27, 2020, or upon approval by CalPERS, which ever shall occur last; and

WHEREAS, the appointment shall end on the hiring of the Director of ARJIS, or on April 26, 2021, whichever shall occur first; and

WHEREAS, this Gov. Code section 21221(h) appointment shall only be made once; and

WHEREAS, the entire appointment document between Craig Carter and SANDAG has been reviewed by this body and is attached herein; and
WHEREAS, no matters, issues, terms or conditions related to this employment and
appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed
the maximum monthly base salary paid to other employees performing comparable duties, divided by
173.333 to equal the hourly rate; and

WHEREAS, the maximum monthly base salary for this position is $16,323.24 and the hourly
equivalent is $94.11 and the minimum monthly base salary for this position is $10,525.67 and the hourly
equivalent is $60.72; and

WHEREAS, the hourly rate paid to Craig Carter will be $91.34; and

WHEREAS, Craig Carter has not and will not receive any other benefit, incentive,
compensation in lieu of benefit, or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the SANDAG Board hereby certifies the nature of the
employment of Craig Carter as described herein and detailed in the attached (Attachment A) offer of
employment letter and that this appointment is necessary to fill the critically needed position of Director of
ARJIS for SANDAG by Monday, April 27, 2020, or upon approval by CalPERS, which ever shall occur last, to
provide oversight and leadership for ongoing management and operations of the ARJIS program which
directly ensure the safety of law enforcement officers and members of the public throughout the San Diego
region. Such appointment shall end on the hiring of the Director of ARJIS, or on April 26, 2021, whichever
shall occur first.

Attest:

Chair                                                  Secretary

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

Advisory Members: California Department of Transportation, Metropolitan Transit System, North County Transit
District, Imperial County, U.S. Department of Defense, Port of San Diego, San Diego County Water Authority, Southern
California Tribal Chairmen’s Association, and Mexico.

Attachment A: Offer of TIPS/Annuitant Employment
April XX, 2020

Craig Carter

Subject: Offer of At-Will TIPS/Annuitant Employment

Dear Craig:

SANDAG has identified the limited-duration work assignment described below, and based on your specific skills and experience, is offering you the position of Interim Director of ARJIS (Classification/Salary Range 31, Director I) to complete this work. This is a temporary, intern, part-time, or seasonal (TIPS) position. This offer is contingent upon CalPERS approval to waive the usual 180-day Waiting Period for Work after Retirement and you beginning work on Monday, April 27, 2020. This offer also is contingent upon you passing a pre-employment background check, signing this letter agreeing to the terms of employment, and providing proof of identity and authorization to work in the United States within three (3) business days of your first day of employment.

The position you have been offered is for a limited duration; it is not an offer of regular employment with SANDAG. This position has been funded through (date); however, based on agency needs, your employment could end prior to (date). This agreement is not a guarantee of employment for any specific period or particular length of time. If you accept the offer, you will be an at-will TIPS/Annuitant employee. This means that both you and SANDAG will have the ability to terminate this employment relationship, at any time, for any reason, with or without cause, with or without notice. In addition, SANDAG may change your position, duties, work location, and your compensation and benefits from time to time at its discretion.

The SANDAG Employee Handbook (Handbook) will govern the terms and conditions of your employment as a TIPS employee and is hereby incorporated by reference. To the extent any provisions in the Handbook conflict with this letter, the terms of this letter shall supersede the Handbook and govern the terms and conditions of your employment.

The Interim Director of ARJIS position is being offered as a part-time employment opportunity, approximately 20 hours per week. Your rate of pay will be $91.34 per hour, payable on the SANDAG standard payroll schedule. Your supervisor will provide you with a regular weekly schedule based on the agreed number of work hours.

Your responsibilities will include performance of the types of duties described below and other tasks as directed by your immediate supervisor.
As a TIPS/Annuitant, you are not eligible for any agency benefits. This means that you are not permitted to work more than 29 hours per week on average, (as determined by the Initial and/or Standard Measurement Periods implemented by SANDAG in accordance with the Affordable Care Act). In addition, you are not eligible to earn Paid Sick Leave, and are not permitted to work more than 960 hours in a fiscal year without reinstatement from CalPERS. Please note, it is the responsibility of the employee to track the number of hours worked in the fiscal year.

This Interim Director of ARJIS will provide leadership and management to ensure that ARJIS programs, projects, systems, and services continue without disruption. Examples of job responsibilities include:

- Direct, plan, manage, and coordinate the development and implementation of ARJIS program goals, objectives, policies, and priorities; establish, within SANDAG policy, appropriate resource and staffing levels; allocate resources accordingly.
- Assign and review the work of management, supervisory, professional, technical, and administrative support staff; establish employee performance expectations and evaluate performance; provide or coordinate employee training; work with employees to improve job-related skills and competencies.
- Meet with staff to identify and resolve problems; assign projects and programmatic areas of responsibility; review and evaluate work methods, procedures, and necessary resources.
- Continuously monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; assess and monitor workload, administrative and support systems, and internal reporting relationships; identify opportunities for improvement; direct the implementation of changes.
- Prepare and present written, oral, and visual reports to the Board of Directors, Policy Advisory and stakeholder committees, outside agencies and organizations, and/or community groups.
- Provide staff support and participate in the Public Safety Committee and assume responsibility for the Chiefs’/Sheriffs’ Management Committee, the Business Working Group, and other ARJIS technical and user committees.
- Oversee and manage enhancements to existing public safety applications and new projects, including crime analysis and statistical reporting tools, mapping dashboards, and other tactical and investigative tools.
- Oversee the ARJIS Enterprise system and network to ensure security, stability, and compliance with DOJ/FBI procedures and security regulations; oversee ongoing operation of the ARJIS help desk and ensure 24/7/254 service to troubleshoot critical issues.
- Oversee the ARJIS Mobile Program to include identifying new applications and tools, the development of acceptable use policies, and ensuring compliance with FBI and Cal-DOJ security requirements.
- Oversee the implementation and operation of applications developed for collecting, compiling, integrating, and disseminating public safety information; collaborate with ARJIS members, users, and vendors to develop user requirements, design specifications, and identify project deliverables; prepare MOUs, Project Charters, and other agreements to document data ownership and participant roles and responsibilities.

Due to the types of responsibilities you will have and the potential for a financial or organizational conflict of interest, you are required to complete a disclosure of your financial interests within 30 days of being hired. Additionally, you will be required to complete an Outside Employment/Endeavor Agreement request if you have, or are considering, other employment or will serve as an officer or board member for another entity while you are working for SANDAG. Refer to Section 4.20 of the Employee Handbook.
This letter, including any provisions of the Handbook incorporated herein, will represent the entire agreement between you and SANDAG. The terms and conditions in this letter will supersede any and all other agreements and understandings, either oral or in writing, between you and SANDAG regarding your employment. By signing below, you will acknowledge that there have been no representations, inducements, promises, or agreements, oral or otherwise, that are not included in this letter. Once you sign this letter it will become an agreement and shall be governed by the laws of the State of California. This agreement cannot be modified, altered, or amended except by a writing signed by both you and the SANDAG Executive Director.

In order to accept the position that has been offered to you, as set forth in this letter, please sign and date below, and return the entire letter to SANDAG by (Day), (Date), 2020. You may contact Rachel Nycholat, Manager of Human Resources at rachel.nycholat@sandag.org or (619) 699-1962 if you have questions regarding the terms of this offer or the potential resulting agreement.

Congratulations Craig, and on behalf of the SANDAG team, we look forward to working with you.

Sincerely,

JIM LINTHICUM
Chief of Capital Programs and Regional Services

By signing below, I accept the offer of TIPS/Annuitant employment with the San Diego Association of Governments (SANDAG) under the terms and conditions set forth in this letter and acknowledge receipt of the SANDAG Employee Handbook.

Signature ____________________________ Date ___________________

Original: Personnel File
Copy: Craig Carter
CARES Act: Federal Transit Administration Apportionment
Grant Applications

Overview
On March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law. The CARES Act provides emergency assistance and health care response for individuals, families, and businesses affected by the COVID-19 pandemic. The Act also provides emergency appropriations to support Executive Branch agency operations during the pandemic. The Federal Transit Administration (FTA) is allocating $25 billion to recipients of urbanized area and rural area formula funds, with $22.7 billion to large and small urban areas and $2.2 billion to rural areas. Approximately $317 million will be made available to the Metropolitan Transit System (MTS) and North County Transit District (NCTD) as a result.

Funding will be provided at a 100% federal share, with no local match required, and will be available to support capital, operating, and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19.

Key Considerations
As the Metropolitan Planning Organization for the San Diego region, SANDAG is the designated recipient for FTA formula funds and is responsible for approving the grant applications for the San Diego region. The CARES Act is providing additional funds through Section 5307 and Section 5311 programs to the San Diego region for capital and operating assistance covering expenses beginning as of January 20, 2020.

Section 5307 funds are allocated to the operators on a 70/30 basis. The more populous MTS area receives 70%, while a 30% share goes to the NCTD.1 FTA Section 5311 funds are initially apportioned to the state. The state, in turn, reapportions the funds to the regions based solely on the regional rural population as a share of the total state rural population. Consistent with an agreement with the transit agencies approved in FY 2007, the Board of Directors allocates these federal funds based on service area rural population: 59% to NCTD and 41% to MTS.

Based on the CARES Act, there is $314,267,559 of Section 5307 funds and $2,374,417 of Section 5311 funds available for the San Diego region. Section 5307 funds would be split between the transit agencies, with MTS receiving an estimated $219,987,291 (70%) and NCTD receiving an estimated $94,280,268 (30%). Of the Section 5311 apportionment, NCTD would receive approximately $1,400,906 (59%) and MTS would receive approximately $973,511 (41%).

Funds are eligible for operating expenses incurred beginning on January 20, 2020, including operating expenses to maintain transit services as well as paying for administrative leave for transit personnel due to

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1 This methodology was approved by the Board at its February 23, 2007, meeting.
reduced operations during an emergency. Both MTS and NCTD plan to use the available funding for operations and will include expenditures related to staff salaries and benefits, contracted purchase transportation, fuel costs, facilities maintenance, utilities, security, insurance, and professional services. In addition, it will include costs incurring and expected new costs related to COVID-19, such as masks, sanitizers, vehicle cleaning, facilities cleaning, etc.

Next Steps

Upon approval by the Board, MTS and NCTD will then submit their FFY 2020 CARES Act FTA Section 5307 and Section 5311 grant applications to FTA for obligation.

Hasan Ikhrata, Executive Director

Key Staff Contact: Michelle Smith, (619) 595-5608, michelle.smith@sandag.org
Proposed Suspension of FasTrak Monthly Fees and Registration Holds

Overview

FasTrak is the electronic toll collection system used regionally on SR 125 and the I-15 Express Lanes, and statewide on all California toll roads, toll bridges, and high-occupancy toll lanes. The key benefit afforded to FasTrak customers is the ability to use a single account and transponder to travel on any toll facility in the state by having toll charges automatically debited from a prepaid account.

On March 23, 2007, the Board of Directors adopted a business plan for the I-15 Express Lanes that instituted a monthly maintenance fee for FasTrak accounts administered by SANDAG in order to cover program operational costs. The fee of $3.50 plus $1 for each transponder on the account is an incentive-based minimum usage requirement under which toll usage on the account is credited to offset the fee. For example, if a customer has one transponder and spends $4.50 in a month on tolls, then the monthly fee is waived. If the customer spends $2 in a month, they pay $2.50 in account maintenance fees in order to meet the minimum requirement.

On May 25, 2012, the Board adopted a Toll Reduction Plan for SR 125 that included a reduction of its monthly maintenance fee from $7 to $4.50, which created consistency with the I-15 Express Lanes. The plan also allowed customers from either program the ability to receive credit toward the monthly maintenance fee for usage on both the I-15 Express Lanes and SR 125.

Through consistent marketing efforts, the number of FasTrak accounts for both the I-15 Express Lanes and SR 125 has grown at a compound annual growth rate of 9.6% since 2012. The total number of current FasTrak accounts for both facilities is 84,933.

Key Considerations

Since Governor Newsom issued the Shelter in Place Executive Order, SR 125 traffic has decreased by 49% and I-15 Express Lanes single occupant vehicle traffic has decreased by 66% from the same period last year.

It is anticipated that many customers may now be incurring less than the minimum monthly fee in toll usage, and as such may consider closing their FasTrak accounts as a cost-savings measure. In order to avoid mass FasTrak account closures, staff recommends suspending the monthly account maintenance fee with a minimum usage requirement so long as a statewide Shelter in Place Executive Order is in place and applicable to the San Diego region.

Action: Approve

The Board of Directors is asked to approve the suspension of the FasTrak monthly account maintenance fee and the practice of placing vehicle registration holds with the California Department of Motor Vehicles for overdue accounts until the statewide Shelter in Place Executive Order has been lifted.

Fiscal Impact:

Suspending the FasTrak monthly account maintenance fee is projected to result in a near term revenue loss of approximately $125,000 per month. Long term, suspending the fee would support retaining current customers and is projected to be revenue positive.

Account maintenance fees represent 2.5% of total revenue collected on SR 125 and the I-15 Express Lanes. Suspending the fee is not expected to affect SANDAG's ability to fund its toll program operating and maintenance expenses, capital projects, debt service payments, or transit service subsidy payments to the Metropolitan Transit System.
Additionally, staff recommends suspending the toll enforcement practice of placing vehicle registration holds with the California Department of Motor Vehicles (CADMV), whereby the vehicle owner must settle all delinquent toll and penalty amounts before obtaining registration renewal. This would provide for continued mobility for customers who may not be able to pay their full amounts due to the current economic hardships related to the COVID-19 emergency.

Next Steps

The FasTrak monthly account maintenance fee is assessed during the third and fourth week of each month to accounts that fell short of the minimum usage requirement from the previous month. Registration hold requests are sent weekly to the CADMV. Staff are prepared to make immediate system changes to modify these practices. Staff also plan to continue to keep the Board apprised of toll facility usage, revenue generation, and the number of accounts in the FasTrak customer base.

Hasan Ikhrata, Executive Director

Key Staff Contact: Ryan Ross, (619) 710-4006, ryan.ross@sandag.org