



Government Relations & Public Affairs Committee

Monday, March 11, 2013 at 10:00 a.m.

Roll Call: Directors Buckland, Cohn, Davis, Stallard, Yuill, Vice Chairs Hanley and Serna, and Chair Miklos

Public Communications: Any person wishing to address the Committee on any item not on the agenda may do so at this time. After ten minutes of testimony, any additional testimony will be heard following the action items.

Auburn
Citrus Heights
Colfax
Davis
El Dorado County
Elk Grove
Folsom
Galt
Isleton
Lincoln
Live Oak
Loomis
Marysville
Placer County
Placerville
Rancho Cordova
Rocklin
Roseville
Sacramento
Sacramento County
Sutter County
West Sacramento
Wheatland
Winters
Woodland
Yolo County
Yuba City
Yuba County

1. Minutes of February 11, 2013 Meeting ◀
2. Request for Proposals for Federal Advocacy Services ◀ (Ms. Sloan)
3. Local Contracting Preferences and Business Engagement Strategy ◀ (Mr. Trost)
4. Committee Charge ◀ (Mr. Trost)
5. Draft Budgets for Fiscal Year 2013/14 ◀ (Mr. Trost/Mr. Ghiorso)
6. Draft Overall Work Program for Fiscal Year 2013/14 ◀ (Mr. Trost/Mr. Carpenter)
7. Overall Work Program Amendment #4 for Fiscal Year 2012/13 ◀ (Mr. Carpenter)
8. Consultant Selection for Natural Resources and Regulations Assistance (Mr. Shabazian)
9. State Advocacy Update (Mr. Trost)
10. Federal Advocacy Update (Ms. Sloan)

Closed Session:

11. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Government Code Section 54956.9)
Name of Case: Okhade v. SACOG, et al. (Workers' Compensation Appeals Board Case #ADJ8558868) (Mr. Trost)

12. Other Matters
13. Adjournment

◀ Indicates Action

Prepared by:

Mike McKeever
Chief Executive Officer

Approved by:

Steve Miklos
Chair

Next committee meeting: Monday, April 8, 2013

The Meridian Plaza Building is accessible to the disabled. If requested, this agenda, and documents in the agenda packet can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact SACOG for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should contact SACOG by phone at 916-321-9000, e-mail (sacog@sacog.org) or in person as soon as possible and preferably at least 24 hours prior to the meeting.



Government Relations & Public Affairs Committee

Item #13-3-1
Action

March 4, 2013

Minutes of February 11, 2013 Meeting

Issue: The Government Relations & Public Affairs Committee met on February 11, 2013.

Recommendation: Approve the minutes of the meeting as submitted.

Discussion: Attached are the minutes of the February 11, 2013, Government Relations & Public Affairs Committee meeting for approval.

Approved by:

Mike McKeever
Chief Executive Officer

MM:RS:ef

Attachment

Key Staff: Rebecca Sloan, Director of External Affairs & Member Services, (916) 340-6224

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**SACRAMENTO AREA COUNCIL OF GOVERNMENTS
GOVERNMENT RELATIONS & PUBLIC AFFAIRS COMMITTEE**

DRAFT ACTION MINUTES

The SACOG Government Relations & Public Affairs Committee met on February 11, 2013 in the Sacramento & American Rivers rooms on the Third Floor of the Meridian Plaza Building located at 1415 L Street, Sacramento, CA at 10:00 a.m.

CALL TO ORDER: Chair Miklos called the meeting to order at 10:06 a.m.

ROLL CALL: Present: Directors Buckland, Cohn, Stallard, Yuill, and Chair Miklos

Absent: Director Davis and Vice Chairs Hanley and Serna

1. Minutes of November 19, 2012 Meeting

Upon motion by Chair Miklos, seconded by Director Stallard, and passed by majority vote (Director Buckland abstained), the minutes of November 19, 2012 Government Relations & Public Affairs Committee meeting were approved without any changes.

2. Local Transportation Fund Findings of Apportionment for Fiscal Year 2013/14

Upon motion by Director Buckland seconded by Director Stallard, and carried unanimously, the Government Relations & Public Affairs Committee recommends that the Board approve the Findings of Apportionment for Local Transportation Funds for Sacramento, Sutter, Yolo and Yuba counties for Fiscal Year 2013/14.

3. State Transit Assistance Allocation for Fiscal Year 2013/14

Upon motion by Chair Miklos, seconded by Director Cohn and carried unanimously, the Government Relations & Public Affairs Committee recommends that the Board approve the Allocation of State Transit Assistance for Sacramento, Sutter, Yolo and Yuba counties for Fiscal Year 2013/14.

4. Review and Accept the Annual SACOG Financial Reports

Upon motion by Director Stallard, seconded by Director Buckland and carried unanimously, the Government Relations & Public Affairs Committee recommends that the Board accept the audits of SACOG and the reports to management.

5. Local Contracting Preferences and Business Engagement Strategy

The Government Relations & Public Affairs Committee asked staff to bring this item back to the March Committee meeting.

6. Policy on Board Consent Items

Upon motion by Director Stallard, seconded by Director Buckland and carried unanimously, the Government Relations & Public Affairs Committee recommends that the Board establish a minimum standard that only items that have received a unanimous vote at the Committee level are eligible for consideration to be placed on the consent calendar at Board meetings.

7. Federal Advocacy Principles for 2013

Upon motion by Director Cohn, seconded by Director Yuill and carried unanimously, the Government Relations & Public Affairs Committee recommends that the Board approve the Federal Advocacy Principles as amended.

8. Update on State Budget

The committee received and discussed this report.

9. Consultant Selection for Economic Research in Older Suburbs

Upon motion by Chair Miklos, seconded by Director Yuill and carried unanimously, the Government Relations & Public Affairs Committee recommends to forward this item to the Board of Directors without a recommendation.

10. Other Matters

11. Adjournment

The meeting adjourned at 11:10 a.m.



Government Relations & Public Affairs Committee

Item #13-3-2
Action

March 4, 2013

Request for Proposals for Federal Advocacy Services

Issue: Should the Board release a request for proposals (RFP) for federal advocacy services?

Recommendation: That the Government Relations & Public Affairs Committee recommend that the Board authorize the Chief Executive Officer to release the RFP for federal advocacy services.

Discussion: The current federal advocacy contract is scheduled to sunset with the end of Fiscal Year 2012/13 on June 30, 2013. To advance the renewal of the agency's federal advocacy contract, staff proposes the release of an RFP. The contract relationship with The Ferguson Group began in 1999 and has renewed annually without interruption or solicitation of proposals for competition. To ensure fiscal accountability, staff recommends releasing the RFP at an amount consistent with the agency's current federal advocacy contract, which accounts for coordinated advocacy responsibilities between SACOG staff and a contract lobbyist.

The RFP will be released to an extensive list of advocacy firms. A selection panel made up of SACOG staff and member jurisdiction representatives will convene to score the proposals based on the criteria set forth in the RFP. Staff will make a recommendation to the Government Relations & Public Affairs Committee and subsequently to the SACOG Board of Directors prior to the expiration of the current advocacy contract on June 30, 2013.

Approved by:

Mike McKeever
Chief Executive Officer

MM:RS:ef

Attachment

Key Staff: Kirk Trost, Chief Operating Officer/General Counsel, (916) 340-6210
Rebecca Sloan, Director of External Affairs & Member Services, (916) 340-6224
Erik Johnson, Government & Media Affairs Coordinator, (916) 340-6247

Scope of Work/Services for Federal Advocacy Services

I. BACKGROUND

SACOG is seeking a highly qualified lobbyist to plan, develop, coordinate, and implement the federal advocacy services. Since 1999, SACOG has contracted with outside firms to ensure that, as a regional agency, SACOG maintains a high-level of effective advocacy resources before Congress and federal agencies. SACOG operates through a Chief Executive Officer (CEO) under the policy direction of a 31-member Board of Directors comprised of city and county elected officials. SACOG is committed to maintaining and increasing the effectiveness of its advocacy program, including attracting funding for SACOG and its members.

II. BUDGET/TERMS

SACOG is seeking proposals for federal advocacy services not-to-exceed \$40,000 per year. The CEO may enter into a three-year contract for services, with the option to extend for two additional years at the discretion of the CEO.

III. RFP TIMELINE

March 25, 2013	Issue Request for Proposals
April 30, 2013	Closing date for receipt of proposals
May 2, 2013	Finalists contacted to schedule interviews
May 20, 2013	Conduct interviews; recommend consultant
June 20, 2013	Contract award, execute contract
July 1, 2013	Start of Project/Begin Work

IV. SCOPE OF WORK/SERVICES

The scope of work is described below. The selected consultant or consulting team will be expected to perform all technical and other analyses necessary to complete the scope of work. The consultant will receive general direction from SACOG staff. Tasks will include the following:

Tasks:

1. Hold at least one meeting annually with SACOG staff to discuss the services and process to be used.
2. Work with SACOG staff to develop a set of specific goals for federal advocacy services.
3. Implement and provide federal advocacy services to meet the established goals.
4. Make occasional presentations to the SACOG Board of Directors and its Board policy committee(s) dealing with legislation upon request by the CEO, or his/her designee(s), likely to be scheduled semi-annually.

V. CONTRACT DELIVERABLES

1. Provide SACOG staff with a specific plan and schedule of visits to be made with federal legislators or their staffs, and with key staff of federal agencies.
2. Conduct advocacy services and provide at least monthly reports to SACOG staff.
3. File all applicable reporting and disclosure requirements, including any required filings by SACOG.



**Item #13-3-3
Action**

Government Relations & Public Affairs Committee

March 4, 2013

Local Contracting Preferences and Business Engagement Strategy

Issue: How can SACOG support contractors in the region in its contracting?

Recommendation: That the Government Relations & Public Affairs Committee recommend that the Board adopt the policy recommendations discussed below.

Discussion:

Staff brought this item to the Committee in February, and the Committee tabled the item so that staff could provide additional information and modifications to the recommendation. Separate from the Local Contracting Preferences Policy, staff is proposing an additional change to SACOG's Purchasing Policies that would increase the number of firms interviewed for professional services contracts, so that SACOG reviews qualified bidders, whether from inside or outside of the region.

At the request of the Committee, staff further reviewed federal contracting requirements and has confirmed that, as a general rule, federal funds cannot be awarded on a local preference basis without specific authorization by Congress. Specific authorization may only be requested for disaster and emergency response, as well as for severely economically disadvantaged areas. The only other exception to the federal prohibition of local preferences is for engineering, environmental, and design contracts funded with federal dollars. Here, federal law allows for a local preference in recognition of the fact that local engineers typically have a better knowledge of local conditions. By contrast, the law allows a local preference for most contracts funded by State or local funds.

While SACOG cannot provide a local preference in the award of its regular contracts involving federal funds, staff recommends including a policy that, to the maximum extent practicable, SACOG interview all qualified candidates so that local bidders are given a chance to compete, but without giving any prohibited preferential treatment.

Background:

At the request of several Board members, staff has drafted the key components of a Local Contracting Preferences Policy for the Committee's consideration. Staff is recommending that the Board act to adopt the policy now, but implement it as part of a broader set of amendments to SACOG's Purchasing Policies which will be proposed later this year. In addition to the Local Contracting Preferences Policy, staff has developed a strategy for engaging businesses within the region to better inform them about contracting opportunities at SACOG. Separate from the Local Contracting Preferences Policy, staff is recommending changes to the professional services bid review process.

Local Contracting Preferences Policy

Public contracting is typically handled differently based on whether the contract is for (1) goods and non-professional services, or (2) professional services. Goods and non-professional services contracts are typically given to the lowest-cost bidder, but in some cases, quality is an important factor. Professional services are sometimes given to the best-qualified bidder, while sometimes to the lowest-cost bidder, or a combination of the two. Local preference adds a third criterion to these tradeoffs. SACOG's current policy requires a formal bidding process for any contracts in excess of \$20,000.

General Criteria

Staff recommends that a local preference policy only apply to eligible contracts requiring a formal bid (Request for Proposals/Request for Qualifications process). For the purposes of the policy, "local" would be defined as firms with a physical office in any of SACOG's 28 jurisdictions for at least six months prior to the issuance of the RFP/RFQ (with bidders self-certifying the physical office requirement). The local preference would be handled differently for goods and non-professional services versus professional services.

Goods and Non-Professional Services

For goods and non-professional services funded with State or local dollars, if the lowest bidder is not from within the region, and if the next-lowest bidder is (1) within 5 percent of the low bid price, and (2) a qualified local firm, then the local bidder will be allowed to match the price. This offer would be extended to the next lowest local bidder if it is refused by the first local firm, and the contract could still be awarded to the non-local firm if no local firms match the low bid.

Professional Services

For professional services funded with State or local dollars, staff recommends that proposals be scored on a 100-point scale, to be tailored based on the needs of the project, and allow up to 5 points to be awarded to local bidders. Given the range of qualifications and scope of professional services contracts, staff recommends that the Board reserve the right to waive this policy for impracticality or when not warranted. Staff recommends the same local preference be used for engineering, environmental or design services funded with federal dollars.

Exceptions to the Local Contracting Preferences Policy

In designing a local preference policy, staff recommends providing exceptions, either because of legal restrictions or because local preference may not be in the best interests of SACOG in a particular contract.

1. Unlike cities, counties, and most special districts, councils of government receive most of their funds from the federal government, so most of SACOG's contracts will not be eligible for a local preference. The federal Grants Management Common Rule prohibits the provision of a local preference to any contract involving federal funds. Federal funds cannot be awarded on a local preference basis without specific authorization by Congress. Specific authorization may only be requested for disaster and emergency response, as well as for severely economically disadvantaged areas. However, a local preference may be applied for engineering, environmental, and design contracts funded with federal dollars.
2. State law prohibits any public agency, regardless of fund source, from using a local preference policy on "public projects" (i.e., construction of public buildings and works, except street maintenance or repair, including materials), and requires contracts to be awarded to the lowest responsible bidder.
3. The California Little Brooks Act requires that evaluation of engineering/design proposals funded with state or local dollars be on the basis of qualification-based selection, which does not include an element for local preferences.
4. To allow staff discretion to comply with regulations and laws without having to revise the policy, staff recommends including general language in the local preference policy that would prohibit its application in any other circumstances restricted by state or federal regulation or law.

Professional Services Bid Review

In addition to the scoring system for professional services proposals, staff recommends that—regardless of fund source—SACOG interview up to five proposers, based on scoring of the submitted proposals. The SACOG staff person managing each proposal review, in consultation with the panel of bid reviewers, would have discretion to determine the exact number of proposers to interview, based on scoring of proposals.

This practice would not give a local preference, but it would allow for additional consideration when several proposers all score very high on the review of written proposals. Currently, SACOG interviews up to three proposing firms (based on the rating of written proposals), and sometimes awards contracts based solely on a review of written proposals. Giving staff the direction to conduct interviews where there are several highly

qualified firms, but the discretion in determining how many firms are competitive, would be in the best interest of bidders and SACOG. Going forward, if there is only one qualified firm, staff could still award a contract without conducting an interview.

Business Engagement Strategy

Regardless of whether a local preference would apply to a specific contracting opportunity, based on Board feedback, staff has developed a strategy for engaging businesses located within the region about contracting opportunities at SACOG. Staff is in the process of contacting local chambers of commerce and professional associations to share information with them about how to receive notices for RFP/RFQ opportunities at SACOG.

SACOG has an email database of firms that automatically receive notification when a SACOG RFPs/RFQ is issued. Chambers and associations will be encouraged to share this notification tool with their members. Staff is targeting both general businesses as well as particular professional associations of firms that may likely bid on SACOG contracts (e.g., firms specializing in research, planning/engineering, technology, marketing, printing, financial audits, public opinion research). This outreach will continue to include associations that can help SACOG reach Disadvantaged Business Enterprises (DBEs), for compliance with federal and state DBE requirements. For services that may be outside the scope of SACOG's typical audience, staff will develop tailored outreach to reach those specialized firms.

In addition to the existing RFP/RFQ notification system, staff will share contracting opportunities on its Twitter account and SACOG homepage, and purchase public notice advertisements in the *Sacramento Bee*.

Approved by:

Mike McKeever
Chief Executive Officer

MM:EJ:ef

Key Staff: Kirk E. Trost, Chief Operating Officer/General Counsel, (916) 340-6210
Erik Johnson, Government & Media Affairs Coordinator, (916) 340-6247



**Item #13-3-4
Action**

Government Relations & Public Affairs Committee

March 4, 2013

Committee Charge

Issue: Adoption of the Government Relations & Public Affairs Committee Charge.

Recommendation: That the Government Relations & Public Affairs Committee recommend the Board adopt the attached charge for the Government Relations & Public Affairs Committee.

Discussion: Last month, the Board approved a committee charge for the Land Use & Natural Resources Committee. This month, staff is proposing a committee charge for the remaining board committees. In 2007, the Legislation & Public Affairs Committee merged with the Administration Committee.

A proposed committee charge is attached.

Approved by:

Mike McKeever
Chief Executive Officer

KT:EJ:ef

Attachment

Key Staff: Kirk Trost, Chief Operating Officer/General Counsel, (916) 340-6210
Erik Johnson, Government & Media Affairs Coordinator, (916) 340-6247

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**SACRAMENTO AREA COUNCIL OF GOVERNMENTS
GOVERNMENT RELATIONS & PUBLIC AFFAIRS COMMITTEE CHARGE**

Purpose: The Government Relations & Public Affairs Committee shall develop recommendations for the full SACOG Board of Directors relative to issues regarding advocacy, intergovernmental affairs, communication, Overall Work Program, budget and audits, human resources, legal, and purchasing.

Activities: Activities of the Committee may include, but are not limited to:

- Recommending State and Federal Advocacy Principles and positions on legislation affecting SACOG and its members.
- Recommending the Overall Work Program, which reflects not only the requirements of state and federal laws and regulations, but also the allocation of overall resources for the agency, including program priorities, funding, and staffing.
- Providing guidance on outreach regarding key decisions to member jurisdictions, other local agencies, stakeholder groups, and the general public.
- Overseeing the human resources functions of the organization, by providing direction to the Chief Executive Officer (CEO) and Chief Operating Officer (COO)/General Counsel regarding negotiations with the SACOG Employees Association, changes to the Personnel Rules, changes to the Employee Handbook, changes to the Classification Plan and salary schedule, and evaluation of the CEO and COO/General Counsel.
- Overseeing the financial operations of SACOG.
- Providing input and recommendations relating to legal issues.
- Recommending contract awards.
- Serving as the Board of Directors of the SACOG Financing Corporation, which was created to own real property when SACOG participated in the purchase of 1415 L Street in Sacramento.

Membership: The current chair of the SACOG Board of Directors shall appoint the members of the Government Relations & Public Affairs Committee.

Term of Committee Members: Members of the Government Relations & Public Affairs Committee shall serve for a term of one year.

Officers: The current chair of the SACOG Board of Directors shall designate one of the Committee members to serve as Committee chair, and members to serve as vice chairs.



Government Relations & Public Affairs Committee

**Item #13-3-5
Action**

March 4, 2013

Draft Budgets for Fiscal Year 2013/14

Issue: Should the committee recommend approving the draft budgets for Fiscal Year 2013-14?

Recommendation: That the Government Relations & Public Affairs Committee recommend that the Board approve the draft budget for Fiscal Year 2013-14.

Discussion: Staff will present this item at the Government Relations & Public Affairs Committee.

Approve by:

Mike McKeever
Chief Executive Officer

MM:ef



Government Relations & Public Affairs Committee

**Item #13-3-6
Action**

March 4, 2013

Draft Overall Work Program for Fiscal Year 2013/14

Issue: Should the committee recommend approving the draft Overall Work Program (OWP) for Fiscal Year 2013-14?

Recommendation: That the Government Relations & Public Affairs Committee recommend that the Board approve the draft OWP for Fiscal Year 2013-14.

Discussion: Staff will present this item at the Government Relations & Public Affairs Committee.

Approve by:

Mike McKeever
Chief Executive Officer

MM:ef



Government Relations & Public Affairs Committee

**Item #13-3-7
Action**

March 4, 2013

Overall Work Program Amendment #4 for Fiscal Year 2012/13

Issue: Should the committee recommend approving Amendment #4 to the Overall Work Program (OWP) for Fiscal Year 2012-13?

Recommendation: That the Government Relations & Public Affairs Committee recommend that the Board approve Amendment #4 to the OWP for Fiscal Year 2012-13.

Discussion: Staff will present this item at the Government Relations & Public Affairs Committee.

Approve by:

Mike McKeever
Chief Executive Officer

MM:ef

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Government Relations & Public Affairs Committee

Item #13-3-8 Information

March 4, 2013

Consultant Selection for Natural Resources and Regulations Assistance

Issue: SACOG staff is seeking consultant assistance on natural resources and regulations work. A consultant selection process is underway. At the March Board meeting, staff will ask for approval of a recommended consultant and authorization for the Chief Executive Officer to negotiate and sign a contract.

Recommendation: None, this item is for information only; however, staff is seeking input from the Committee on issues that may need to be noted in the staff report to the SACOG Board.

Discussion: In the past, SACOG has hired consultants to execute a range of natural resources work for which the agency does not have in-house staff expertise. That work has included assisting with federal permitting for flood control projects in Yolo County, securing federal approvals for transportation projects in Placer County, helping settle land development CEQA lawsuits in Placer County, assisting with Habitat Conservation Plans (HCP) throughout the region, overseeing the Six-County Aquatic Resources Inventory, representing SACOG interests at federal agencies related to water resources management, providing background and strategies to improve forest management, and preparing the Environmental Impact Report for the Metropolitan Transportation Plan/Sustainable Communities Strategy. As SACOG's role in HCP, water resources, and flood issues continues to evolve, staff envisions a need for consultant help with these efforts. In addition, SACOG's commitment—including in the MTP/SCS—to develop a regional open space plan will require assistance from an expert that has extensive knowledge of natural resource issues in the region, and the experience and ability to convene key stakeholders to craft a plan. Addressing environmental regulations and land conservation impediments affecting agriculture is also an important area where consultant help will be needed.

The SACOG Board approved the release of a Request for Qualifications for a natural resource consultant at its January meeting. Due to the timing of the review process, the Board also allowed staff to bring a recommendation directly to the Board for approval of the selected consultant and authorization for the Chief Executive Officer to negotiate a contract. Ten Statements of Qualifications (SOQ) were received and a panel of local partners was assembled to review the SOQs and interview candidates. The panel will complete SOQ reviews on March 1 and conduct interviews of the top candidates on March 12. The consultant work is included in the Overall Work Program and will not exceed \$200,000.

Staff is seeking input from the Committee on any issues that may need to be noted in the staff report to the SACOG Board. Staff will notify the Committee Chair and Vice-Chairs once a consultant selection has been made and seek any further advice on issues to include in the staff report to the SACOG Board.

Approved by:

Mike McKeever
Chief Executive Officer

Key Staff: Kirk Trost, Chief Operating Officer/General Counsel, (916) 340-6210
David Shabazian, Supervising Senior Planner, (916) 340-6231



**Item #13-3-9
Information**

Government Relations & Public Affairs Committee

March 4, 2013

State Advocacy Update

Issue: State legislation of interest to SACOG.

Recommendation: None; this item is for information only.

Discussion:

February 22 was the deadline for state legislators to introduce bills. Staff has narrowed down a list of 50 bills to watch that relate to SACOG's State Advocacy Principles. As is typical, many legislators introduce "spot" bills, so this list will change as these bills are amended. Several topics have a large number of competing measures, including CEQA reform and replacement for redevelopment. The legislation that staff is tracking is summarized below. Attachment A includes a list of all 50 bills.

Staff will bring back recommendations for positions on higher priority bills in April. Staff is interested in any feedback from the committee on legislation.

Air Quality: Two significant bills, AB 8 and SB 11, would extend existing air quality fee programs that are sunseting.

CEQA: The primary CEQA reform bill will likely be SB 731, though it is currently a spot bill. Other bills propose creating CEQA-specific courts, and making major and minor changes to EIR requirements and procedures.

Economic

Development: Seven bills propose new entities to replace redevelopment agencies or expand infrastructure financing districts. AB 243, AB 229, SB 1, and SB 33 are all versions of bills from 2012. Separate from the redevelopment-related bills, AB 250 would require the state to allow reuse of state property.

Financing/

Revenue: Five constitutional amendments propose lowering the voter threshold from 2/3 to 55 percent for local taxes (the eligible uses vary by each proposal). Two bills would expand or create new infrastructure banks to help finance infrastructure projects.

Land Use: Several bills deal with the provision of affordable housing, including one that would create a real estate transaction fee. SB 673 would require cities and counties to provide a cost-benefit analysis for each proposed development project, funded by the project applicant.

Local streets: AB 603 would allow the Capital Southeast Connector to be constructed using design-build procurement. SB 7 would prohibit a charter city from using state funds or financing if it does not require prevailing wage for public works contracts.

MPO/RTPA: Three bills relate to Sustainable Communities Strategies. AB 1290 would require regional transportation agencies to report annually on development activity and constructed transportation projects. AB 1179 would require Sustainable Communities Strategies (SCSs) to identify future school sites. AB 1002 would impose a new \$6 vehicle registration fee for SCS implementation.

Transit: AB 863 would allow Caltrans to assume responsibility for federal review and clearance under NEPA for transit projects. AB 206 would allow Sacramento Regional Transit to install larger bike racks on buses.

Water: Four spot bills have been introduced to modify the 2014 state water bond. One bill would repurpose existing bond funds.

Approved by:

Mike McKeever
Chief Executive Officer

Attachment

Key Staff: Kirk Trost, Chief Operating Officer/General Counsel, (916) 340-6210
Erik Johnson, Government & Media Affairs Coordinator, (916) 340-6247

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SACOG Introduced Bill Report

Issue	Bill	Author	Title	Summary
Air Quality	AB 416	Gordon (D)	Local Emission Reduction Program	Creates the Local Emission Reduction Program and requires money to be available from the general fund for providing grants to develop and implement greenhouse gas emission reduction projects in the state, giving consideration to the ability of a project to create local job training and job creation benefits and achieve greenhouse gas emission reduction. Requires the awarding of moneys under the program to eligible recipients.
Air Quality	AB 8	Perea (D)	Alternative Fuel: Vehicle Technologies: Funding Program	Extends air quality fee programs that are set to sunset: Carl Moyer (diesel risk reduction) and AB 118 (alternative and renewable fuel and vehicles).
Air Quality	SB 11	Pavley (D)	Alternative Fuel: Vehicle Technologies: Funding Program	Extends air quality fee programs that are set to sunset: Carl Moyer (diesel risk reduction) and AB 118 (alternative and renewable fuel and vehicles).
CEQA	AB 953	Ammiano (D)	CEQA	Amends CEQA. Revises definitions. Requires a lead agency to include in an EIR a detailed statement on any effects that may result in locating a proposed project near natural hazards or adverse environmental conditions.
CEQA	AB 380	Dickinson (D)	CEQA: Notice	Amends CEQA. Requires that notices regarding EIRs filed by lead agencies need to be filed with the Office of Planning and Research and the county clerk and posted by that clerk for public review. Provides notice requirements for projects that are determined to be exempted from the Act.
CEQA	SB 617	Evans (D)	CEQA	Amends CEQA. Requires that notices regarding EIRs filed by lead agencies need to be filed with the Office of Planning and Research and the county clerk and posted by that clerk for public review. Requires a statement in the report regarding the placement of the project near natural hazards or adverse environment conditions. Repeals specified exemptions.
CEQA	AB 515	Dickinson (D)	CEQA: Judicial Review	Adds at least 2 CEQA compliance court districts within the state. Establishes a CEQA compliance court in every district. Gives the courts the jurisdiction over actions and proceedings involving the CEQA. Provides appeals are to the Supreme Court.
CEQA	AB 823	Eggman (D)	Environment: Agricultural Land: Mitigation	Requires a lead agency, for a project that converts agricultural lands for nonagricultural uses, to require mitigation measures consisting, at a minimum, of providing replacement acreage through specified mechanisms to ensure the availability of agricultural production capacity.
CEQA	SB 123	Corbett (D)	Environmental and Land-Use Court	Requires a presiding judge of each superior court to establish an environmental and land-use division within the court to process civil proceedings brought pursuant to CEQA or in specified subject areas, including air quality, biological resources, climate change, hazards and hazardous materials, land use planning, and water quality.
CEQA	AB 37	Perea (D)	CEQA: Record of Proceedings	Requires the lead agency, at the request of a project applicant, to, prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects.
CEQA	SB 731	Steinberg (D)	CEQA	Spot bill. States intent to enact legislation revising CEQA to, among other things, provide greater certainty for smart infill development. States the intent of the Legislature to provide funds annually to the Strategic Growth Council for the purposes of providing planning incentive grants to local and regional agencies to update and implement general plans.
Economic development	AB 662	Atkins (D)	Local Government: Infrastructure Financing Districts	Deletes that prohibition on infrastructure financing districts including any portion of a redevelopment project area.
Economic development	AB 1080	Alejo (D)	Community Revitalization & Investment Authorities	Similar governance to SB 1, but blight is defined as various forms of unemployment, crime, or inadequate infrastructure.
Economic development	SB 1	Steinberg (D)	Sustainable Communities Investment Authority	Reintroduction of SB 1156 (2012). Authorizes certain public entities of a Sustainable Communities Investment Area to form a Sustainable Communities Investment Authority to carry out the Community Redevelopment Law. Provides for tax increment funding receipt under certain economic development and planning criteria. Establishes prequalification requirements for receipt of funding. Requires monitoring and enforcement of prevailing wage requirements within the area.
Economic development	AB 243	Dickinson (D)	Local Government: Infrastructure Financing Districts	Reintroduction of AB 2144 (2012). Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with 55% voter approval. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases if special conditions are met. Authorizes a district to fund various projects, including watershed land used for the collection and treatment of water for urban uses, flood management, open space, habitat restoration and development purposes.

SACOG Introduced Bill Report

Issue	Bill	Author	Title	Summary
Economic development	AB 229	Perez J (D)	Infrastructure and Revitalization Financing Districts	Reintroduction of AB 2144 (2012), except it does not change voter approval threshold and adds former military bases as eligible entities. Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases.
Economic development	AB 250	Holden (D)	California Innovation Hub Program	Creates the state Innovation Hub Program, which requires the Governor's Office of Business and Economic Development to designate Innovation Hubs. Authorizes the office to use vacant or underused state-owned or leased property that is controlled by the Department of General Services. Authorizes specified state property, when authorized by law, to be used as matching funds to meet federal funding requirements.
Economic development	SB 628	Beall (D)	Infrastructure Financing	Eliminates the requirement of voter approval for the adoption of an infrastructure financing plan, the creation of an infrastructure financing district, and the issuance of bonds with respect to a transit priority project. Requires a specified percentage of the revenue for increasing, improving, and preserving the supply of lower and moderate-income housing. Provides that income level for continued occupancy. Relates to the approval of such district and its ability to issue bonds.
Economic development	AB 690	Campos (D)	Jobs and Infrastructure Financing Districts	Revises and recasts the provisions governing infrastructure financing districts. Lowers voter approval threshold to 55%. Authorizes a public financing authority to enter into joint powers agreements with affected taxing entities with regard to nontaxing authority or powers only.
Economic development	SB 33	Wolk (D)	Infrastructure Financing Districts: Voter Approval	Reintroduction of SB 214 (2012). Revises provisions governing infrastructure financing districts. Eliminates the requirement of voter approval for creation of districts and for bond issuance, and authorizes the legislative body to create the district subject to specified procedures. Authorizes a district to finance specified actions and projects. Prohibits the district from providing financial assistance to a vehicle dealer or big box retailer.
Financing/Revenue	SCA 11	Hancock (D)	Local Government: Special Taxes: Voter Approval	Proposes reducing the voter approval threshold from 2/3 to 55% for the imposition, extension, or increase of a special tax by a local government.
Financing/Revenue	ACA 8	Blumenfield (D)	Local Government Financing: Voter Approval	Proposes reducing the voter approval threshold from 2/3 to 55% for the imposition, extension, or increase of a special tax by a local government. Creates an additional exception to the 1% limit for an ad valorem tax rate imposed by a city, county, city and county, or special district, to service bonded indebtedness incurred to fund specified public improvements and facilities.
Financing/Revenue	AB 749	Gorell (R)	Public-Private Partnerships	Deletes the reference to the Public Infrastructure Advisory Commission established by the Business, Transportation and Housing Agency. Creates a new Public Infrastructure Advisory Commission. Requires the commission to establish best practices for public-private partnerships, and to identify other state departments that would benefit from similar contracting authority.
Financing/Revenue	SB 798	De Leon (D)	California Green Infrastructure Bank Act	Enacts the Green Infrastructure Bank Act. Establishes the Green Infrastructure Bank. Provides for certain loans to a subdivision or local government. Amends an existing law which authorizes the allocation of moneys appropriated from Greenhouse Gas Reduction Fund for the purpose of reducing greenhouse gas emissions through investments in programs implemented by local and regional agencies and collaboratives and by nonprofit organizations.
Financing/Revenue	SCA 9	Corbett (D)	Local Government: Economic Development: Special Taxes	Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects requires the approval of a specified percentage of its voters voting on the proposition.
Financing/Revenue	SCA 4	Liu (D)	Local Government Transportation Project: Voter Approval	Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of a specified percentage of voters voting on the proposition.
Financing/Revenue	SCA 8	Corbett (D)	Transportation Projects: Special Taxes: Voter Approval	Provides that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects requires the approval of 55% of its voters voting on the proposition.

SACOG Introduced Bill Report

Issue	Bill	Author	Title	Summary
Financing/ Revenue	AB 1272	Medina (D)	Infrastructure and Economic Development Bank	Revises the definition of economic development facilities to include facilities that are used to provide goods movement and would define goods movement-related infrastructure. Revises the definition of port facilities to specifically reference airports, landports, waterports, and railports. The bill would authorize the bank to join or formally participate in regional, state, national, or international organizations related to infrastructure financing.
Financing/ Revenue	AB 1051	Bocanegra (D)	Housing	Spot bill. States the intent of the legislature to appropriate funds from the Greenhouse Gas Reduction Fund to the Department of Housing and Community Development to be expended for loans for the development and construction of housing development projects within close proximity to transit stations.
Housing	AB 745	Levine (D)	Land Use: Housing Element	Amends the Planning and Zoning Law. Authorizes a city or county to request the appropriate council of governments to adjust a density to be deemed appropriate if it is inconsistent with city's or county's existing density.
Housing	SB 391	DeSaulnier (D)	California Homes and Jobs Act of 2013	Enacts the California Homes and Jobs Act of 2013. Imposes a fee to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded. Requires that revenues sent quarterly to the Department of Housing and Community Development for deposit in the California Homes and Jobs Trust Fund, which the bill would create. Provides that moneys expended for supporting affordable housing, administering housing programs and the cost of periodic audits.
Housing	SB 513	Hancock (D)	Local Development	Relates to the Transit Priority Project Program regarding an infrastructure finance district. Relates to a required percentage of affordable units in rental or owner-occupied housing for low- or moderate-income persons and families. Revises the percentage requirement.
Land Use	SB 673	DeSaulnier (D)	Land Use: Development Project Review	Requires a city, county, or city and county, including a charter city or charter city and county, prior to approving or disapproving a proposed development project to cause a cost benefit analysis to be prepared, which would be paid for by the project applicant.
Local streets	AB 574	Lowenthal B (D)	State Highways: Relinquishment	Authorizes the Transportation Commission to relinquish any portion of a state highway or related facility within a county or city to that county or city, subject to an agreement between the Department of Transportation and the local agency, without requiring a legislative enactment deleting the state highway segment from the state highway system.
Local streets	AB 603	Cooley (D)	Public Contracts: Design-Build	Includes in the definition of a local transportation entity, a city, county, city and county, and a joint powers authority. Applies the specified procedural requirements to the state design-build projects. Authorizes the Capital Southeast Connector Joint Powers Authority to use design-build procurement.
Local streets	SB 7	Steinberg (D)	Public Works: Charter Cities	Prohibits a charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with prevailing wage provisions on any public works contract. Prohibits state funding assistance for such projects for a specified period. Authorizes such assistance for a city with an ordinance requiring prevailing wages. Provides a minimum contract threshold for such requirement.
MPO/RTPA	AB 1081	Medina (D)	Economic Development: Goods- Movement Infrastructure	Amends existing law that requires the Governor to submit to the Legislature a proposed infrastructure plan containing specified information concerning infrastructure needed by specified entities and a proposal for funding the needed infrastructure. Requires the plan to include information related to infrastructure identified by state and federal transportation authorities and a recommendation for public sector financing.
MPO/RTPA	SB 751	Yee (D)	Local Planning: Metropolitan Planning Organizations	Spot bill. Declares the intent of the Legislature to enact legislation to ensure transparency in connection with the functioning of metropolitan planning organizations, including, but not limited to, the individual voting records of their members.
MPO/RTPA	SB 110	Steinberg (D)	California Transportation Commission: Guidelines	Establishes specified procedures that the California Transportation Commission (CTC) would be required to utilize when it adopts guidelines relative to its programming and allocation policies. Exempts the adoption of those guidelines from the requirements of the Administrative Procedure Act.
MPO/RTPA	AB 1002	Bloom (D)	Vehicles: Registration Fee	Imposes a new \$6 vehicle registration to help fund Sustainable Communities Strategies (SCS).

SACOG Introduced Bill Report

Issue	Bill	Author	Title	Summary
MPO/RTPA	AB 1290	Perez J (D)	Transportation Planning	Provides for 2 additional voting members of the CTC to be appointed by the Legislature. Adds 3 ex-officio members from state agencies. Adds various reporting and monitoring requirements regarding an SCS.
MPO/RTPA	AB 1179	Bocanegra (D)	Regional Transport Plan: Communities Strategy	Requires the SCS to identify, in consultation with each local educational agency in the region, future school facilities sites, or existing facilities that may be modernized or expanded.
Transit	AB 863	Torres (D)	Transit Projects: Environmental Review Process	Authorizes the Caltrans to assume responsibilities for federal review and clearance under NEPA transit projects; similar to existing authority for highway projects.
Transit	AB 206	Dickinson (D)	Vehicles: Length Limitations: Buses: Bicycle Devices	Authorizes the Sacramento Regional Transit District to install bike racks to accommodate up to three bicycles.
Water	SB 735	Wolk (D)	Sacramento-San Joaquin Delta Reform Act	Amends the Sacramento-San Joaquin Delta Reform Act of 2009 to exclude from the definition of covered action the approval or implementation of a project as part of a larger conservation plan submitted pursuant to the Federal Endangered Species Act, a natural community conservation plan submitted pursuant to the Natural Community Conservation Planning Act, or certain permits related to the taking, importation, exportation, or sale of endangered species.
Water	SB 40	Pavley (D)	Safe, Clean, and Reliable Drinking Water Supply Act	Spot bill for changing the 2014 Water Bond
Water	SB 36	Rubio (D)	Safe, Clean, and Reliable Drinking Water Supply Act	Spot bill for changing the 2014 Water Bond
Water	SB 42	Wolk (D)	Clean, Secure Water Supply and Delta Recovery Act	Spot bill for changing the 2014 Water Bond
Water	AB 1301	Bloom (D)	Water Quality and Supply	Spot bill for repurposing state water bond of 2006.
Water	AB 142	Perea (D)	Safe, Clean, and Reliable Drinking Water Supply Act	Spot bill for changing the 2014 Water Bond



Government Relations & Public Affairs Committee

Item #13-3-10 Information

March 4, 2013

Federal Advocacy Update

Issue: Report on federal advocacy efforts.

Recommendation: None; this is for information only.

Discussion: SACOG staff will visit Washington, D.C., during the week of March 11 for a series of advocacy meetings with Members of Congress and key federal agencies. SACOG Chief Executive Officer Mike McKeever, Board Chair Mary Jane Griego, and staff member Erik Johnson will utilize the recently amended federal advocacy principles in their appointments and share the outcomes of this trip at the SACOG Board meeting on March 21.

Additionally, SACOG staff will participate in the Metro Chamber's annual Cap-to-Cap program during the week of April 15. SACOG staff is currently working with the Chamber's volunteer policy teams to provide input on the issue papers and advocacy positions associated with SACOG's federal advocacy principles and agency programs and activities including: air quality, land use and natural resources, flood protection, water resources, transportation, food and agriculture, and community development. Staff will attend Cap-to-Cap and be available to support SACOG Board members in policy teams and advocacy meetings. Staff will provide an update on the Cap-to-Cap Advocacy Program at the April committee meetings.

Attached is an advocacy update from Mike Miller with The Ferguson Group reflecting recent activity on sequestration; new Senate and House committee leadership appointments; an update on new appointments to leadership positions at U.S. Department of Transportation, Department of Energy, and the Environmental Protection Agency; the administration's Fix-it-First Program; and reauthorization of the Water Resources Development Act.

Approved by:

Mike McKeever
Chief Executive Officer

MM:RS:ef

Attachment

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Attachment

To: Sacramento Area Council of Governments
From: Mike Miller
Re: Capitol Hill Update
Date: March 4, 2013

Sequester Update. Sequestration was triggered today due to the inability of Congress and the Administration to reach an agreement on deficit reduction. The following outlines the impacts of sequester:

- Total sequester package: \$1.2 trillion spending reductions over 10 years, with \$984 billion in program cuts and \$216 billion in reduced interest payments on national debt.
- Annual program cuts at \$98.4 billion - \$8.2 billion per month.
- 2013 program cuts at \$9.8 billion per month (only 10 months remain in 2013).
- Cuts are divided evenly between defense and non-defense accounts.
- Non-defense accounts are split between Medicare (flat 2% reduction in reimbursements) and all other programs not exempt from sequester (there are 158 exempt agency accounts).
- Non-exempt non-defense accounts face across-the-board spending cuts in 2013. Beginning in 2014 appropriators may have more control regarding allocation of spending cuts.

There is currently no indication of any ongoing negotiations to alter sequester.

Status of FY 2013 Appropriations Bills. Since filing our last report Congress has taken virtually no action on FY 2013 appropriations legislation. Two scenarios remain for completing action on appropriations bills for FY 2013: Congress could pass an omnibus bill or a continuing resolution to fund Congress for the remainder of 2013. It is unclear how sequester will impact either scenario.

Senate EPW Committee Leadership Change. Sen. David Vitter (R-LA) was recently named as Ranking Member of the Senate Committee on Environment & Public Works, replacing Sen. James Inhofe (R-OK) who held the position for many years. The following is Sen. Vitter's vision statement taken from the EPW Minority website:

Senator David Vitter will work with his colleagues to promote a common-sense and balanced approach to a fact-based energy and infrastructure policy that harnesses the power of America's job creators to grow and maintain a strong economy.

Transportation Secretary Nomination Status. The Administration has not formally announced its nominee to replace retiring Secretary Ray LaHood. Sec. LaHood remains at the helm of DOT for now; many observers continue to believe the nominee will be Deborah Hersman who is the current National Transportation Safety Board Chairman.

Fix it First. In his State of the Union address President Obama indicated his Department of Transportation FY 2014 budget request would include funding for “Fix It First,” a program aimed at addressing transportation infrastructure deferred maintenance. The budget request is likely to target approximately \$50 billion for FY 2014 funding – the President has previously requested similar funding levels for this type of program. Observers anticipate the President will propose \$40 billion for “most urgent upgrades” to highways, bridges, public transit systems, and airports. The remaining \$10 billion would be used to establish a national infrastructure bank. As previously reported, the President’s FY 2014 budget request has not been delivered to Congress and is later than usual this year. We will continue to monitor this program.

Obama Administration Announces Nominees for EPA and Energy

On March 4 President Obama nominated Gina McCarthy to be the next EPA Administrator and Ernest Moniz as the new Energy Secretary. Both nominations require Senate approval. Gina McCarthy is currently the Assistant Administrator for Air and Radiation and has worked for Republicans and Democrats previously. During remarks to the press this morning President Obama said of McCarthy:

As a top environmental official in Massachusetts and Connecticut, she helped design programs to expand energy efficiency and promote renewable energy. As Assistant EPA Administrator, Gina has focused on practical, cost-effective ways to keep our air clean and our economy growing. She’s earned a reputation as a straight shooter. She welcomes different points of views. I’m confident that she’s going to do an outstanding job leading the EPA.

Regarding Ernest Moniz, President Obama said:

(Ernest) is a physicist by training, but he also served as Under Secretary of Energy under President Clinton. Since then, he’s directed MIT’s Energy Initiative, which brings together prominent thinkers and energy companies to develop the technologies that can lead us to more energy independence and also new jobs. Most importantly, Ernie knows that we can produce more energy and grow our economy while still taking care of our air, our water, and our climate. And so I could not be more pleased to have Ernie join us. And he will be joined in that effort by my nominee to lead the Environmental Protection Agency.



Government Relations & Public Affairs Committee

**Item #13-3-11
CLOSED SESSION**

March 4, 2013

Conference with Legal Counsel – Existing Litigation

Issue: Existing litigation.

Recommendation: Review litigation and discuss during closed session.

Discussion: A summary of the litigation will be presented during closed session.

Approved by:

Kirk Trost
Chief Operating Officer/General Counsel

KK:ef

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