EXECUTIVE COMMITTEE DISCUSSION AND ACTIONS
NOVEMBER 5, 2004

Vice Chair Mary Sessom (East County) called the meeting the Executive Committee meeting to order at 8:10 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF MINUTES

Upon a motion by Councilmember Jim Madaffer (City of San Diego) and a second by Councilmember Jack Feller (North County Coastal), the minutes of the October 8, 2004, Executive Committee meeting were unanimously approved.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

There were no public comments/communications or members comments.

CONSENT (Items 3 through 8)

Vice Chair Sessom indicated that agenda item 8 should be pulled from the Consent Calendar for discussion.

3. EQUAL EMPLOYMENT OPPORTUNITY (INFORMATION)

Federal regulations require that all recipients of funds from the U.S. Department of Transportation (DOT) develop an Equal Employment Opportunity (EEO) Program. The EEO Program reaffirms the agency's commitment to actively recruit, hire, train, and promote all applicants and employees without regard to race, color, religion, ancestry, national origin, gender, age, marital status, medical condition, sexual orientation, or disability.


The Executive Committee is asked to approve an amendment to the FY 2005 OWP and Program Budget to accept a $240,000 Caltrans planning grant for Phase Two of the I-15 Interregional Partnership (IRP). Phase Two of the I-15 IRP would focus on implementation of economic development, transportation, and housing strategies to address the jobs-housing imbalance between the San Diego region and southwestern Riverside County.
5. **AMEND THE FY 2005 PROGRAM BUDGET AND OVERALL WORK PROGRAM TO ADD ONE NEW PUBLIC SAFETY PROJECT (APPROVE)**

On September 10, 2004, the Executive Committee approved two amendments to the FY 2005 Program Budget and OWP that added a new Criminal Justice Research project and increased the ARJIS (Automated Regional Justice Information System) Project Management and Enhancements work element budget to implement the Regional Sex Offender Management system. We are proposing one additional change to the FY 2005 Program Budget and OWP for the Technical Services Department to reflect one additional grant received since that time.

6. **NEW DISTRIBUTION METHODS FOR BOARD AGENDA AND POLICY ADVISORY COMMITTEE AGENDA AND MATERIALS (INFORMATION)**

Effective January 2005 SANDAG will begin to implement new distribution methods for agenda materials for the Board and Policy Advisory Committee (PAC) meetings. These new methods will include e-mail notification or compact disc (CD) distribution. All Board members and alternates will continue to receive printed (hard) copies of all agenda materials. Those parties interested in receiving traditional hard copies of agendas and supplemental materials may subscribe on an annual basis to receive agenda materials. The SANDAG Web site includes the Board and PAC agenda materials, Board Actions, meeting minutes, and voting results. As always, printed materials will continue to be available at each Board and PAC meeting for interested members of the public.

7. **UPGRADE OF KEY ADMINISTRATIVE AND FINANCE POSITIONS (RECOMMEND)**

A Classification and Compensation Study is being conducted as the result of the consolidation of the transit agencies. In the interim, there have been several recruitment failures due to a noncompetitive salary scale. The Executive Committee is asked to recommend that the Board approve early implementation of four key position upgrades: Human Resources Manager, Finance Manager, and two Associate Accountant positions.

*Action:* Upon a motion by Councilmember Madaffer and a second by Councilmember Feller, the Executive Committee approved Consent Items 3 through 7.

8. **GLORIA MCCLELLAN AWARD (DISCUSS)**

Garry Bonelli, Communications Director, reported that the Gloria McClellan award was established in 2002 to recognize current and former elected officials who fostered regional points of view. There has not been an award since the first time. He asked if the Committee thought this award should continue and who should handle it. Eric Pahlke, Chief Deputy Executive Director, has talked with the San Diego County Taxpayers Association to see whether it would have any interest in conducting this award program rather than SANDAG. An initial response from the Taxpayers Association was a preference to open this award up to other than elected officials.
Councilmember Madaffer was opposed to opening this award for other than elected officials; however, he had no problem with the Taxpayers Association coordinating this program.

Mayor Lori Holt Pfeiler (North County Inland) suggested that the Taxpayers Association provide nominations and SANDAG approving the nomination.

Mr. Bonelli suggested that the Executive Committee could review the nominations provided by the Taxpayers Association and make the selection for the award.

Councilmember Madaffer didn’t feel that an award had to be made every year if there was not an appropriate candidate.

The Committee consensus was that the Gloria McClellan award should be only for elected officials, staff should pursue the matter of the San Diego Taxpayers Association providing nominations for this award, and the SANDAG Executive Committee making a selection for the award from the list of nominations received.

**REPORTS**

10. 2005 ANNUAL SANDAG BOARD RETREAT (RECOMMEND)

Mr. Bonelli stated that typically the Board Retreat is held the fifth week of January; however, January 2005 does not have a fifth week. Therefore, the Board Retreat will be held on Wednesday through Friday, February 9-11, 2005. He mentioned that historically the Executive Committee has served as the working group for the format and agenda for the Board’s Retreat. He reviewed several items that have been provided by Board members and staff.

Mr. Bonelli said that one item could be related to the development of an action plan for the Public Safety Committee. He thought that a segment of the Retreat could be devoted to public safety issues. He pointed out that SANDAG is now a completely consolidated agency and the Board might want to talk about the future direction of the new agency. Another topic would be related to the extension of TransNet under Proposition A. Yet another topic would be the next iteration of the Regional Comprehensive Plan (RCP) and how best to integrate it with the Regional Transportation Plan (RTP). A further item would be to review the Board’s accomplishments during 2004 and establish priorities for 2005.

Mr. Bonelli stated that typically there is a primer provided for new board members and alternates about SANDAG. Staff thought that this was of value to new members and it should be continued.

Chair Cafagna asked how many people attend this primer meeting. Mr. Bonelli acknowledged that there are few attendees to this meeting; however, when the Retreat begins, these members feel that they are on a level playing field with the other Board and Alternate members. Gary Gallegos, Executive Director, noted that this is more important in an election year with a larger turnover of elected officials.
Mr. Bonelli mentioned that Sunne Wright McPeak, the state Secretary of Business, Transportation and Housing, has indicated a strong interest in attending the Board Retreat. Mr. Bonelli suggested that perhaps the new Caltrans director, Will Kempton, might be another speaker choice. He added that it would be good to have a lighthearted speaker as well.

Mr. Bonelli asked for input from the Executive Committee on the topics of discussion and speakers. Once the Board approves the Retreat agenda at the November 19 meeting, invitations will be sent in December and a final agenda package will be distributed before the Retreat.

Councilmember Madaffer liked the idea of spending time on public safety issues. Mr. Bonelli thought that we could get a good speaker from that arena. Councilmember Madaffer suggested that a Harvard professor that he heard speak recently could be a potential speaker for the Retreat.

Mr. Gallegos strongly advocated placing public safety on the Retreat agenda. He noted that the priorities established at the Retreat are a basis for our budget development.

Vice Chair Sessom indicated that there are other components of public safety that should be included such as ports, harbors, and airports. Mr. Gallegos thought that was a good point.

Councilmember Hal Ryan (East County) asked how much time should be designated for the public safety portion of the Retreat. Mr. Bonelli suggested a two-hour session on security issues. A security-related speaker could be heard just prior to that segment to stimulate discussion.

Chair Cafagna asked about a discussion on TransNet. Mr. Bonelli said that there are a number of activities that will have to occur both if TransNet does or doesn’t pass, but we will have to await the outcome of the election to find out which it will be.

Mr. Gallegos suggested that staff present a precinct-by-precinct pictorial to show the location of the TransNet votes.

Mr. Gallegos suggested that the Retreat be limited to the following three discussion topics: TransNet, public safety, and integrating the RCP and the RTP.

Mayor Pfeiler asked if we should talk about energy. Mr. Gallegos responded that we could have a segment about energy as part of the discussion related to the integration of the RCP and the RTP.

**Action:** Upon a motion by Councilmember Ron Morrison (South County), and a second by Councilmember Madaffer, the Executive Committee unanimously voted to approve the following topics of discussion for the 2005 Annual SANDAG Board Retreat: TransNet, public safety, and integrating the RCP with the RTP.
9. PROPOSED AMENDMENTS TO BYLAWS AND BOARD POLICIES (RECOMMENDED)

Julie Wiley, Deputy General Counsel, said that her discussion will focus on the changes that have been made since the last Executive Committee meeting. The changes have been tracked to show all of the changes. She noted that Policy No. 17 was not included in the agenda package, so it was distributed at this meeting.

Ms. Wiley reviewed a number of the changes to the Bylaws, primarily related to the Nominating Committee’s recommendation to add a second vice chair position and changing the calendar for purposes of nominating and taking office. Other changes were related to the list of meetings and events for which Board members will be paid attendance/reimbursement, the timeframe for agenda package distribution, and delegation of authority to the Transportation Committee related to real property transactions. A caveat was added by the Executive Committee that the Transportation Committee would not have the authority to approve Resolutions of Necessity or condemnation litigation.

Vice Chair Sessom asked if the Board approves a second vice chair, would the effective date to take office be January 1, 2005, and the second vice chair in February 2005. Ms. Wiley said it was her belief that the intent of the Nominating Committee was that the current chair and vice chair (who would become the first vice chair) would remain in office until 2006 and the second vice chair take office in February 2005.

Councilmember Ryan noted that if TransNet passes, the Transportation Committee will have a tremendous amount of decisions. He wondered if there is a ceiling on the Transportation Committee's approval authority. He also expressed concern about Transportation Committee closed sessions. He wanted to make sure that the public would be provided with information once it was available for publication.

Councilmember Madaffer stated that there was quite a discussion at the last Executive Committee meeting related to the Transportation Committee's authority. It was felt that since it meets twice a month, it needed to have the authority to take action on behalf of projects. The Transportation Committee agenda package is available to the public. Ms. Wiley added that the Metropolitan Transit System (MTS) and the North San Diego County Transit Development Board (NCTD) are voting members of the Transportation Committee where a lot of decisions will affect them; whereas they don't have a vote at the SANDAG Board. Mr. Madaffer noted that language in Senate Bill 1703 indicates that the transit boards have to be at the table.

Mr. Gallegos stated that if there is a property take, the SANDAG Board will approve the Resolution of Necessity. The Transportation Committee will use this tool to reach a fair price in negotiations. In terms of the TransNet Extension, if you look at most of the expenditures, the actions are widening existing corridors, and there are not a lot of property takes. He also said that the Transportation Committee has a cap on how much dollar authority it has; so that even if it goes into a closed session, it has to report on the findings of the closed session; and those actions get reported in the minutes that go to the Board. Eric Pahlke, Chief Deputy Executive Director, pointed out that the Transportation Committee meeting minutes get posted no later than the Wednesday following the Friday meeting.
Chair Cafagna asked if there is ever a circumstance that condemnation would not require a Hearing of Necessity. General Counsel Jack Limber responded that in all cases of actual condemnation there would be a Board consideration and adoption of a Resolution of Necessity by a two-thirds vote. The Transportation Committee would give instructions to negotiators. If a settlement is reached an announcement is made. Once a settlement document is executed, it would be available to the public. Mr. Gallegos said that a Resolution of Necessity cannot consider price; it has to strictly deal with the need for the property.

Councilmember Ryan described an instance where MTS was purchasing land from Caltrans. Caltrans agreed to the price of the property and there was no condemnation action needed. In theory, in that instance, the Board would not have held a Hearing of Necessity. He wanted to make sure it that this information is brought to the public’s eye as soon as possible. Mr. Gallegos suggested that language be added to the effect that after the settlement documents have been signed, the Transportation Committee should report to the public.

Ms. Wiley continued the review of Bylaws changes related to references to the first vice chair and second vice chair performing the duties in the absence of the first vice chair and other duties as the chair assigns, the election of officers would occur at the December meeting versus the June meeting, changes to dates to make that happen, and selection criteria for nominees such as ability, experience, skills, and geographic representation.

Chair Morrison questioned the verbiage of the term of office. He suggested that the language be clarified to indicate that the term is one year, but it could be for longer than that.

Councilmember Ryan asked for the reason for changing the timing of elections from June to December. Mr. Limber replied that the Nominating Committee felt it was important to be on a calendar year basis to take into account the election results in December. Most city councils have elections in November and new people take office in December and January. This would avoid the situation now where the nominations are in June and the persons on these positions may be up for reelection that same November. The change would ensure continuity for the calendar year.

Ms. Wiley continued her review of Bylaws changes. There was a clarification for the reference to the SANDAG Administrative Rules and Regulations, and the existing process of presenting bylaws amendments and obtaining approval was codified. Bylaw amendments will be distributed at the same time as the report attachment to the agenda for the preliminary mailing to Executive Committee.

Ms. Wiley proceeded to review changes to Board policies. Under Board Policy No. 001 there were a few changes under Executive Committee responsibilities. A new item was added related to the responsibility for the annual review of lower level committees and working groups regarding function and membership, and reviewing all Bylaws and Board policies and making recommendations. For the Transportation Committee authority is added to
convene closed sessions with the caveat regarding the Resolution of Necessity and condemnation proceedings.

Councilmember Morrison said that under the Executive Committee responsibility there should be a change to reflect two vice chairs. Both vice chairs will be on the Executive Committee there representing their areas; if they are from the same area, then the first vice chair would serve. Mr. Gallegos noted that in choosing the vice chairs, you should take geographic representation into consideration. Mr. Limber clarified that the Bylaws provide for both vice chairs to be members of the Executive Committee.

Ms. Wiley reviewed the changes to Board Policy No. 002 related to the Nominating Committee and date changes. Under the Attendance section, if the member agency is unrepresented at three consecutive meetings, a notice will be sent to the Member Agency, committee members, and all SANDAG Board members.

Chair Cafagna stated that the Supervisor Jacob feels that 8 a.m. meetings are difficult to get to. If we don’t have a Policy Board meeting on the same day as the Executive Committee she suggested that the Executive Committee he held at 9 a.m. rather than 8 a.m. Chair Cafagna noted that the Executive Committee meeting time was at 8 a.m. and was changed to 9 a.m. at the request of Mayor Dick Murphy. Since the Mayor no longer attends the Executive Committee meetings, they were changed back to 8 a.m. to ensure that the Policy Board meetings would end by Noon. Chair Cafagna asked the Committee if an alternative time should be considered.

Councilmember Morrison stated that the Executive Committee meeting time should be consistent.

Councilmember Ryan asked who will replace Supervisor Jacob on the Executive Committee. Chair Cafagna said that if the County Board of Supervisors continues its rotation, Supervisor Pam Slater will be the representative.

There was no consensus to change the Executive Committee meeting time.

Mr. Pahlke stated that Board representatives and alternates and the Policy Advisory Committee (PAC) members and alternates are informed of meeting dates/times.

Mr. Gallegos noted that there were some County/city members who did not inform their alternates when they were not available to attend a meeting.

Chair Cafagna asked what happens if an agency chooses not to attend. Mr. Limber replied that members don’t have to attend meetings, but the Member Agency is a member of the SANDAG Board.

Councilmember Ryan suggested that the Chair draft a letter that points out that the absence of a Member Agency representative.

Chair Cafagna asked what such a letter would say. Ms. Wiley said she thought it could be handled on a case-by-case basis.
Mr. Ryan stated that there should be some indication of sending such a letter to the Member Agency’s governing body members. Mr. Limber agreed to make that change in the Bylaws.

Ms. Wiley continued her review of Board Policy changes. Board Policy No. 003, was revised to add a sentence to comply with SANDAG’s Conflict of Interest Code and Standard of Conduct policy. In Policy No. 004, a new section was added that states that new standing committees cannot be created by SANDAG staff, and staff must request approval to create ad hoc committees or working groups.

Councilmember Madaffer stated that every year these committees should justify their reason to exist. Ms. Wiley noted that that review was part of the Executive Committee’s responsibilities.

Councilmember Ryan asked if there is an end date when an ad hoc committee is formed. Ms. Wiley said that she is developing a proposed policy on this issue in which she will be proposing a six-month time frame for an ad hoc committee.

Mr. Gallegos agreed that when ad hoc committees are created, they need to have a start date and an end date. He strongly advocated for that rather than a specified time period.

Chair Cafagna stated that when an ad hoc committee is created there must be a start date and an end date and time extensions will require approval by the Board.

Ms. Wiley noted that the Regional Planning Committee and the Transportation Committee will consider the addition of a stakeholders working group. It is called a temporary committee but the proposed termination date is two years. Mr. Gallegos said that you cannot update an RTP in less than two years.

Ms. Wiley noted that ad hoc committees can be created by staff without going to the Board. Mr. Pahkle clarified that staff can put together a working group, not an ad hoc committee.

Councilmember Ryan asked that information on the SANDAG ad hoc committees be provided to the Board.

Councilmember Madaffer asked that the information indicate the ad hoc committee’s termination date.

Mayor Pfeiler asked how many of the policy advisory committees (PACs) have ad hoc groups under them. She noted that the PACs need to be responsible for their ad hoc groups. The ad hoc committees should be created through the PACs.

Gallegos suggested that the Executive Committee be tasked with reviewing all ad hoc committees on an annual basis.

Councilmember Ryan thought that a list of ad hoc committees, including start and end dates and status should be provided to the SANDAG Board on a quarterly basis.
Councilmember Madaffer noted that he could not support the section in Policy No. 004 that authorizes staff to create temporary committees or ad hoc committees. Language such as “subject to the approval of the Executive Committee” should be added. A sentence should be added indicating that an informational report on all standing and ad hoc committees should be provided to the Board on a quarterly basis. This information should also include the original projected termination date for each standing or ad hoc committee.

Mayor Pfeiler thought that the ad hoc committees should come under the structure of the PACs. The chair of each of the PACS should justify to the Board why they still need a standing committee.

Mr. Limber noted that we may want to include a specification of the mission and duration of a committee when it is created.

Ms. Wiley noted that we are working on a charter that will have to be completed by staff every time they are recommending a new committee or working group. There are five components that they have to list in the charter. One is name, termination date, description of responsibilities, any delegation of authority, and mission or purpose. She will bring this back to the Executive Committee.

Mr. Gallegos said that he doesn’t want the creation of committees to be staff driven, but board driven. He said that for an example, the Shoreline Preservation committee ought to be under the Regional Planning Committee.

Chair Cafagna asked staff to agendize this at the next Executive Committee meeting.

Councilmember Madaffer asked if Policy No. 004 should be tabled for now or if it should proceed with modifications. Mr. Gallegos stated his recommendation that the policy be modified with the language suggested by Councilmember Madaffer with the addition of “subject to approval of the Executive Committee.” And, that an information report is issued quarterly for all standing and ad hoc committees.

Ms. Wiley stated that there were no new changes in Policies 007 and 008. In Policy No. 9 the only change was that incorrect phone number references were removed. She stated that Policy No. 016, had a section added that allows consultants to do inspections provided that a SANDAG employee will oversee projects and make all the final decisions and approvals. She noted that the Federal Transit Administration (FTA) has allowed this. In Policy No. 017, Delegation of Authority, a new section was added that the Executive Director has to report any action taken under Section 4.9. On Policy No. 026, a new Section 4.1 was added regarding the Public Safety Committee’s authority to approve projects up to $500,000.

**Action:** Upon a motion by Councilmember Madaffer, and a second by Councilmember Feller, the Executive Committee voted to recommend that the SANDAG Board of Directors approve the amended Bylaws and Board Policies.
11. REVIEW OF DRAFT NOVEMBER 19, 2004, BOARD AGENDA

Chair Cafagna requested that on behalf of Mayor Pfeiler and Councilmember Christy Guerin an item on goods movement be added to the agenda.

Action: Upon a motion by Councilmember Madaffer, and a second by Vice Chair Sessom, the Executive Committee voted unanimously to approve the Board agenda for the meeting on November 19, 2004, as amended.

12. UPCOMING MEETINGS

The next Executive Committee is scheduled for Friday, December 3, 2004, at 8 a.m.

13. ADJOURNMENT

Chair Cafagna adjourned the meeting at 9:30 a.m.

Attachment: Attendance Sheet
## CONFIRMED ATTENDANCE

### SANDAG EXECUTIVE COMMITTEE MEETING

**NOVEMBER 5, 2004**

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