



CITIES SELECTION COMMITTEE MEETING AGENDA
THURSDAY, NOVEMBER 8, 2018 | 6:30 PM
SUNNYVALE CITY HALL | WEST CONFERENCE
ROOM 456 WEST OLIVE AVE | SUNNYVALE, CA 94088

BOARD MEMBERS PAT SHOWALTER, LARRY KLEIN, CHAPPIE JONES WILL BE ATTENDING VIA PHONE
JW MARRIOTT, LOS ANGELES LA LIVE
900 WEST OLYMPIC BOULEVARD | LOS ANGELES, CA 90015 | ROOM 2017

1. Call to order 6:30PM
2. Consent Agenda
 - a. Meeting Minutes: June 2018 (pages 3-4)
3. Appointments - Job descriptions found here: <https://bit.ly/2Ql3Cf2>
 - [Airport Land Use Commission \(ALUC\) \(pages 5-8\)](#)
Seat currently held by Greg Scharff, Palo Alto, begins January 2019 and term expires 5/2020 (Greg Scharff, Palo Alto, is termed out of office)
*Interest received from Vice Mayor Lisa Matichek, Mountain View (page 8)
 - [Association of Bay Area Governments \(ABAG\) \(pages 9-24\)](#)
Currently held by Greg Scharff, Palo Alto, begins January 2019 term expires 5/2020 (Greg Scharff, Palo Alto, is termed out of office)
*Interest received from Council Member Chris Clark, Mountain View (page 24)
 - [Bay Area Air Quality Management District \(BAAQMD\) \(pages 25-63\)](#)
Currently held by Rod Sinks, Cupertino, term expires 11/2018
* interest received from Council Member Bob Nuñez, Milpitas (page 27)
* interest received from Vice Mayor Rod Sinks, Cupertino (page 28)
 - [SourceWise \(pages 64-74\)](#)
Recently held by Cricket Rubino, Morgan Hill – term expired 6/2018
Does not need to be an elected official,
*Interest received from Cricket Rubino (page 74)
 - [Santa Clara County Local Board: Cal-Id/RAN \(page 75\)](#)
oversees integrated fingerprint system across the County; this appointment is specifically for a Mayor. Currently held by Gary Waldeck, Los Altos Hills (Gary Waldeck is termed out) – ongoing appointment

[Santa Clara County Emergency Operational Area Council \(OAC\)](#) (page 76-85)
(North County Cities seat) Currently held by Lydia Kou, Palo Alto term expires 12/2018

[Silicon Valley Regional Interoperability Authority \(SVRIA\)](#) (page 86 – 108)
Seat currently held by Chris Clark, Mountain View - term expires 10/2018
Alternate held by Debi Davis, Santa Clara – term expires 10/2018

[Recycling & Waste Reduction Commission of Santa Clara County \(RWRC\)](#) –
(page 109 – 110) Smart Station seat representing Palo Alto, Mountain View, Sunnyvale.
Currently held by Jim Griffith, Sunnyvale (Griffith is termed out) – term expires 1/2022
*Interest received from Councilmember Russ Melton, Sunnyvale (page 110)

[Women's Equality 2020 Leadership Council \(Santa Clara County\)](#)(pages 111-
[114](#))
Ex-Officio seat – 10 meetings from November 14, 2018 through December 2020.

4. Public Comment
5. Adjournment

6:55PM



CITY SELECTION COMMITTEE | DRAFT MEETING MINUTES
THURSDAY, JUNE 14, 2018
SUNNYVALE CITY HALL | WEST CONFERENCE ROOM
456 WEST OLIVE AVENUE | SUNNYVALE, CA 94088

Cities Association President Rod Sinks called the meeting to order at 6:54 PM.

Voting members present:

Campbell – Paul Resnikoff
Cupertino – Rod Sinks
Gilroy – Peter Leroé-Muñoz
Los Altos – Jeannie Bruins
Los Altos Hills – Gary Waldeck
Los Gatos – Marico Sayoc
Milpitas – Anthony Phan
Monte Sereno – Burton Craig
Morgan Hill – Steve Tate
Mountain View – Pat Showalter
Palo Alto – Greg Scharff
San Jose – Charles “Chappie” Jones
Santa Clara – Debi Davis
Saratoga – Mary-Lynne Bernald
Sunnyvale – Larry Klein

Others present:

Andi Jordan, Executive Director
Steve Preminger, Santa Clara County
Aarti Shrivastava, City of Cupertino
Jerad Ferguson, City of San José – Office of Council Member Jones

Consent agenda, consisting of minutes from February 2018 meetings was approved after a motion from Larry Klein (Sunnyvale) and a second from Jeannie Bruins (Los Altos). Motion was approved by a 14-0-1 vote with Paul Resnikoff (Campbell) abstaining.

The Cities Selection Committee considered:

Association of Bay Area Governments (ABAG) appointments: (ABAG) Executive Board, terms expiring 6/2020:

- 2 primary appointments currently held by Greg Scharff (Palo Alto) & Liz Gibbons (Campbell).
- Intent to be considered received from:
 - Council Member Greg Scharff (Palo Alto)
 - Council Member Liz Gibbons (Campbell)
- 2 alternates appointments currently held by Chris Clark (Mountain View) & one vacant position.
- Intent to be considered received from:
 - Council Member Chris Clark (Mountain View)

- Council Member Anthony Phan (Milpitas)

Mary-Lynne Bernald (Saratoga) motioned to approve the ABAG appointments (as listed above). Larry Klein (Sunnyvale) seconded the motion, and the ABAG appointments were unanimously approved.

Countywide Redevelopment Successor Agency Oversight Board is a new appointment to the Cities Association of Santa Clara County.

- The Committee was asked to appoint:
 - 1 primary appointment
 - 1 alternate appointment
- Two nominations/letter of intent for the primary appointment were received:
 - Sunnyvale Vice Mayor Larry Klein
 - San José City Manager Dave Sykes

Marico Sayoc (Saratoga) motioned, with a second from Burton Craig to appoint Larry Klein. Chappie Jones (San José) motioned, with a second from Anthony Phan to appoint David Sykes. The vote was by written ballot.

Larry Klein (8) – Dave Sykes (7)

- Votes for Larry Klein: Rod Sinks (Cupertino), Marico Sayoc (Los Gatos), Greg Scharff (Palo Alto), Larry Klein (Sunnyvale), Mary-Lynne Bernald (Saratoga), Burton Craig (Monte Sereno), Debi Davis (Santa Clara), Gary Waldeck (Los Altos Hills)
- Votes for David Sykes: Peter Leroe-Muñoz (Gilroy), Pat Showalter (Mountain View), Paul Resnikoff (Campbell), Anthony Phan (Milpitas), Steve Tate (Morgan Hill), Jeannie Bruins (Los Altos), Chappie Jones (San José)

Vice Mayor Klein will serve as primary appointment.

Mary-Lynne Bernald motioned to appoint Dave Sykes as the alternate. Larry Klein seconded the motion. The motion passed unanimously.

The City Selection Committee is expected to meet in November 2018.

The meeting was adjourned.

AIRPORT LAND USE COMMISSION*

Editor's note--Section 1 of Ord. No. 300.362.1, adopted Mar. 6, 1984, changed the title of Ch. XV from "Airport Land Use Advisory Commission" to "Airport Land Use Commission."

Sec. A6-190. Establishment.

The Santa Clara County Airport Land Use Commission is hereby established pursuant to Public Utilities Code § 21670 as amended September 19, 1994, which mandates in Section 2 (for all counties with an airport served by a scheduled airline) that the County Board of Supervisors establish an airport land use commission.

(Ord. No. NS-300.362, § 2, 11-23-82; Ord. No. NS-300.362.1, § 2, 3-6-84; Ord. No. NS-300.582, § I, 12-12-95)

Sec. A6-191. Powers and duties.

The Commission shall assume the powers and duties authorized by Public Utilities Code Division 9, Part 1, Chapter 4, Article 3.5 (Public Utilities Code § 21670 et seq.).

(Ord. No. NS-300.362, § 2, 11-23-82; Ord. No. NS-300.362.1, § 3, 3-6-84; Ord. No. NS-300.582, § II, 12-12-95)

Sec. A6-192. Membership.

(a) Composition of the Airport Land Use Commission. The membership of the Commission shall consist of seven members to be selected as follows:

(1) Two to be appointed by the cities selection committee, one of whom must represent a city adjacent to an airport.

(2) Two representing the County, appointed by the Board of Supervisors.

(3) Two having expertise in aviation, appointed by a committee comprised of the aviation director of the San Jose International Airport and the Director of the County Roads and Airports Department.

(4) One representing the general public to be selected by the other six members of the Commission.

(b) Qualifications of appointees to the Airport Land Use Commission.

(1) Appointees may be elected or appointed officials, public employees or members of the public who would be considered eligible for appointment to County commissions.

(2) An individual having "expertise in aviation" is one who by virtue of education, training, experience, vocation or avocation has acquired and possesses particular knowledge of and is familiar with the operation, function and role of airports or is an elected official of an agency which owns or operates an airport.

(c) Proxy representation.

(1) All members upon appointment and taking the oath shall appoint a single proxy who shall take the oath of office and file conflict of interest reports with the Clerk of the Board. These proxy members will represent the sitting member in all affairs of the Commission and exercise the vote of the member at meetings when so directed by the appointing member.

(2) Proxies shall be designated by a written instrument kept on file with the Clerk of the Board and the administrative staff of the Commission. Proxies serve at the pleasure of the appointing member and meet the basic qualifications required for appointment to County commissions. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.

(d) Reimbursement.

(1) Members and proxies are entitled to standard mileage reimbursement when on business authorized by the Commission through its officers.

(2) Members will be reimbursed for travel expenses when trips are approved by the Board of Supervisors.

(3) Other expenses may be covered as provided in by-laws approved by the Board of Supervisors.

(Ord. No. NS-300.362, § 2, 11-23-82; Ord. No. NS-300.362.1, § 4, 3-6-84; Ord. No. NS-300.582, § III, 12-12-95; Ord. No. NS-300.663, § 1, 8-13-02; Ord. No. NS-300.752, 12-12-06)

Sec. A6-193. Term of office.

The term of office of the members shall be four years and until the appointment and qualification of his or her successor. Members shall serve staggered terms so that no more than two members' terms shall lapse in the same year. The body which originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years.

Any member may be removed at any time and without cause by the body appointing that member. Any vacancy in the membership of the Commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the Commission shall be selected by the members thereof.

No member shall be eligible to serve on such Commission for more than three consecutive terms in addition to any portion of any unexpired term which may have been served.

A vacancy shall exist and shall be reported to the Board of Supervisors whenever a member fails to attend more than three consecutive regular meetings of the Commission, without good cause entered on its minutes. (Ord. No. NS-300.362, § 2, 11-23-82; Ord. No. NS-300.752, 12-12-06)

Sec. A6-194. Reserved. Editor's note--Ord. No. NS-300.582, § IV, adopted Dec. 12, 1995, repealed § A6-194, which pertained to vacancies.**Sec. A6-195. Reserved.** Editor's note--Section A6-195, requiring a periodic report of the Commission, derived from Ord. No. NS-300.362, § 2, adopted Nov. 23, 1982, was repealed by § 5 of Ord. No. NS-300.362.1, adopted Mar. 6, 1984.

October 26, 2018

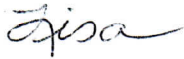
Dear Members of the City Selection Committee,

I am very interested in serving on the Airport Land Use Commission. Mountain View shares a border with Moffett Federal Airfield so I can be considered either for the opening where the representative must live in a city adjacent to an airport, or for the opening where this is not a requirement.

As the representative from Mountain View on the Ad Hoc Committee on South Flow Arrivals at San Jose Airport, I learned a great deal about airports, airplane noise, and residents' concerns regarding airplane noise. In addition, prior to being elected to the Mountain View City Council, I served on the Mountain View Planning Commission for seven years so know a great deal about land use.

I would be honored to be appointed to this Commission.

Unfortunately, I will not be able to attend the Selection Committee meeting on November 8 as I will be at the National League of Cities Conference in Los Angeles.



Lisa Matichak

Vice Mayor, City of Mountain View

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

As Amended May 31, 2018

ARTICLE I. PURPOSE

The Association of Bay Area Governments (hereinafter "Association") is hereby created as a separate entity established by agreement among its members pursuant to the Joint Exercise of Powers Act, California Government Code Sections 6500, et seq. (hereinafter "Act"). The Association is organized for the purposes of establishing a permanent forum for discussion and study of regional and subregional problems of interest and concern to the counties and cities of the San Francisco Bay Area, developing policies and actions, and providing services and undertaking actions addressing such problems.

ARTICLE II. DEFINITIONS

A. "Agreement" means the Agreement with the Association of Bay Area Governments entered into under the Act by the Association Members.

B. "Association" means the Association of Bay Area Governments as established by the Agreement and these Bylaws.

C. "Executive Board" means the Association's President, Vice President and Immediate Past President and the body of representatives which meet from time to time as provided in these Bylaws to govern the affairs of the Association between meetings of the General Assembly.

D. "General Assembly" means the body of the delegates of the Members of the Association as set forth in these Bylaws.

E. City, county, or city and county members of the Association may be referred to as "Members."

F. "Delegate" means a delegate of a Member of the Association to the General Assembly, or the alternate acting in the delegate's absence.

G. "Representative" means a representative to the Executive Board, or the alternate acting in the representative's absence.

H. "Regional Plan" means the comprehensive plan for the San Francisco Bay Region adopted and amended from time to time by the Association.

I. "Regional Problem" means an issue concerning the public health, safety or welfare of substantially all of the Association's Members, a solution to which may require intergovernmental cooperation or assistance of the Association.

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J. "Subregional Problem" means an issue concerning the public health, safety or welfare of one or more of the Association's Members, a solution to which may require intergovernmental cooperation or assistance of the Association.

ARTICLE III. MEMBERSHIP

A. MEMBERS

(1) The counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, the City and County of San Francisco, and within the area of such counties all cities and incorporated towns (hereinafter referred to as "cities") now existing or formed in the future are eligible for membership in the Association.

(2) All eligible cities and counties become Members of the Association upon execution of the Agreement and payment of the annual assessment and annual membership fee.

B. COOPERATING MEMBERS

(1) Subject to the approval of the Executive Board or the Executive Director as set forth in Article III.B(4), any governmental entity, public agency, or non-profit organization not eligible for membership under Article III.A of these Bylaws may elect to join the Association as a Cooperating Member.

(2) Cooperating Members shall be entitled to attend all meetings of the General Assembly and of the Executive Board, but shall not be entitled to vote or participate in debate. No Cooperating Member shall be considered a "contracting party" as that term is used in the Act.

(3) Cooperating Members shall be entitled to receive data, studies, planning documents, special services, and other written materials and services of the Association subject to policies adopted by the Executive Board.

(a) The Executive Director of the Association may approve the admission of any governmental entity or public agency electing to join the Association as a Cooperating Member pursuant to this Article III.B.

(b) The Executive Board of the Association may approve the admission of any non-profit organization electing to join the Association as a Cooperating Member pursuant to this Article III.B.

ARTICLE IV. POWERS

A. GENERAL

The Association may exercise in its own name the following powers when the exercise of these powers is necessary to, in furtherance of, or in support of the Association, the exercise of any other powers provided for in these Bylaws or the Agreement, or any other authorized activity

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undertaken by the Association: make and enter into contracts, memoranda of understanding, and other agreements; employ and appoint employees and agents; acquire, hold, protect, dispose of, construct, operate, and maintain real and personal property; incur debts, liabilities, obligations, and encumber or hypothecate real or personal property; sue and be sued; and, accept grants, gifts, donations, and other monies.

B. INFORMATION GATHERING

The Association may request, collect, store, correlate, transfer, and otherwise manage information and data in any manner necessary to, in furtherance of, or in support of the exercise of any other power under this Article or any other authorized activity undertaken by the Association.

C. STUDIES

The Association may perform studies to identify and/or analyze regional or subregional problems, the purpose and subject matter of such studies to be determined as provided in these Bylaws.

D. REGIONAL PLANNING

The Association shall have the power to perform regional or subregional planning without limitation as to subject matter:

- (1) that it is eligible or authorized to do; or,
- (2) that it is required to do under State or Federal authority; or,
- (3) that is authorized under other provisions of these Bylaws or as a result of the Association's studies of regional or subregional problems.

E. POLICIES AND ACTIONS

- (1) The Association may develop and adopt policies and/or actions.
- (2) The Association may advocate and otherwise act to advance its positions, studies, plans, and policies both within and outside the region and may accept delegations of authority from Federal, State, regional, or local bodies to this end.

F. INTERAGENCY COOPERATION

- (1) The Association may appoint representatives, in its own name, to other agencies, Boards, commissions, or official bodies to which it is required or eligible to make appointments.
- (2) The Association may perform and participate in governmental coordination and respond to efforts at such coordination.

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(3) In the exercise of its powers under Article IV.F(1) and (2), the Association may request or transmit information or studies; exercise any voting or veto power given to it; participate in grant applications, administration, and disbursements; and, do any other acts necessary to or in support of the exercise of such powers.

G. INFORMATION, SERVICES, AND ASSISTANCE

(1) The Association may provide information, assistance, services, studies, plans, recommendations, and reports or such other information, assistance, and services requested by specific Members or nonmembers. Information, services, and assistance may include, without limitation, preparing or making of grant applications on behalf of or in conjunction with Members, training programs for local government staff, technical assistance on particular projects, or review of particular projects. The Association may provide information, assistance and services in conjunction with other entities and may organize and/or participate in committees, task forces, and subsidiary entities necessary to or in support of this or its other powers.

(2) The Association may charge reasonable fees for information, services, and assistance that it provides.

H. POWER TO FINANCE PROPERTY FOR MEMBERS

The Association shall have the power to finance and acquire, by lease purchase, installment sale or other financing agreements, both real and personal property necessary or convenient for the operation of the Members and Cooperating Members, and to sell or lease such property to such members pursuant to installment sale or lease purchase agreements between the Association and the members acquiring such property.

I. SELF-INSURANCE POOLS

Pursuant to Government Code Sections 989-991.2 and Labor Code Section 3700, as may be amended from time to time, ABAG shall have the power to provide insurance for some or all of its Members through self-insurance or the purchase of insurance, excess insurance or reinsurance against public liability, errors and omissions, inverse condemnation or workers' compensation; and, further, shall have such other reasonable and necessary powers, which are necessary or convenient to further, support or implement the self-insurance program, including without limitation, financing self-insurance reserve funds through the issuance of certificates of participation, or other instruments of indebtedness.

J. OTHER POWERS

The Association may exercise other reasonable and necessary powers in furtherance or support of any purpose of the Association or power granted by the Act, the Agreement, or the General Assembly or the Executive Board as provided for in these Bylaws.

ARTICLE V. RESTRICTIONS ON POWERS

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

Pursuant to Articles 1 and 5 of the Agreement and to the extent required by Government Code Section 6509, the Association shall be restricted in the exercise of its powers in the same manner as the City and County of San Francisco is restricted in its exercise of similar powers; provided that, if the City and County of San Francisco shall cease to be a Member of the Association, then the Association shall be restricted in the exercise of its powers in the same manner as the County of Alameda.

ARTICLE VI. GENERAL ASSEMBLY

A. MEMBERSHIP

(1) Each Member city and Member county shall have one seat in the General Assembly. San Francisco shall be counted as both a city and a county for purposes of membership in the General Assembly.

(2) The mayor or member of the governing body of each Member city and the chairperson of the board of supervisors or member of the governing body of each Member county, or their respective alternates, shall be delegates to the General Assembly.

(3) Each city council and board of supervisors may designate an alternate who shall be either a member of such body or the chief executive officer of the Member; provided that, the mayor of the City and County of San Francisco may designate as an alternate (a) any officer of the City and County of San Francisco who may be either an elected or principal appointed official of the City and County of San Francisco or (b) the chief executive officer of the City County of San Francisco.

(4) An alternate appointed pursuant to Article VI.A(3) may act in the absence of the delegate.

B. MEETINGS

(1) The time, date, and location of the annual meeting of the General Assembly shall be determined by the Executive Board, provided it is no later than June 30.

(2) Notice of the annual meeting of the General Assembly shall be given to the delegates of each Member city and Member county at least thirty (30) days prior to the meeting. An agenda for the meeting shall accompany the notice.

(3) Special meetings of the General Assembly may be called by the Executive Board upon its own motion. A special meeting shall be called by the Executive Board upon written request of fifteen (15) Member cities and three (3) Member counties.

(4) Ten-day written notice of special meetings shall be given to the delegates of each Member city and Member county. An agenda specifying the subject of a special meeting shall accompany the notice.

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

C. POWERS AND FUNCTIONS

The powers and functions of the General Assembly shall include:

- (1) Exercising as appropriate all of the powers of the Association as set forth in these Bylaws or the Agreement. The General Assembly shall have the power to limit the Executive Board's exercise of any power or authority set aside to the Executive Board under these Bylaws.
- (2) Any delegate may at any meeting of the General Assembly propose a subject or subjects for study by the Association. The General Assembly may take action upon such proposals and, if requested by any delegate, determine whether a study will be made of the subject or subjects so proposed or may refer such subject or subjects to the Executive Board.
- (3) Any delegate may at any meeting of the General Assembly request review by the General Assembly of any action of the Executive Board which has been taken between meetings of the General Assembly.
- (4) The budgetary duties and responsibilities set forth in Article XI.

ARTICLE VII. EXECUTIVE BOARD

A. EXECUTIVE BOARD

There shall be an Executive Board of the Association which shall be organized and shall be responsible for functions as hereinafter set forth:

- (1) Voting Membership. The voting membership of the Executive Board shall consist of a maximum of 38 voting members (representatives and ex officio members). The representative shall be either a councilmember of a Member city or a supervisor of a Member county of the Association, or be eligible to be Executive Board representative or alternate representative from the City and County of San Francisco under Article VII.A(1)(e), if that jurisdiction is an Association member. Representatives to the Executive Board shall be selected as follows:
 - (a) Alameda County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference, and three representatives to be appointed by the City Council of the City of Oakland.
 - (b) Contra Costa County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.
 - (c) Marin County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

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(d) Napa County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(e) San Francisco City and County. The Mayor and one other elective officer or member of the Mayor's staff of the City and County appointed by the Mayor; two representatives of the City and County appointed by the Board of Supervisors, and a fifth representative to be appointed alternately by the Mayor and the Board of Supervisors, with two-year appointments beginning in years evenly divisible by four to be made by the Mayor and with two-year appointments made in even-numbered years not evenly divisible by four to be made by the Board of Supervisors. When such fifth representative is selected by the Mayor, the representative may be an elective or appointive officer or member of the Mayor's staff of the City and County.

(f) San Mateo County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(g) Santa Clara County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference, and three representatives to be appointed by the City Council of the City of San Jose.

(h) Solano County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(i) Sonoma County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(j) Alternates. Each of the appointing bodies named in Article VII.A(1)(a)-(i) may designate an alternate for each of their representatives to act in the representative's absence. Appointments of alternates shall be made in the same manner, with the same qualifications and for the same term as representatives.

(2) Advisory Membership. The Association shall maintain effective communication and coordination with agencies of the State of California and the United States of America. To that end, the Executive Board shall invite, following nomination by the Association's President, such representatives of state and federal governments as it deems appropriate and desirable as advisory, non-voting members of the Executive Board. Such members shall serve at the pleasure of the Executive Board. No advisory member shall be considered a "contracting party" as that term is used in the Act.

(3) Terms of Office. Representatives shall serve for terms of two years. Appointments

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of representatives to the Executive Board shall become effective biennially on July 1.

(4) Staggered Terms. The terms of the representatives to the Executive Board shall be staggered so that the terms of approximately one-half of the representatives expire each year. The terms of the representatives of the cities in the counties of Alameda, Marin, Napa, San Francisco (mayor and representative), and Santa Clara, and the representatives of the counties of Contra Costa, San Mateo, Solano, and Sonoma shall expire in the even-numbered years; the terms of the representatives of the cities in the counties of Contra Costa, San Mateo, Solano, and Sonoma, and the representatives of the counties of Alameda, Marin, Napa, San Francisco (representatives of the Board of Supervisors), and Santa Clara shall expire in the odd-numbered years.

(5) Officers. The President and the Vice President of the Association shall be Chairperson and Vice Chairperson, respectively, of the Executive Board.

(6) Duties.

(a) The Executive Board shall have the budgetary duties and responsibilities set forth in Article XI.

(b) The Executive Board shall submit a full report of its activities at the General Assembly's annual meeting.

(c) Subject to any constraint or limitation imposed by the General Assembly, the Executive Board shall exercise all powers of the Association between meetings of the General Assembly; provided that, the Executive Board shall not amend these Bylaws, nor shall it exercise the budgetary powers reserved to the General Assembly under Article XI of these Bylaws.

(d) The Executive Board shall be responsible for carrying out policy decisions made by the General Assembly.

(e) Recommendations from committees for policy actions shall be made to the Executive Board. Unless otherwise directed by the General Assembly, the Executive Board may take action on such recommendations.

(7) Per Diem. Each voting member of the Executive Board, or of a standing and/or joint committee, and where expressly designated by the Executive Board, individuals participating in special committees, task forces or other meetings, shall receive a per diem of \$150 for each meeting attended. The per diem shall be paid for a maximum of forty-eight (48) meetings per year. Per diem may also be received by a Board or committee member representing the Association before an agency or body of the State or Federal government.

B. MEETINGS

The Executive Board shall meet at least four times each year. Additional meetings shall be held upon the call of the Chairperson or upon the call of five voting members of the Executive Board.

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

C. ADMINISTRATIVE COMMITTEE

There shall be an Administrative Committee of the Executive Board of the Association whose composition shall be determined by the Executive Board and which shall, subject to any constraint or limitation imposed by the Executive Board or the General Assembly, exercise all powers of the Executive Board between meetings of the Executive Board; provided that, the Administrative committee shall not:

- (1) Amend the Agreement or Bylaws;
- (2) Exercise the budgetary duties of the Executive Board set forth in Article XII;
- (3) Exercise the powers of appointment of officers as set forth in Article IX.

The Administrative Committee shall meet upon the call of the President or Vice President and in compliance with the Ralph M. Brown Act. Further, the Administrative Committee shall submit a full report of its activities to the Executive Board at the first meeting immediately following the Administrative Committee meeting.

ARTICLE VIII. VOTING

A. Voting in the General Assembly shall be conducted in the following manner:

- (1) A quorum of the General Assembly shall consist of a majority of the city delegates and a majority of the county delegates.
- (2) Each county delegate and each city delegate shall have one vote. Votes shall be tabulated separately for county delegates and for city delegates. The affirmative votes of a majority of a quorum of county delegates and of a majority of a quorum of city delegates are required for action by the General Assembly, except as provided for in Article XIV.

B. Voting in General Assembly meetings may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five delegates present, or at the discretion of the presiding officer.

C. Voting in the Executive Board shall be conducted in the following manner:

- (1) A majority of the voting members of the Executive Board shall constitute a quorum.
- (2) The affirmative votes of a majority of the members present provided that there is a quorum are required for action by the Executive Board.

D. Except as the Executive Board may otherwise provide, all other committees of the Association may act upon the affirmative vote of a majority of the committee members present.

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

ARTICLE IX. OFFICERS, ELECTIONS AND VACANCIES

A. Officers of the Association shall be:

(1) The President, who shall serve as Chairperson of the Executive Board and General Assembly.

(2) The Vice President, who shall serve as Vice Chairperson of the Executive Board and General Assembly.

(3) The Immediate Past President.

(4) An Executive Director and a Legal Counsel to be appointed by and serve at the pleasure of the Executive Board. Section 2.1 of the Contract for Services, dated May 30, 2017, between ABAG and the Metropolitan Transportation Commission (MTC) (the CS) provides that MTC's Executive Director shall perform the functions and duties with respect to ABAG and the local collaboration programs that were formerly performed by ABAG's Executive Director. For purposes of these Bylaws, so long as the CS is in effect, references to the "Executive Director" shall be deemed to refer to the MTC Executive Director. Section 3.4 of the CS provides that legal services shall be performed by MTC's Office of General Counsel. Subject to the terms of the CS pertaining to potential conflicts of interest, obtaining outside specialized legal services, and the discretion of ABAG or the local collaboration programs to directly retain outside counsel, references in these Bylaws to the legal counsel shall be deemed to refer to the MTC Office of General Counsel.

B. The President and Vice President of the Association shall be elected biennially by secret ballot of supervisors, mayors and city councilmembers of member jurisdictions. Nominations for the offices of the President and Vice President shall be by petition of at least fifteen (15) mayors, councilmembers or supervisors. A plurality vote shall be required for election to any office. All other election procedures shall be determined by the Executive Board, provided that these procedures shall be disseminated to all member jurisdictions at least thirty (30) days prior to the date determined and designated for counting of secret ballots. If, at the close of nominations, only one candidate is nominated for President or for Vice President, the election procedures may waive the ballot requirement and provide, instead, that the nominee be declared elected to that office.

C. The President and Vice President shall be either a councilmember of a Member city or a supervisor of a Member county of the Association, or a General Assembly delegate or alternate or Executive Board representative or alternate representative from the City and County of San Francisco if that jurisdiction is an Association member.

D. The terms of office of the President and Vice President shall be determined as follows:

(1) Except as otherwise provided in this section, the term of office of the President, Vice President and Immediate Past President is two (2) years.

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

(2) If the President vacates his/her office as required by Article IX.C. or any other reason, the Vice President shall assume the office of President for the balance of the original term. If the balance of the original term is less than five hundred forty-eight (548) calendar days, then the new President may choose to run for an additional one (1) year term as President. The new President shall notify the Executive Board no later than September 1 of the year in which the original term ends whether he/she shall run for an additional one (1) year term. The President's election to run for an additional one (1) year term shall also modify the term of office of the Vice President to conform to that of the office of the President.

(3) Article IX.B. shall govern the special elections for one (1) year terms in all other respects.

(4) In the event that the President is disabled or for any other reason temporarily unable to act, the Vice President shall act in place and perform the duties of President until return or recovery from disability.

(5) In the event of a vacancy in the office of Vice President due to the Vice President's permanently serving as President, vacating the office as required by Article IX.C., or for any other reason, the Executive Board shall fill the office of Vice President by appointment for the unexpired portion of the Vice President's term. In the event of a simultaneous vacancy in the offices of President and Vice President due to their vacating the respective offices as required by Article IX.C., or any other reason, the Executive Board shall fill both offices by appointment for the unexpired portion of the respective terms. In either event, the procedures of Article IX.I shall govern the process of filling said vacant office.

E. A newly elected President and Vice President shall take office on January 1 of the year following certification of the election results.

F. The President, subject to the advice and consent of the Executive Board, shall appoint committees and determine the committees' structure, charge, size and membership. Committees may be established to consider any matter within the jurisdiction of the Association. Committees shall operate according to the policies adopted by the Executive Board, and shall submit their reports and recommendations to the Executive Board. Committees shall meet on the call of their chairpersons, who shall be (1) an elected official or the elective or appointive officer of the City and County of San Francisco appointed by the Mayor of the City and County of San Francisco to the Executive Board or General Assembly, and (2) a member of such committee; and who shall be elected by the members of each committee. At the initial meeting of each committee, and annually thereafter at the first committee meeting following January 1 of each year, the committees shall elect their chairpersons and such other officers as may be specified. Committee chairpersons shall be subject to confirmation by the Executive Board. Unless otherwise authorized by the Executive Board, committees of the Association shall be advisory.

G. Each delegate or alternate to the General Assembly and each representative or alternate to the Executive Board shall cease to be such immediately upon ceasing to hold the elective or appointive office which is required of a delegate or representative or their alternates

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

under VI.A or VII.A(1).

H. In the event that any delegate or alternate to the General Assembly or any representative or alternate to the Executive Board shall for any reason cease to hold the elective or appointive office which is required of a delegate or representative or their alternates under Article VI.A or VII.A(1), the vacancy created thereby shall be filled for the unexpired term, in the same manner and with the same qualifications as the original appointment.

I. The Executive Board shall fill the office of Vice President or President pursuant to Article IX.D., at the first meeting of the Executive Board held after the occurrence of the event which causes the office(s) to be vacated. The meeting shall be chaired by the President, or if said office is vacant, by the Immediate Past President. Nominations for the vacant office(s) may be made from the floor. All nominations require a second. The office(s) may be filled only if a nominee receives a majority vote of the members of the Executive Board constituting the quorum for that meeting. If no nominee receives a majority vote on the first ballot, the two nominees receiving the highest number of votes shall be voted upon again until one of them receives a majority vote. If the selection process results in a tie, or no nominee receives a majority vote after three rounds of balloting, the acting Chairperson of the Executive Board may, at his or her discretion, decide the matter by lot between the two nominees then remaining.

ARTICLE X. EXECUTIVE DIRECTOR

The Executive Director shall be the Chief Administrative Officer of the Association. The powers and duties of the Executive Director are:

- A.** To appoint and remove all employees of the Association.
- B.** To perform the budgetary duties and responsibilities of the Executive Director as set forth in Article XI.
- C.** To serve as the Secretary-Treasurer of the Association and of the Executive Board.
- D.** To perform such other and additional duties as the Executive Board may require.

In the event the CS is terminated or is no longer in effect:

(1) The Executive Board shall have the authority to appoint, fix the salary of, and remove an Executive Director of the Association and shall have the authority to create and discontinue positions in the office of the Executive Director and fix salaries; provided however the Administrative Committee of the Executive Board shall not have the power to appoint, fix the salary of, or remove an Executive Director of the Association.

(2) In order to appoint or remove the Executive Director, the affirmative vote of not less than a majority of the voting members of the Executive Board present at the meeting of the Executive Board where the matter is considered, is required.

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

ARTICLE XI. FINANCES

A. FISCAL YEAR

The fiscal year of the Association shall commence on July 1.

B. BUDGET

(1) At least **forty-five (45)** days prior to the annual meeting of the General Assembly the Executive Director shall submit to the Executive Board, for the next fiscal year of the Association, a proposed general budget and summary work program. The proposed general budget shall include annual membership fee and assessment schedules and a summary of revenue and expenditures, actual or projected, for the preceding, current, and next fiscal years.

(2) The Executive Board shall review the proposed general budget and summary work program, amend them as necessary, and submit them to the General Assembly for review and adoption at the annual meeting of the Assembly.

(3) The General Assembly shall adopt a summary work plan and general budget, including yearly membership assessment and annual membership fee.

(4) The Executive Board shall adopt a detailed budget and work program on or before July 1 of each year, and thereafter monitor their execution and amend them as necessary. The work program shall give effect to any priorities set forth in the general budget and summary work program, unless financially infeasible.

(5) The Executive Director shall manage all expenditures, subject to control of the Executive Board. The Executive Board shall have power to transfer funds within the total detailed budget to meet unanticipated needs or changed situations. Such action shall be reported to the General Assembly at its next meeting.

C. YEARLY MEMBERSHIP ASSESSMENT

The amount of each Member's assessment shall be determined in accordance with the formula set out in Paragraph D following. Any Member city or county whose annual assessment and annual membership fee has not been paid by the time of the annual meeting of the General Assembly shall not be entitled to vote at such meeting.

D. METHOD OF ASSESSMENT

The annual assessment for members of the Association shall be based upon population as determined by the State Controller in making the most recent allocations to counties and cities pursuant to California Revenue and Taxation Code Section 11005, except that, beginning in 1987-88, in the case of newly incorporated cities, until such time as an official census is conducted and population is established therewith, the population as estimated by the Executive Director shall be used for assessment purposes.

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

- (1) The General Assembly shall adopt a per capita rate or rates of assessment for each fiscal year.
- (2) For purposes of assessment San Francisco shall be considered as both a city and a county.

E. ANNUAL AUDIT

The Executive Board shall cause an annual audit of the financial affairs of the Association to be made by a certified public accountant at the end of each fiscal year. The Executive Board shall employ a certified public accountant of its choosing. The audit report shall be made available to Association member counties and cities.

F. ANNUAL MEMBERSHIP FEE

The membership fee shall be uniform for all members of the Association and shall not be less than \$10.00 per month or \$120.00 per year.

G. DATE OF PAYMENT

Unless a Member has withdrawn as provided in Article XIII of these Bylaws, the Member's annual assessment and annual membership fee shall be due and payable to the Association on July 1 of the fiscal year for which it is levied.

ARTICLE XII. STATUTORY AUTHORITY

The Association is an agency established by a joint powers agreement among the Members pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California. The Association is an entity separate and apart from its Members. The debts, liabilities and obligations of the Association shall not be debts, liabilities or obligations of the Association's Members.

ARTICLE XIII. WITHDRAWAL

Any member county or city may, at any time up to 30 days prior to the beginning of the Association's fiscal year, withdraw from the Association effective the next fiscal year; provided that the intent to withdraw must be stated in the form of a resolution executed by the legislative body of the jurisdiction wishing to withdraw. The resolution must be given to the Executive Director at least 30 days prior to the effective date of the withdrawal.

ARTICLE XIV. AMENDMENTS

Amendments to these Bylaws may be proposed by a delegate or by the Executive Board. If proposed by a delegate, the amendment shall be submitted to the Executive Board at least 45 days prior to an annual meeting of the General Assembly. Each proposed amendment shall be considered by the Executive Board and a copy thereof, with the recommendations of the Executive

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

Board and its reasons therefor, forwarded to the delegate of each Member jurisdiction at least 30 days prior to the meeting at which such proposed amendment will be voted upon.

A majority vote of the county delegates present and a majority vote of the city delegates present are required to adopt an amendment to these Bylaws.

ARTICLE XV. EFFECTIVE DATE

These Bylaws shall go into effect immediately upon the effective date of the Agreement.



CITY OF MOUNTAIN VIEW

Office of the Mayor and City Council • 500 Castro Street • Post Office Box 7540 • Mountain View, California 94039-7540
650-903-6305 • FAX 650-903-6039

October 25, 2018

Andi Jordan
Executive Director
Cities Association of Santa Clara County
505 West Olive Avenue, Suite 749
Sunnyvale, CA 94086

Members of the City Selection Committee:

I would like to express my interest in filling the Cities Association's ABAG Executive Board seat being vacated by Palo Alto Councilmember Greg Scharff.

I have served as the Cities Association's alternate for this position for over four years and am very familiar with the board, staff, and current issues facing the Executive Board, including the MTC merger.

In addition, I believe that my experience forging consensus on regional issues over the last 4 years will allow me to serve as an effective ABAG Executive Board member.

Thank you for your consideration, and I humbly request your support.

Sincerely,

A handwritten signature in black ink that reads "Christopher R. Clark".

Chris Clark
Councilmember & Former Mayor
City of Mountain View

Board of Directors
Bay Area Air Quality Management District
Job Description

Authority: The Board of Directors is the governing body of the district and exercises all district powers, as prescribed in State law.

Meetings: 1st and 3rd Wednesdays of each month
9:45 a.m. – noon
BAAQMD offices – San Francisco
Members may also be appointed to Board Committees.

Stipend: \$100/day plus mileage for Board and Committee meetings; maximum of \$6,000 per year.

Term: Two city representatives will be chosen to fill two-year terms.

Reporting Requirements: The City Selection appointee is requested to report to the Board of Directors of the Cities Association regarding relevant BAAQMD activities.

For more information: Jack P. Broadbent,
Executive Officer/Air Pollution Control Officer
(415) 749-5052



August 10, 2018

**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

Andi Jordan
Executive Director
Cities Association of Santa Clara County
P.O. Box 3144
Los Altos, CA 94024-3144
andi@citiesassociation.org

RE: Term of City of Cupertino Council Member Rod Sinks on the Board
of Directors of the Bay Area Air Quality Management District

ALAMEDA COUNTY
John J. Bauters
Pauline Russo Cutter
Scott Haggerty
Nate Miley

CONTRA COSTA COUNTY
John Gioia
David Hudson
(Chair)
Karen Mitchoff
Mark Ross

MARIN COUNTY
Katie Rice
(Vice Chair)

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
London Breed
Hillary Ronen

SAN MATEO COUNTY
David J. Canepa
Carole Groom
Doug Kim

SANTA CLARA COUNTY
Margaret Abe-Koga
Cindy Chavez
Liz Kniss
Rod G. Sinks
(Secretary)

SOLANO COUNTY
Pete Sanchez
James Sperling

SONOMA COUNTY
Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Dear Ms. Jordan:

Director Sinks' current term of office on the Bay Area Air Quality Management District Board of Directors expires on November 30, 2018. Director Sinks was reappointed to the Air District's Board of Directors on January 12, 2017, and is eligible for reappointment. Director Sinks currently serves as one of the Board's three officers, as the Board Secretary.

I request that the appointment for an upcoming two-year term be placed on the agenda of the Cities Association of Santa Clara County for consideration prior to the current term expiration date.

Please provide acknowledgment of receipt of this letter by communicating to me the date this matter will be on the agenda and let me know if you have any questions or concerns by contacting me via telephone at 415.749.5073 or email at mhiratzka@baaqmd.gov.

Thank you in advance for your attention to this matter.

Sincerely,

Marcy Hiratzka
Clerk of the Boards

Cc (via interdepartmental mail):

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer
Vanessa Johnson, Manager, Executive Operations



CITY OF MILPITAS
OFFICE OF COUNCILMEMBER BOB NUÑEZ

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
PHONE: 408-586-3050, FAX: 408-586-3056, www.ci.milpitas.ca.gov

October 24, 2018

Santa Clara County City Selection Committee
Cities Association of Santa Clara County
P.O. Box 3144
Los Altos, CA 94024

Re: Appointment as Santa Clara County Cities BAAQMD Representative

Dear Members of the Santa Clara County City Selection Committee:

Since the current term of the Santa Clara Cities representative on the board of the Bay Area Air Quality Management District expires next month, I am asking for your consideration by the City Selection Committee to appoint me to fill the upcoming vacancy on the BAAQMD board.

My interest in the South Bay's air quality issues comes not only from my four decades of public service in the fields of education and local government, but also as a resident of Milpitas who has had to endure the persistent problems of odors that have plagued the people of our community and our neighboring cities. These unpleasant odors have been a unique and severe challenge to the people of Milpitas, and no other city in Santa Clara County has been as affected by these air quality problems.

As your representative on the BAAQMD board for Santa Clara County cities, I would therefore bring this unique perspective to the board. Along with the ongoing work by Milpitas councilmembers, City staff, and the people of our community to address odor issues, I would also offer my personal knowledge, energy, and experience to the board as a long-term public administrator and as an elected official. I believe this combination would be a distinct advantage to both the BAAQMD board and to South Bay cities, and I would be committed to work for solutions that benefit the people of our entire region.

The Milpitas City Council agrees, and on October 2 my colleagues unanimously approved my nomination to be considered for appointment to the upcoming BAAQMD board vacancy. I would be deeply honored to receive this appointment by the City Selection Committee, and you would have my sincere pledge to work hard on your behalf to improve the air we all breathe.

Thank you for your attention, and I look forward to your positive response.

Sincerely,

Bob Nuñez
Councilmember
City of Milpitas

cc: Milpitas City Council
Andi Jordan, Executive Director, Cities Association of Santa Clara County

November 5, 2018

Cities Association Cities Selection Committee
c/o Andi Jordan, Executive Director



Dear Cities Selection Committee Members:

I ask for your reappointment to the Bay Area Air Quality Management District Board (BAAQMD) representing the cities of Santa Clara County for the two-year term ending in 2020, which will also conclude my service as a Cupertino councilmember.

BAAQMD does important work balancing the interests of jobs and business with the health of residents and our environment. I have served as one of your two appointees for the past four years, representing the interests of all 15 cities in our county, working on landmark rules to improve human health for our residents and reduction of our carbon footprint through incentives. I have been the most vocal advocate on the Board for doing everything we can to investigate and find solutions for the longstanding odors from facilities in the South Bay, and continue to work to curb sources of toxins and particulate matter from various industrial sites in our county and beyond.

Our meetings are held in San Francisco. I have made punctual & regular attendance a priority, with a 90%+ attendance record, and have briefed the Cities Association once a year on BAAQMD plans & progress.

After four years on the Board doing my homework as a member of several technical committees, I know the subject matter well and others on the Board value my questions and insights. I have worked collaboratively with my colleagues on the Board, and won their respect as a thoughtful leader, and was appointed as BAAQMD Board Secretary for 2018. If reappointed by the Cities Association, I expect to serve as Vice Chair in 2019 and then Chair in 2020.

I welcome your review of letters of support for my reappointment from:

- BAAQMD Vice Chair/ Supervisor Katie Rice
- BAAQMD former Chair/ CARB Board Member/ Supervisor John Gioia
- Congressman Ro Khanna, who I'm working with to address South Bay odor issues
- Sierra Club Loma Prieta Chapter

Should you choose to reappoint me, I will continue to be ever mindful that I am representing all the cities in the county, keeping you informed on important matters and eager to take your input. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Rod Sinks". The signature is written in a cursive, flowing style.

Rod Sinks
Councilmember, City of Cupertino
rsinks@cupertino.org

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0025
(916) 319-2025
FAX (916) 319-2125
DISTRICT OFFICE
1313 N. MILPITAS BOULEVARD, SUITE 255
MILPITAS, CA 95035
(408) 262-2501
FAX (408) 262-2512



COMMITTEES
INSURANCE
REVENUE AND TAXATION
TRANSPORTATION
WATER, PARKS, AND WILDLIFE
SELECT COMMITTEES
CHAIR: HATE CRIMES
ASIA/CALIFORNIA TRADE AND
INVESTMENT PROMOTION
FOSTER CARE
IMPROVING BAY AREA
TRANSPORTATION SYSTEMS
APPOINTMENTS
COMMISSION ON ECONOMIC
DEVELOPMENT

October 24, 2018

The Honorable Jeffrey Cristina
Member, City Selection Committee
P.O. Box 3144
Los Altos, CA 94024

**Re: Milpitas Councilmember Bob Nunez's Appointment as Santa Clara County Cities
BAAQMD Representative**

Dear Councilmember Cristina:

I am writing to support Councilmember Bob Nunez's appointment to the San Francisco Bay Area Air Quality Management District (BAAQMD) board of directors.

For many years, residents in my district, especially in Milpitas, have been plagued by incessant odors that affect our quality of life. BAAQMD has recorded over 8,000 odor complaints in and near my district from 2015-2017. BAAQMD board should represent the community that it is serving and I believe having a voice from Milpitas would be beneficial.

The City of Milpitas has been dealing with the odor issues for many years and we need a permanent solution. BAAQMD is one of the only enforcement agencies that can take action related to odor complaints from Milpitas residents. I believe it is very important to have a BAAQMD board member from Santa Clara County who represent the community which is being impacted by air quality challenges.

Councilmember Bob Nunez has been attending and participating in the South Bay Odor Study Group (SBOSG) and is very familiar with issues that residents are facing as well with the general concerns about air quality in the South Bay that all our cities share. I have been working with him and the City of Milpitas to address the odor issue for a few years now and value his knowledge and dedication to serving his constituents.

I appreciate your consideration to support of Councilmember Bob Nunez selection as the new BAAQMD board member from Santa Clara County and believe his participation will bring tremendous value to my community.

Thank you for your time and consideration. Please contact my office with any questions at (408) 262-2501.

Sincerely,

A handwritten signature in black ink, appearing to read "Kansen Chu". The signature is fluid and cursive, with a long horizontal stroke at the end.

KANSEN CHU
Assemblymember, 25th AD



CITY OF MILPITAS

OFFICE OF MAYOR RICH TRAN

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
PHONE: 408-586-3050, FAX: 408-586-3056, www.ci.milpitas.ca.gov

October 24, 2018

Santa Clara County City Selection Committee
Cities Association of Santa Clara County
P.O. Box 3144
Los Altos, CA 94024

Re: Appointment of Bob Nuñez as Santa Clara County Cities BAAQMD Representative

Dear Members of the Santa Clara County City Selection Committee:

I write to request that the Santa Clara County City Selection Committee appoint Milpitas Councilmember Bob Nuñez to represent our county on the San Francisco Bay Area Air Quality Management District (BAAQMD) board of directors for the Cities Association seat for the term beginning November 2018.

Councilmember Nuñez would ably represent the interests of our entire county for improving air quality in our region, and he would also bring a unique perspective based on his experience with an issue that continues to be a high priority for the Milpitas community. As a consequence of our city's location adjacent to South San Francisco Bay, Newby Island Landfill, Zero Waste Energy Development Organics Digestion Facility, and San Jose/Santa Clara Regional Wastewater Facility, both the City of Milpitas and Bob Nuñez have been working closely with BAAQMD at both the policy and staff level to resolve the ongoing odor issues that have adversely affected the quality of life, not only for our residents but also of those in nearby communities in the South Bay.

Councilmember Nuñez is very familiar with these matters, as well with the general concerns about air quality in the South Bay that all our cities share. On October 2, our City Council voted unanimously to nominate Bob Nuñez as a candidate for the upcoming BAAQMD board vacancy. We firmly believe he would be an excellent representative on the board for the cities of Santa Clara County, and he would also be able to effectively communicate both the mutual air quality concerns of our neighboring cities to BAAQMD, as well as our local concerns in Milpitas.

Councilmember Nuñez has an outstanding record of over 40 years of public service, including service as Superintendent of the East Side Union High School District and member of the Milpitas Unified School District board of trustees. In addition to being a Milpitas Councilmember since 2016, he serves as the Chair of the Valley Transportation Authority's Capital Program Committee; he is President of the Nuñez Foundation that supports disadvantaged youth; and he is actively involved in multiple community organizations.

October 24, 2018

Page 2

Santa Clara County City Selection Committee

RE: Appointment of Bob Nuñez as Santa Clara County Cities BAAQMD Representative

We look forward to your positive consideration of Bob Nuñez as our South Bay cities' representative on the BAAQMD board of directors. Please let me know if we can provide further information that would help you with the City Selection Committee's process.

Sincerely,



Rich Tran
Mayor

cc: Bob Nuñez, Councilmember, City of Milpitas
Marsha Grilli, Vice Mayor, City of Milpitas
Garry Barbadillo, Councilmember, City of Milpitas
Anthony Phan, Councilmember, City of Milpitas (member of the City Selection Committee)
Andi Jordan, Executive Director, Cities Association of Santa Clara County

Subject: Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez

Date: Friday, November 2, 2018 at 8:56:42 PM Pacific Daylight Time

From: Cindy Im Chan Ho

To: Andi Jordan, jyamaguma@ci.milpitas.ca.gov

Hi Ms. Jordan,

I am a resident of Milpitas for 35 years.

I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

Everyone knows that our community has suffered from poor air quality and odor nuisance for many years.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow and the situation has never been improved. We are still breathing the terrible air everyday !!!!

We are evidently an overburdened community and we seek to have a stronger representation through Councilman Nunez.

Please listen to the voice and the sufferings of the residents in Milpitas

Respectfully,

Im Chan Cindy Ho

Subject: (none)

Date: Friday, November 2, 2018 at 6:31:53 AM Pacific Daylight Time

From: Sridevi Ganesh

To: Andi Jordan

CC: yamaguma@ci.milpitas.ca.gov

Ms. Jordan,

My name is Malla Simhachalam resident of Warm Springs, Fremont.

I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.
Malla Simhachalam
Fremont

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez
Date: Thursday, November 1, 2018 at 10:31:29 PM Pacific Daylight Time
From: gina kong
To: Andi Jordan
CC: jyamaguma@ci.milpitas.ca.gov

Ms. Jordan,

I am a resident of Milpitas. I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.

Tong Kong
Milpitas resident

Subject: Andi Jordan for BAAQMD Board of Directors

Date: Thursday, November 1, 2018 at 6:43:41 PM Pacific Daylight Time

From: Paul Cornett

To: Andi Jordan

I am writing to support Andi Jordan for BAAQM board of directors. Milpitas needs a voice we are suffering from the odor and it is getting much worse and more frequent the past month!

Paul Cornett
507 Folsom Circle
Milpitas

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez
Date: Thursday, November 1, 2018 at 1:24:37 PM Pacific Daylight Time
From: Mary Henneuse
To: Andi Jordan
CC: jyamaguma@ci.milpitas.ca.gov

Dear Jordan,

We are residents of Warm Springs/Fremont, and are writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

Our community has suffered from poor air quality and horrible odor for many years due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-237, CA-262) and several railroad tracks.

From 2015-18, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank you for your consideration,
Robert & Mary Henneuse
Fremont, CA

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez
Date: Thursday, November 1, 2018 at 9:32:31 AM Pacific Daylight Time
From: sameer nene
To: Andi Jordan
CC: jyamaguma@ci.milpitas.ca.gov

Hello Ms. Jordan,

We live in Milpitas and commute daily in the stench corridor.

I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

We deserve stronger representation on the BAAQMD board and urgent and permanent remediation of the odor problem .

Kind Regards,
Sameer

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez
Date: Wednesday, October 31, 2018 at 11:20:38 PM Pacific Daylight Time
From: Sreekanth Kannan
To: Andi Jordan
CC: jyamaguma@ci.milpitas.ca.gov

Ms. Jordan,

I am a resident of WarmSprings, South Fremont since 2009 and I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.

Sreekanth Kannan
Fremont, CA 94539

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez
Date: Wednesday, October 31, 2018 at 10:56:07 PM Pacific Daylight Time
From: Sijin Koshy Jacob
To: Andi Jordan, jyamaguma@ci.milpitas.ca.gov

Ms. Jordan,

I am a resident of Milpitas City, in Santa Clara county. I have been living here for the past 8 years with my family.

I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.
Sijin Koshy Jacob
Milpitas

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez
Date: Wednesday, October 31, 2018 at 10:32:46 PM Pacific Daylight Time
From: Tom Lin
To: Andi Jordan
CC: jyamaguma@ci.milpitas.ca.gov

Dear Ms. Jordan,

My name is Tzerng-Hong Lin. I lives in Milpitas since 1989 and have suffered the odor problem in the last several years.

In the past, there is no one in Milpitas represents the community in monitoring the air quality around the city.

It's not fair if we continue suffer such bad air quality mostly and no voice from our community to address our pain about living in such bad environment.

So I urge you accept the appointment of Milpitas Councilman Nunez to BAAQMD Board of Directors so we can get fair involvement in the improvement of the environment for this community.

Best regards,

TZERNG-HONG LIN

Milpitas Resident

408-263-4945

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez
Date: Wednesday, October 31, 2018 at 5:38:34 PM Pacific Daylight Time
From: Yogesh Gupta
To: Andi Jordan
CC: jyamaguma@ci.milpitas.ca.gov

Ms. Jordan,
I am resident of Milpitas for last 6yrs.
I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many last 6 years due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.
Yogesh Gupta
Milpitas Resident

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez
Date: Wednesday, October 31, 2018 at 4:36:50 PM Pacific Daylight Time
From: Melissa Wong
To: Andi Jordan
CC: jyamaguma@ci.milpitas.ca.gov

Dear Ms. Jordan,

I am a long time resident of Milpitas, and I also work in Milpitas.
I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow. I could smell the garbage at various times during the day and evening when I take walks near my house and when I am at work (located in Milpitas).

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez. Please Kindly consider our urgent request.

Thank You for your time and consideration.
Melissa Wong

Subject: Bob Nunez for position on the Board

Date: Wednesday, October 31, 2018 at 4:26:33 PM Pacific Daylight Time

From: Joseph Weinstein

To: Andi Jordan

Ms. Jordan:

My name is Joseph Weinstein and I am a resident of Milpitas. I was one of the original founders of the "Odor Group" in Milpitas and am known by many of the BAAWQMD leader. I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.

Joseph Weinstein
Milpitas Resident 1976

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nunez
Date: Wednesday, October 31, 2018 at 4:15:26 PM Pacific Daylight Time
From: t w
To: Andi Jordan
CC: jyamayuma@ci.cilpitas.ca.gov

Ms. Jordan,

I am a resident of Milpitas.

I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and free ways--two active landfills, a compost operation, two MRFs, an Anaerobic food digester, a sewage treatment plant, four major freeways(1-880,1-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70%of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank you for your consideration,
Therese Wang
Milpitas, California

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez
Date: Wednesday, October 31, 2018 at 4:01:36 PM Pacific Daylight Time
From: Swami Venkat
To: Andi Jordan
CC: jyamaguma@ci.milpitas.ca.gov

Ms. Jordan,

I'm a resident of Milpitas. I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration,

Swami Venkat

Milpitas

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez
Date: Wednesday, October 31, 2018 at 3:31:50 PM Pacific Daylight Time
From: Minh Le
To: Andi Jordan
CC: jyamaguma@ci.milpitas.ca.gov

Ms. Jordan,

My name is Minh Le. I'm a resident of Milpitas. I reside at 625 Clyde Court. I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

Our community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.
Minh

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez
Date: Wednesday, October 31, 2018 at 12:58:30 PM Pacific Daylight Time
From: Patti Sexton
To: Andi Jordan
CC: jyamaguma@ci.milpitas.ca.gov

Dear Ms. Jordan,

I am a resident of Milpitas and a member of the City of Milpitas' Energy and Environmental Sustainability Commission. I am writing to support Milpitas Councilmember Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilmember Nunez.

Thank You for your consideration.

Patti Sexton
Milpitas

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez

Date: Friday, October 26, 2018 at 8:35:17 PM Pacific Daylight Time

From: Basu Gopal Shanmugam

To: Andi Jordan

CC: jyamaguma@ci.milpitas.ca.gov

To: CSC@citiesassociation.org

cc: jyamaguma@ci.milpitas.ca.gov

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez

Ms. Jordan,

I am a resident of Milpitas and work in North San Jose. Me and my family experience foul odor from the New by Landfill almost every day. I would like to have a Milpitas representative in the BAAQMD to better represent our interest in eliminating the nuisance.

I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.

Basu Gopal Shanmugam
Milpitas resident

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Subject: Please have Milpitas representative for BAAQMD Appointment

Date: Friday, October 26, 2018 at 6:42:00 PM Pacific Daylight Time

From: Hiep

To: Andi Jordan

CC: jyamaguma@ci.milpitas.ca.gov

Dear Ms. Jordan,

My name is Hiep Tran, an over 15-year resident of Milpitas city where the city's people have been suffered from Newby Island Landfill bad odor and also the sewage treatment plant odor for so long.

Though not everybody but only some of us including me have been patient enough to report these bad odors to BAAQMD (you may find my name in BAAQMD odor report records), there are already over 10000 odor complaints from our community! And this record along already simply shows how much is the difference between the odor sufferings of Milpitas people and other cities people! And the number also shows that we, Milpitas people, really long for a better support from BAAQMD to us, who have been suffered from the odor issue.

It's really not fair if there is no Milpitas representation in BAAQMD Board of Directors while representatives from other cities (which have no problem on odor) can be in the board!

So please help our city people by supporting a seat on BAAQMD Board of Directors for Milpitas representative, Mr. Bob Nunez.

We really appreciate your consideration and help to make suffered people voice to be heard at BAAQMD appropriately.

Best Regards,
Hiep Tran

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez

Date: Friday, October 26, 2018 at 4:26:48 PM Pacific Daylight Time

From: Robyn Chen

To: Andi Jordan

CC: jyamaguma@ci.milpitas.ca.gov

Ms. Jordan,

I am a resident of Milpitas. I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.

Robyn Chen
Milpitas Resident

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez

Date: Friday, October 26, 2018 at 4:22:17 PM Pacific Daylight Time

From: Nagendra

To: Andi Jordan

CC: jyamaguma@ci.milpitas.ca.gov

Ms. Jordan,

I am Nagendra and I live in Milpitas

I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.

Nagendraprasad Ponnamm

Milpitas.

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez

Date: Friday, October 26, 2018 at 4:01:16 PM Pacific Daylight Time

From: Justin T

To: Andi Jordan

CC: jyamaguma@ci.milpitas.ca.gov

Ms. Jordan,

I am a resident of Milpitas, and writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.
Justin Tu

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez

Date: Friday, October 26, 2018 at 3:19:59 PM Pacific Daylight Time

From: Gosia Sorys

To: Andi Jordan

CC: 'jyamaguma@ci.milpitas.ca.gov'

Ms. Jordan,

My name is Gosia Sorys and I am a resident of Milpitas.

I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways - two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.

Gosia Sorys

Subject: BAAQMD Appointment - Support for Milpitas Councilman Nuñez

Date: Friday, October 26, 2018 at 2:25:23 PM Pacific Daylight Time

From: Chia-Ling Kong

To: Andi Jordan

CC: jyamaguma@ci.milpitas.ca.gov

Good Afternoon Ms. Jordan,

My name is Chia Ling Kong, a resident of Milpitas and a representative of South Bay Eco Citizens, 501c(4). I am writing to support Milpitas Councilman Nunez's appointment to BAAQMD Board of Directors.

My community has suffered from poor air quality and odor nuisance for many decades due to proximity to regional waste processing facilities and freeways. My home is downwind from two active landfills, a compost operation, two MRFs, an anaerobic food digester, a sewage treatment plant, four major freeways (I-880, I-680, CA-237, CA-262) and several railroad tracks.

From 2015-2018, BAAQMD has recorded more than 10,000 odor complaints from our community, which accounted for about 70% of total incidents across its 9-county jurisdiction. BAAQMD has issued over 50 violations to area polluters, but progress has been slow.

We are evidently an overburdened community and seek a stronger representation through Councilman Nunez.

Thank You for your consideration.

Regards,
Chia Ling Kong
Milpitas

Subject: Please reappoint Rod Sinks to the Bay Area Air Quality Management District Board
Date: Thursday, November 1, 2018 at 4:47:22 PM Pacific Daylight Time
From: Ro Khanna
To: Jeffrey Cristina, Rod Sinks, Peter Leroe-Muñoz, Gary Waldeck, Burton Craig, Steve Tate, Pat Showalter, Gregory (internal), Chappie, Debi Davis, Debi Davis, and Council, Larry Klein, Anthony Phan, Marico Sayoc, Jeannie Bruins, Mary-Lynne Bernald, Andi Jordan
Attachments: Ro Khanna letter of support for BAAQMD reappointment Nov 2018.doc

To Whom It May Concern at the Cities Selection Committee:

I urge you to reappoint Rod Sinks to the Bay Area Air Quality Management District (Air) Board. He has been an effective representative for the 15 cities of the County, bringing experience and knowledge gained in the 4 years since you first appointed him in 2014.

I've attached a more comprehensive letter below. Kindly let me know if you have any questions.

Warmly,

Ro

October 30, 2018

Cities Selection Committee
Cities Association of Santa Clara County
c/o Andi Jordan, Executive Director

Dear Cities Selection Committee Members:

I urge you to reappoint Rod Sinks to the Bay Area Air Quality Management District (Air) Board. He has been an effective representative for the 15 cities of the County, bringing experience and knowledge gained in the 4 years since you first appointed him in 2014.

The Air Board has 24 members from across the Bay Area, many who have served for decades. They have recognized Rod's mastery of the technical issues which come before the Board as well as his ability to find common ground, and have put him in leadership rotation to become Board Chair in 2020.

He has worked to reduce pollution from industrial facilities that impact human health in Silicon Valley and beyond, moving forward rules to significantly reduce premature cancer deaths from airborne toxins and reduce emissions from particulate matter impacting cardiovascular health.

He has been working closely with my District Director on the decades-long odor problem from various facilities in the vicinity of Milpitas, and we are making progress. Rod has led the Air Board in pressing the Air District to investigate, identify and mitigate odors where it has current authority, to initiate rules to strengthen its authority as allowed under California law, and to work with other agencies where it lacks authority.

Rod is also a leader fighting to mitigate climate change, supporting incentives such as EV chargers and vehicle fleet conversions, as well as funding to improve bikeways as a member of the Air Board. He was also instrumental in starting Silicon Valley Clean Energy, and is working to ensure that the two agencies collaborate on programs.

The Cities Association of Santa Clara County should keep Rod on the job. In his leadership role, he is best positioned to drive improvements to air quality and carbon reduction on behalf of the residents we serve.

Warmly,

Ro



SIERRA CLUB

LOMA PRIETA

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

Santa Clara County Cities Association Selection Committee

Executive Director Andy Jordan
andi@citiesassociation.org

Re: Reappointment of Rod Sinks to the Bay Area Air Quality Management District Board of Directors

Dear Santa Clara County Cities Association Selection Committee Members:

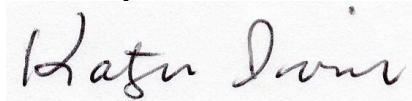
We are writing to strongly recommend the reappointment of Rod Sinks to the BAAQMD Board as he has demonstrated exceptional dedication, diligence, and effectiveness in improving the quality of our air as well as reducing the emissions of greenhouse gases. The recommendation is based on both his past performance and his ability to further the environmental goals that we share in the cities you represent. In particular:

1. Rod has advocated for better monitoring and control of air pollutants from South Bay stationary sources including Newby Island and nearby facilities and from the Lehigh Cement Plant.
2. Rod has advocated for a wide range of initiatives regarding the reduction in greenhouse gases. He was instrumental in forming Silicon Valley Clean Energy (SVCE) and served as its first chair. He is working to create complementary incentives between the Air District and SVCE to reduce our carbon footprint, for example, in electrification of buildings and transportation.
3. Rod has helped educate a wide range of audiences on the work of BAAQMD and SVCE. He has been a speaker at Climate One, a nationally syndicated radio program, as well as at Stanford's annual Energy Summit, and at SJSU and local high schools. In September, he spoke at a seminar of the Loma Prieta Chapter of the Sierra Club.
4. Rod has shown a remarkable work ethic in making time to get first-hand knowledge in relevant technical areas. He is a strong advocate for deployment of new, low-cost sensor technology to identify problem areas, having visited leaders in the field including Clarity, Inc. of Berkeley, and has examined the low-carbon products of BluePlanet in Los Gatos.

5. Thanks to Rod's technical background, he was chosen as the ex-officio board member on the BAAQMD Advisory Council, which is a group of the world's top air quality and climate experts.

6. Thanks to his leadership at the board level, he has been put in rotation to become Chair in 2020, which would certainly help further the environmental interests of the cities of Santa Clara County.

Sincerely,



Katja Irvin

Co-Chair of the Conservation Committee of the Loma Prieta Chapter of the Sierra Club



Gladwyn D'Souza

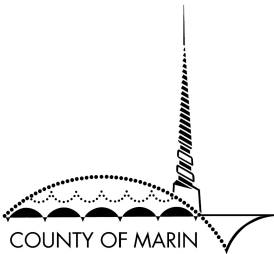
Co-Chair of the Conservation Committee of the Loma Prieta Chapter of the Sierra Club



Gary Latshaw, Ph.D.

Chair of the Air Quality Committee of the Loma Prieta Chapter of the Sierra Club

sierraclub.org/loma-prieta ~ 3921 East Bayshore Road, Suite 204, Palo Alto, CA 94303



Marin County Civic Center
3501 Civic Center Drive
Suite 329
San Rafael, CA 94903
415 473 7331 T
415 473 3645 F
415 473 6172 TTY
KRice@marincounty.org
www.marincounty.org/bos

October 31, 2018

Santa Clara County Cities Selection Committee
C/O Andi Jordan, Executive Director

Rod Sinks re-appointment to Bay Area Air Quality Management District Board of Directors.

Dear Selection Committee,

I am a Marin County Supervisor and have served on the BAAQMD Board for the past six years, currently serving as Vice Chair. Public health vis a vis clean air, and planet health vis a vis reducing greenhouse gas emissions--are driving goals for the Air District. Our board works hard to make improvements in both areas while being mindful of jobs, business, and the importance of a strong economy.

Over the course of the past four years I have watched Councilmember Sinks distinguish himself on the Air Board generally as well as on several key committees through his ability to leverage his understanding of the issues we face, the regulation and technology at play, and the local and regional context as applicable to individual issues. He does his homework, asks important questions, and offers insight and ideas that enlighten fellow board members and influence policy and rule development. His engineering background is a unique asset on the board, which in combination with his strong technical skill set, led to his appointment as Board Liaison to our Advisory Council, which consists of a number of scientist doing world class research on pair pollutants, human health, and climate science.

During his tenure, Rod has been key in accelerating the adoption of critical rulemaking including Regulation 11-18 which will reduce cancer risk from toxins by an order of magnitude, and mitigation of PM (particulate matter) from a variety of sources that impact cardio-vascular health. He has been an outspoken advocate for fair allocation of grants aimed at reducing GHG emissions across the region-- some \$134 million this year—funding critical to local governments' ability to fund and implement projects and programs aimed at addressing climate change at the local level. He has represented Santa Clara cities effectively on both the technical and political fronts.

Rod's impressive skill set, strong and effective working relationships with both staff and fellow board members led to his being selected for a leadership role last year when he was appointed Board Secretary. As such, Rod is in line to serve as Vice-Chair in 2019 and as Chair in 2020, roles I am sure he will execute with the same level of leadership, policy and political acuity he has demonstrated during his entire service on BAAQMD. I look forward to working closely with Rod to further our common goals of improving air quality and fighting climate change and strongly encourage your reappointment of him to BAAQMD as Santa Clara Cities representative.

Sincerely,

John Gioia (say "Joy-a")
Chair, Contra Costa County
Board of Supervisors

Contra Costa County

11780 San Pablo Avenue, Suite D
El Cerrito, CA 94530
Phone: (510) 231-8686
Fax: (510) 374-3429



October 30, 2018

Andi Jordan
Executive Director
City Selection Committee
Cities Association of Santa Clara County

Dear Mayors/City Councilmembers:

I understand that the Santa Clara County City Selection Committee is considering its appointment to the Bay Area Air Quality Management District (BAAQMD) at an upcoming meeting. As you consider your decision, I wanted to provide you some background on the great work of Cupertino City Councilmember Rod Sinks during his time as a BAAQMD board member.

As a local elected official who spends much time on air quality issues, I've had a chance to work closely with Rod since his appointment in 2014 and strongly believe that the Santa Clara cities have been well served by Rod's work on our air district board. I've been on the BAAQMD Board since 2006, and have served as Chair of BAAQMD and currently serve as Chair of the Stationary Source Committee. I was also appointed by Governor Brown in 2013 to the California Air Resources Board where I hold the Bay Area seat.

Without a doubt, I can say that Rod has been one of the hardest working, most knowledgeable and well-prepared board members during the time I've been at BAAQMD. In fact, his local government colleagues (City Councilmembers and County Supervisors) on the BAAQMD Board have shown their confidence in him and elected him as a board officer (Secretary) and he will become Vice-Chair of the board in 2019 and Chair in 2020.

When Rod becomes Vice Chair and eventually Chair, he will be able to highlight issues that are most important to the cities in Santa Clara County. While Rod has been a great voice for your issues as a board member, he will have a more powerful position from which to represent you when he becomes Chair. If he is not re-appointed, you will **lose** your county's seniority on the Board and will **lose** the opportunity to have Rod strongly represent your interests as Vice-Chair and Chair.

It takes years to move up in the seniority at the BAAQMD. Our Board is composed of 24 elected officials (city and county officials) from the nine county Bay Area region. Only a few are able to move up to become Chair. You should be proud that your appointee has

earned the respect of his local government colleagues and has been entrusted with a leadership role.

During his time on the Board Rod has been an effective advocate for reducing toxics, dust and diesel particulate matter that impact human health. His work benefits everyone who lives in the Bay Area. He's worked to accelerate the adoption of new health protective rules and ensure that BAAQMD grants and incentives are fairly distributed around the region. Santa Clara County cities get their share of grants and incentives due to Rod's strong advocacy.

Rod has worked hard to address odor and other issues dealing with Newby Island, ZWED, and the San Jose-Santa Clara Regional Wastewater Plant. Even when the air district's authority is limited, he insists that we step up and use our resources and influence to find solutions to improve air quality.

I respectfully believe that the issues you care most about in Santa Clara would be best addressed if you keep Councilmember Rod Sinks as your appointee on the BAAQMD Board. You will be in a very strong position to further advance your interests as he transitions into his Vice Chair and Chair roles. Replacing him with a brand new member who lacks seniority would decrease your influence on the Board.

Very Truly Yours,



John Gioia
Vice Chair
Contra Costa Board of Supervisors



Sourcewise Overview

The Sourcewise is a non-profit organization designated by the State of California as the Area Agency on Aging in Santa Clara County.

Area Agencies on Aging are the result of the 1973 Amendments to the 1965 Older Americans Act. The role of the Area Agency is to develop and provide programs and coordinate and advocate for service systems designed to meet the needs of older persons in a specific geographic area. The Sourcewise is one of 33 Area Agencies in California administering programs under the Title III of the Older Americans Act. The geographic area served by the Sourcewise is Santa Clara County with a population of approximately 252,000 older persons, age 60 or over (2006 Census estimate). The Sourcewise receives Older American Act Title III funds which provide for grants to provide services to the older population in Santa Clara County. These services are provided through contract with local agencies.

Structure

The Sourcewise is governed by a nine member voluntary, elected Board of Directors which meets monthly and sets overall agency priorities, goals and objectives for developing and improving services to older county residents.

In addition, Sourcewise has a forty-one member Advisory Council representing cities, county, and various senior organizations and interest groups. The Advisory Council to the Sourcewise meets ten times per year, is responsible for conducting the annual planning process, and deals with a number of broad-based advocacy issues of concern to senior citizens.

Both the Sourcewise and Advisory Council meetings are open to the general public and interested and concerned individuals are encouraged to attend.

The Advisory Council

Members of the Advisory Council participate in the development, implementation, and monitoring of the Area Plan and Contract Services. They advocate at all levels of government on programs, procedures, and legislation effecting older persons. They are a source of information to senior organization and the public on issues of concerns to older persons, develop legislative platforms with other State advocacy organizations, and sponsor public hearings. They bring the concern of the group or area they represent to the Advisory Council and take information regarding Sourcewise programs and activities back to their appointing body.

Targeting

In its planning, the Sourcewise must give priority to those in most social and economic need. Social need is defined as a person having two or more of the following characteristics; living alone, age 75 or over, disabled or having language barrier. Economic need is defined as living at the SSI level or below.

Overview of Services Provided

The Sourcewise receives Older Americans Act funds to plan, coordinate, and advocate for the development of a comprehensive service delivery system to meet the needs of older persons. Sourcewise either provides these services directly or contracts with local agencies to provide services when appropriate. Below is an overview of the some of the services funded by Sourcewise. Specific providers of service can be found in the Sourcewise Senior Service Directory, on Sourcewise website (www.mysourcewise.com), or by calling Sourcewise Information and Awareness line (1-800-510-2020).

Direct Services

Sourcewise provides many services directly to local seniors.

Information and Awareness

Frequently persons need services but do not know where to turn to receive them. Information and Awareness is provided by Sourcewise and offers a needs assessment and information on available services. Appointments are made for services when necessary and clients are monitored to insure that services are received. Training is also available on county-wide resources. Information presentations are made to interested groups.

Case Management – Multipurpose Senior Services Program (MSSP)

The Sourcewise MSSP program, funded primarily through the state's Medi-Cal program, provides for comprehensive care management and a range of health and supportive services for frail, functionally impaired older persons at risk of institutionalization.

Under this program, eligible seniors receive both a health and psychosocial assessment from the Sourcewise nursing and social work staff. A care plan is developed and a wide range of services brought into the home in order to allow the individual to safely remain in his/her own community.

Meals on Wheels

The Sourcewise provides home delivered meals in collaboration with the County of Santa Clara Social Services Agency. Meals can be arranged by calling Sourcewise at 1-800-510-2020. Clients are eligible who are 60 or over and homebound due to illness or disability and unable to shop or prepare a meal. Frozen meals are delivered weekly and include seven breakfasts and seven main meals, plus milk, bread, fruit, and juices.

Health Insurance Counseling and Advocacy Program (HICAP)

HICAP provides assistance to older persons confronted by the medical maze of bills, policies, paperwork, and the confusing array of supplemental health insurance plans commonly referred to as Medi-gap. This service is provided through a network of professionally trained volunteers who are located throughout the County. HICAP publishes an analysis of policies and provides community education to senior groups.

Senior Employment

The Senior Community Services Employment Program (SCSEP) is a program that serves low-income persons who are 55 years of age and older and have poor employment prospects, with emphasis on those individuals who are in greatest social and economic need. Sourcewise assists them to transition to unsubsidized employment opportunities by assigning them in a temporary part-time community service position to receive on-the-job training, classroom training, and/or on-the-job-experience training. The program fosters individual economic self-sufficiency and increases the number of older persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors.

IHSS Public Authority

The IHSS Public Authority is a program established in Santa Clara County through county ordinance in 1996 to be the employer of record for IHSS Independent Providers (IPs) for the purpose of negotiating wages, benefits, and terms and conditions of employment. The Public Authority began operations in spring of 1999 as a program of Sourcewise through a management services agreement with the county.

The State Legislatures passed AB 1682 in 1999 requiring all counties to act as, or establish an employer of record through a public authority or nonprofit consortium by 2003. The legislation set forth four mandates for public authorities. The public authority must have an 11 member advisory committee, be the employer of record for the purpose of collective bargaining, establish a registry to assist IHSS consumers in finding workers, recruit and screen potential IPs, provides access to training for IHSS consumers and IPs and perform any other functions related to the delivery of IHSS.

The County Board of Supervisors is the Governing Body of the Public Authority. The Governing Body appoints an 11 member Advisory Board, of whom at least 50% must be current or past users of personal assistance services. The Advisory Board meets monthly and is mandated to make recommendations to the Governing Body, IHSS staff and public authority staff regarding IHSS.

The Public Authority is responsible for administration of health, dental and vision benefits and VTA Eco Pass issuance for IPs. The County remains the party responsible for determining IHSS eligibility and recertification, hours determination, etc. The IHSS consumer remains the employer with respect to hiring, firing and supervising their independent provider.

Public Authority Registry

The IHSS Public Authority Registry is a countywide service that assists low-income elderly and disabled persons who need household and/or personal assistance to find home care providers. The IHSS Registry is a referral service only; it is not an employer. The IHSS Registry attempts to match consumer needs and preferences to the home care providers, as much as possible, and refers available home care providers to eligible IHSS consumers. Requests for service may originate from recipients, providers, the recipient's social workers, or other concerned for the well-being of the recipients.

The Public Authority established a hard to serve (HTS) component of the Registry. This provides concentrated assistance for IHSS consumers who are unable to perform functions of an employer without assistance. The HTS component of the Registry provides assistance with scheduling and conducting interviews, establishing expectations agreements, completing enrollment forms and problem resolution between consumers and providers.

The Public Authority also established an Urgent Care Registry (UCR) as a safety net for IHSS consumers whose provider is unable to work due to illness or family emergency, etc. IHSS consumers who are authorized 50 hours or more per month are eligible to request UCR services. Registry staff rotates responsibility for taking calls on the dedicated phone 365 days/year between the hours of 6:00 a.m. and 10:00 p.m. When services are needed staff contact a home health care agency to order service for the IHSS consumer to their needs are met to remain safe and healthy.

Contracted Services

Sourcewise contracts with cities, the County of Santa Clara, and local non-profit organizations to ensure comprehensive services are available for seniors.

Care Management

Care Management assists older persons with multiple needs to obtain services that will enable them to remain independent and living in their own homes. It consists of the following services:

1. Comprehensive assessments of a person's psychosocial, economic, and health status;
2. Individualized care plan;
3. Service arrangement and referral to appropriate services;
4. Periodic monitoring of each client's care plan.

The Sourcewise contracts with cities and private non-profit agencies to provide care management throughout the county for homebound and isolated seniors. In addition, the Sourcewise provides care management services directly.

Long Term Care Ombudsman

The Long Term Care Ombudsman program provides residents of nursing and residential care homes with an independent source of help in resolving problems within the facilities. If a resolution cannot be affected, a referral is made to a legal supporting agency. Family members,

friends, and persons representing community organizations may also request assistance from the Ombudsman services for problems affecting a resident.

Legal Services

The Sourcewise contracts with Senior Adults Legal Assistance (SALA) to provide advocacy and legal services for seniors in Santa Clara County. Service priorities include: public benefits (Social Security, SSI, Medi-Cal), housing problems, long-term care issues, consumer protection, and elder abuse. Services are provided at designated community and senior centers throughout the County and appointments can be made at those locations.

Adult Day Care/Adult Day Health Services

Adult Day Care provides rehabilitative services, nutrition, and care for persons with physical, mental, or social impairments and assists them to maintain their maximum level of self-competence and independence. In addition this service gives respite and counseling to the families and caregivers of impaired adults. Some programs are licensed to include an array of health services, including nursing care, specialized therapy, counseling, and consultation with a medical doctor.

Nutrition

The Sourcewise contracts with the County of Santa Clara Services Agency to furnish hot, nutritious meals at sites on the included list. Meals are served in a congregate setting where participants may also become involved in social activities and receive supportive services. Transportation to and from sites can often be scheduled through the Nutrition Site Manager. Under the same contract, home delivered meals are provided to homebound seniors.

Family Caregiver Support

Sourcewise recognizes that ensuring the livelihood of older adults in our community also involves supporting elders' loved ones. In that spirit, Sourcewise both directly provides and contracts for services to support the family members of older adults. Caregiver support groups, care management, respite services, and more are available to family members caring for a loved one. Services are also available for grandparents age 55 or older caring for a child.

[For additional information visit us at www.mysourcewise.com](http://www.mysourcewise.com)



ADVISORY COUNCIL MEETING SCHEDULE

The Advisory Council to Sourcewise meets 10 times per year, usually on the first Monday of the month. Below is the meeting schedule:

- There is no meeting on July
- 1st Monday of August
- There is no meeting on September
- 1st Monday of October
- 1st Monday of November
- 1st Monday of December
- 1st Monday of January
- 1st Monday of February
- 1st Monday of March
- 1st Monday of April
- 1st Monday of May
- 1st Monday of June

ADVISORY COUNCIL MEETING LOCATION & TIME

Meetings are held at the **Santa Clara Senior Center**
1303 Fremont St., Santa Clara, CA 95050

Meetings time: 12:00 p.m. to 2:00 p.m.

Advisory Council Meeting Schedule FY 2018-2019

Santa Clara Senior Center, Room 232
1303 Fremont Street, Santa Clara, CA 95050
12:00 – 2:00 pm

Contact Ursula Davila at (408) 350-3207, with any questions.

- **July 2, 2018 - No meeting**
- August 6, 2018
- **September 3, 2018 - No meeting (Labor Day)**
- October 1, 2018
- November 5, 2018
- December 3, 2018
- January 7, 2019
- February 4, 2019
- March 4, 2019
- April 1, 2019
- May 6, 2019
- June 3, 2019



ADVISORY COUNCIL MEMBER JOB DESCRIPTION

Duties and Responsibilities

A member of the Advisory Council has the following duties:

- Serve as an advisor to Sourcewise, the State designated Area Agency on Aging for Santa Clara County;
- Act as an independent advocate for older persons, taking positions on federal, state, and local programs and legislation affecting older persons;
- Actively seek advice from senior coordinating councils, senior advocacy organizations, elected officials, and the general public for the purpose of advocating issues of concern to older persons;
- Inform local senior advocates and organizations of legislation pending before local, state, and federal governments;
- Disseminate information of interest and concern to older persons;
- Be actively involved in the development, implementation, and monitoring of the Area Plan and contract services;
- Develop legislative platforms with representatives from the California Senior Legislature and other state advocacy organizations;
- Sponsor public hearings on the annual Area Plan objectives.

Qualifications:

- Appointments – Advisory Council members are appointed by designated bodies such as the County Supervisors, City Councils and Senior Organizations or are elected by the Advisory Council.
- Age – Appointments by County Supervisors and City Councils must be 60 years of age or older.
- Geographical Area – Appointees must live within the city limits of the appointing city or within the Supervisorial District.
- Interest – Appointees should have an interest in aging issues and willingness to work to find solutions to alleviate the problems of Older Americans.

ADVISORY COUNCIL MEMBER JOB DESCRIPTION - CONTINUED

Meetings and Time Commitment:

- The Advisory Council generally meets the first Monday of each month at 12:00 PM. Members spend time each month preparing for and attending the regular meetings, in contact with seniors and local officials, and in attendance at appropriate community meetings. Members are expected to work on at least one committee which will meet monthly. From time to time, there are training sessions and other special meetings in which members participate. It is expected that the members will represent the interests of the older population in their district and keep their special groups informed regarding the programs and activities of the Advisory Council and Sourcewise.
- A term is for 3 years, with a single 3-year renewal available. A person can be appointed by a different agency at the end of their term.

Attendance

- Advisory Council Members are expected to attend all Advisory Council meetings. Advisory Council By-Laws require that a member with unexcused absences from any three consecutive meetings, or seven during a year, is deemed to have resigned from the Council.

Benefits

- Members may be reimbursed for some expenses incurred on Advisory Council business, such as mileage and pre-approved trainings and conferences.

For more information, please contact:

Tom Picraux, Chair - Membership
Sourcewise Advisory Council
(408) 356-8129



ADVISORY COUNCIL MEMBER APPLICATION

Representative of or Appointed by: _____ Date term begins¹ July 1st, 20 __

Name: _____

Address: _____ (City) _____ (State) _____ (Zip Code)

Phone #: _____ E-mail²: _____

Age: _____ Ethnicity/Race: _____

Please describe your interest in aging issues and the Advisory Council Membership.

Please describe your work, education, or experience relevant to the aging population.

¹ Appointments are for 3 years, each year from July 1 - June 30. A one-time renewal is available at the discretion of the appointing agency.

² Minutes, agendas, and other information will be e-mailed.

OTHER INFORMATION

Interest:

Candidates should have an interest in aging issues and willingness to work to help identify ways to alleviate the problematic issues faced by older adults in Santa Clara County.

Appointments by the Board of Supervisors and Cities Only:

Appointees from these organizations must be over age 60 and reside in that supervisorial district/city. These requirements may be waived at the request of the appointing organization with justification, subject to approval.

Job Description:

Please see the Advisory Council Member Job Description for more information on Member duties and responsibilities.

Appointees:

Signature of Representative/Title

Signature of Appointing Body

Non Appointed Candidate:

Printed Name

Signature

Santa Clara County Local Policy Board for Cal/ID RAN (Automated Fingerprint System)

JOB DESCRIPTION

Authority: Penal Code Section 11112.4 authorizes Santa Clara County's automated fingerprint system. The Policy Board oversees administration of the system, including funding, equipment, personnel, and the relationship between the local and state programs.

Meetings: Once a year, in early March, usually a Wednesday, at 10 a.m., plus additional meetings if needed.
Sheriff's office, 4th floor
55 W. Younger Avenue
San Jose, CA

Stipend: None

Appointment term: Effective immediately; ongoing appointment.

Eligible cities: Any. This position is held by a Mayor. If a Mayor on rotation receives the appointment, she/he is unable to retain the position when no longer a Mayor.

Reporting requirements: City Selection appointees present reports to the Board of Directors of the Cities Association regarding relevant activities of the Cal/ID Board.

For more information: Captain Nuno Ribeiro
Office of the Sheriff
55 W. Younger Avenue
San Jose, CA 95110
Nuno.ribeiro@sheriff.sccgov.org
(408) 808-4403

ORDINANCE NO. NS-300.863

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
REPEALING SECTIONS A8-8 AND A8-9 OF THE COUNTY OF SANTA CLARA
ORDINANCE CODE RELATING TO DISASTER COUNCIL, REPEALING
SECTIONS A8-23 AND A8-24 RELATING TO THE EMERGENCY
PREPAREDNESS COUNCIL, AND ENACTING NEW SECTIONS A8-23 AND
A8-24 RELATING TO THE SANTA CLARA COUNTY EMERGENCY
OPERATIONAL AREA COUNCIL**

Summary

This ordinance repeals Sections A8-8 and A8-9 relating to the Disaster Council, A8-23 and A8-24 relating to the Emergency Preparedness Council, and enacts new Sections A8-23 and A8-24 creating a newly formed Santa Clara County Emergency Operational Area Council.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:**

SECTION 1. Sections 8, 9, 23 and 24 of Division A8 of the County of Santa Clara Ordinance Code are hereby repealed.

SECTION 2. New Sections 23 and 24 of Division A8 of the Ordinance Code of the County of Santa Clara are hereby added and titled to read as follows:

Sec. A8-23. Santa Clara County Emergency Operational Area Council.

A Santa Clara County Emergency Operational Area Council is established for Santa Clara County and shall consist of the following voting and non-voting members:

- (a) A designated member of the Santa Clara County Board of Supervisors.
- (b) A designated member of the Santa Clara Valley Water District.
- (c) Five designated council members from cities in Santa Clara County.

- (d) The County Executive or his/her designee.
- (e) A designated member of the Santa Clara County City Managers Association.
- (f) A designated member of the Santa Clara County Police Chiefs Association.
- (g) A designated member of the Santa Clara County Fire Chiefs Association.
- (h) The Santa Clara County Public Health Officer.
- (i) The Valley Transportation Authority Chief Operating Officer.
- (j) A designated representative of the Santa Clara County emergency management community who shall serve without a vote.

Sec. A8-24. Santa Clara County Emergency Operational Area Council purpose, role, and responsibility.

The Santa Clara County Emergency Operational Area Council is charged with the purpose to enhance planning and preparedness for large-scale emergencies; to create effective partnerships in emergency planning, preparedness, training and exercise within the Operational Area; to consolidate activities of cities and special districts to participate more efficiently in planning for future emergencies and disasters; to provide access to public-private partners to participate in emergency planning and preparedness; and to develop broad-based emergency preparedness and planning funding priorities and recommendations.

The role and responsibility of the Santa Clara County Emergency Operational Area Council shall include:

- (a) Electing a chair and vice-chair annually.
- (b) Meeting at least quarterly or upon the call of the chair or, in the chair's absence from the County or inability to call a meeting, upon call of the vice-chair.
- (c) Recommending for adoption by the Board of Supervisors by-laws concerning the administration and operations of the Santa Clara County Emergency Operational Area Council.

- (d) Coordinating, reviewing, and recommending for approval for adoption by the Board of Supervisors emergency and mutual aid plans and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements, as well as reviewing and recommending disaster response policies, procedures, and funding priorities.
- (e) Ensuring a unity of purpose in emergency plans, policies, and procedures.
- (f) Fostering an effective flow of disaster information and emergency preparedness through training, uniformity in planning, and response plans and policies.
- (g) Establishing subcommittees for specific detailed work that requires the focus of technical experts to develop plans, policies, and procedures for the Santa Clara Operational Area consisting of at least the following: (1) Infrastructure Committee; (2) Mass Care and Shelter Committee; (3) Communications Committee; (4) Public Information and Preparedness Committee; and (5) Business and Private Sector Committee.
- (h) Providing technical review of all disaster plans by any public entity or special district for approval to form and compliance with:
 - (1) Incident Command System.
 - (2) Standardized Emergency Management System.
 - (3) National Incident Management System.

The role of the Santa Clara County Emergency Operational Area Council does not include:

- (a) Operational powers during emergencies or disasters.
- (b) Final adoption of emergency plans, policies, and procedures.

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(c) Enforcement functions of emergency plans, policies, and procedures.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara,
State of California, on JUN 25 2013 by the following vote:

AYES: ~~CORTESE, [REDACTED]~~, SIMITIAN, WASSERMAN, YEAGER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



KEN YEAGER, President
Board of Supervisors

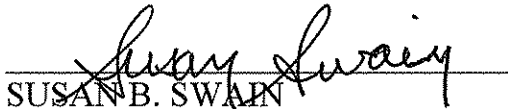
Signed and certified that a copy of this
document has been delivered by electronic
or other means to the President, Board of Supervisors

ATTEST:



LYNN REGADANZ
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



SUSAN B. SWAIN
Lead Deputy County Counsel

760202

SANTA CLARA COUNTY EMERGENCY OPERATIONAL AREA COUNCIL

BYLAWS

I. Establishment of the Operational Area Council (OAC)

The OAC was established by the County of Santa Clara Board of Supervisors through Section A8-23 and A8-24 to the County Ordinance Code.

II. Purpose, Role, and Responsibilities.

Section A8-24 of the County Ordinance Code describes the purpose, role, and responsibilities of the OAC as follows:

The Santa Clara County Emergency Operational Area Council is charged with the purpose to enhance planning and preparedness for large-scale emergencies; to create effective partnerships in emergency planning, preparedness, training and exercise within the Operational Area; to consolidate activities of cities and special districts to participate more efficiently in planning for future emergencies and disasters; to provide access to public-private partners to participate in emergency planning and preparedness; and to develop broad-based emergency preparedness and planning funding priorities and recommendations.

The role and responsibility of the Santa Clara County Emergency Operational Area Council shall include:

- (a) Electing a chair and vice-chair annually.
- (b) Meeting at least quarterly or upon the call of the chair or, in the chair's absence from the County or inability to call a meeting, upon call of the vice-chair.
- (c) Recommending for adoption by the Board of Supervisors by-laws concerning the administration and operations of the Santa Clara County Emergency Operational Area Council.
- (d) Coordinating, reviewing, and recommending for approval for adoption by the Board of Supervisors emergency and mutual aid plans and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements, as well as reviewing and recommending disaster response policies, procedures, and funding priorities.
- (e) Ensuring a unity of purpose in emergency plans, policies, and procedures.
- (f) Fostering an effective flow of disaster information and emergency preparedness through training, uniformity in planning, and response plans and policies.

(g) Establishing subcommittees for specific detailed work that requires the focus of technical experts to develop plans, policies, and procedures for the Santa Clara Operational Area, consisting of at least the following: (1) Infrastructure Committee; (2) Mass Care and Shelter Committee; (3) Communications Committee; (4) Public Information and Preparedness Committee; and (5) Business and Private Sector Committee.

(h) Providing technical review of all disaster plans by any public entity or special district for approval to form and compliance with:

- (1) Incident Command System.
- (2) Standardized Emergency Management System.
- (3) National Incident Management System.

The role of the Santa Clara County Emergency Operational Area Council does not include:

- (a) Operational powers during emergencies or disasters.
- (b) Final adoption of emergency plans, policies, and procedures.
- (c) Enforcement functions of emergency plans, policies, and procedures.

III. Membership

Under Section A8-23 of the County Ordinance Code, the membership of the OAC shall consist of:

- (a) A designated member of the Santa Clara County Board of Supervisors.
- (b) A designated member of the Santa Clara Valley Water District.
- (c) Five designated council members from cities in Santa Clara County.
- (d) The County Executive or his/her designee.
- (e) A designated member of the Santa Clara County City Managers Association.
- (f) A designated member of the Santa Clara County Police Chiefs Association.
- (g) A designated member of the Santa Clara County Fire Chiefs Association.
- (h) The Santa Clara County Public Health Officer.

(i) The Valley Transportation Authority Chief Operating Officer.

(j) A designated representative of the Santa Clara County emergency management community who shall serve without a vote.

All OAC member positions shall also have a named alternate, appointed in the same manner and by the same appointing authority as the primary member. Each alternate is responsible for being informed sufficiently to represent the primary member at meetings and to vote should the primary member be unable to attend a meeting or resign from office.

IV. Terms

The term of office for each member shall be two years, with members eligible to serve multiple terms. The terms of the County Executive, County Public Health Officer, and COO of the VTA are unlimited.

V. Attendance

Every OAC member shall attempt to attend each meeting of the OAC. In the event that an OAC member fails to attend a posted meeting and fails to notify the Chair or Vice Chair in advance of the absence, the absence shall be recorded as unexcused. If a member incurs three unexcused absences from posted meetings in a single year, the Chair will request the appointing authority to consider replacing the designated member with a representative who can attend meetings on a regular basis.

VI. Leadership

The OAC shall elect a Chair and Vice-Chair by a majority vote at the first meeting of the calendar year. The term of the Chair and Vice Chair shall be one year.

The Chairperson shall preside over the meetings of the OAC; shall sign all resolutions, reports, and other documents adopted or approved by the OAC; and shall perform such other duties as the OAC may prescribe.

The Vice-Chair shall have all of the powers and duties of the Chair in his/her absence. In the absence of the Chair and Vice-Chair, the remaining members shall appoint a member to act as temporary Chairperson.

If the office of Chair or Vice Chair becomes vacant during the term of such office, the OAC shall elect a successor from its membership at the earliest meeting at which such an election is practicable. Such election shall be for the unexpired term of such office.

VII. Committees

The OAC may create both standing and ad hoc committees for the purpose of accomplishing its business. All committees shall be advisory to the OAC and decisions shall be reached by consensus; if consensus is not reached, the OAC shall receive information on the various options that were considered by the committee.

VIII. Secretary

The Clerk of the Board of the County shall be ex-officio secretary of the OAC and shall be responsible for providing secretarial assistance to the OAC during its meetings.

IX. Meetings

Notice: OAC meetings shall be properly noticed and open to the public in accordance with the Ralph M. Brown Act.

Procedure: Except as provided in these bylaws, meetings and other business of the OAC shall be conducted in accordance with Robert's Rules of Order.

Meeting Schedule and Location: The OAC shall generally meet bi-monthly. Special sessions shall be called as necessary. Meetings of the OAC shall generally be held at the Sheriff's Administration Building, 55 West Younger Avenue, San Jose.

Quorum: A quorum is required to initiate the transaction of business at any regular or special meeting of the OAC. A majority of the members of the OAC, not counting any vacancies, shall constitute a quorum. A quorum is sufficient to pass a motion on any action item before the OAC.

Agenda: The Chair shall prepare the agenda for each OAC meeting. Items to be placed on the agenda of any regular meeting shall be on file with the secretary of the OAC ten days prior to the scheduled meeting. Any member of the OAC may place an item on the agenda.

X. Adjournment

A majority of the members present, whether or not a quorum is present, may adjourn any meeting to another time and place. If the meeting is adjourned for more than twenty-four hours, notice of the adjournment shall be given.

XI. Bylaws Amendments

Proposed amendments shall be presented to the OAC in writing at a regular meeting. The OAC may then recommend amendment of these bylaws, subject to the approval of the Board of Supervisors. A recommendation to amend the bylaws shall be approved as to form and legality by County Counsel and transmitted to the Board of Supervisors for final approval.

XII. Conflict of Interest Policy

In accordance with the Political Reform Act, an OAC member shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a reasonably foreseeable material financial effect on one or more of the OAC member's economic interests, unless the effect is indistinguishable from the effect on the public generally. The OAC is included within the County of Santa Clara's Conflict of Interest Code, which identifies the OAC's designated positions and disclosure categories.

An OAC member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the OAC shall abstain from voting on the matter. Generally, if an OAC member is disqualified from participating in a decision because of a conflict of interest, the OAC member must (1) publicly announce the source of the conflict of interest (2) leave the room during any discussion or deliberations on the matter in question, and (3) not participate in the decision or be counted for purposes of a quorum. An OAC member with a disqualifying conflict of interest shall not be present during a closed session meeting of the OAC when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue.

In accordance with Government Code section 1090, OAC members shall not be financially interested in any contract made by the OAC, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If an OAC member has such a financial interest, the OAC is barred from entering into the contract even if that member abstains from participation in the contracting process.

Furthermore, pursuant to the common law doctrine against conflict of interests, an OAC member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

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**JOINT POWERS AGREEMENT FOR THE
SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY**

NOVEMBER 18, 2009

THIS JOINT POWERS AGREEMENT FOR THE SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY (the “**Agreement**”) is entered into as of this ____ day of _____ 20____, (“**Effective Date**”) by and among the public agencies executing this Agreement (collectively, “**Members**” and individually, “**Member**”).

RECITALS

- A. **WHEREAS**, in 2001, the Cities of Campbell, Cupertino, Gilroy, Los Altos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, Santa Clara, San Jose, Saratoga, and Sunnyvale; the Towns of Los Gatos and Los Altos Hills; the South Santa Clara County Fire District; the County of Santa Clara; San Jose State University; and the Santa Clara Valley Water District (collectively, the “**Network Participants**”) entered into an agreement to exercise their joint contracting and purchasing powers pursuant to Government Code Section 6502 (the “**Joint Funding Agreement**”), so as to jointly hire consultants for the conceptual design and implementation strategy for an interoperable communications network, to jointly purchase a radio and data communications system or network to provide interoperability for the Network Participants, to integrate this system or network with other nearby regional public safety communications systems, to participate in regional interoperability projects, to jointly fund activities and projects related to interoperability; and to jointly apply for grants and funding to facilitate the accomplishment of these goals;
- B. **WHEREAS**, the campaign to accomplish the above goals came to be known as the Silicon Valley Regional Interoperability Project (“**SVRIP**”);
- C. **WHEREAS**, the SVRIP has been very successful but many new projects and opportunities have arisen and the joint exercise of powers under the Joint Funding Agreement is no longer sufficient to address the expanded opportunities and objectives of the SVRIP;
- D. **WHEREAS**, the undersigned desire to create an independent joint powers authority to implement and operate the SVRIP and other projects, and to formally articulate the goals and purposes of the Authority;
- E. **WHEREAS**, a SVRIP Executive Director, employed by the City of San Jose consistent with the Joint Funding Agreement, has been appointed by the SVRIP steering committee to assist in the formation and operation of the Authority;
- F. **WHEREAS**, pursuant to the Joint Exercise of Powers Act, Title 1, Division 7, Chapter 5, of the California Government Code, Government Code Section 6500 *et seq.*, two or more public agencies may by agreement jointly exercise any power common to the contracting agencies; and
- G. **WHEREAS**, the Members have determined that the public interest will be served by the joint exercise of their common powers through this Agreement and the creation of a joint powers authority for the purposes described herein.

NOW THEREFORE, in consideration of the promises, terms, conditions, and covenants contained herein, the Members agree as follows:

ARTICLE 1 – DEFINITIONS

1. Certain terms used in this Agreement shall be defined as follows:
 - 1.1. **"Agency"** or **"Public Agency"** shall have the meaning provided in Government Code Section 6500.
 - 1.2. **"Agreement"** shall mean this Agreement that establishes the Silicon Valley Regional Interoperability Authority.
 - 1.3. **"Annual Operating Costs"** shall mean the day to day expenses of the Authority (other than systems maintenance expenses) which shall include without limitation, personnel (except systems maintenance personnel), overhead, legal and accounting services, and similar costs for the fiscal year; as such term may be further defined in the policies of the Authority
 - 1.4. **"Annual Systems Maintenance Costs"** shall mean consulting and maintenance services for existing hardware and software; systems maintenance personnel costs; system site/facility maintenance; parts, software/firmware, labor and equipment for regular maintenance; and noncapital replacements for the fiscal year; as such term may be further defined in the policies of the Authority.
 - 1.5. **"Authority"** shall mean the Silicon Valley Regional Interoperability Authority.
 - 1.6. **"Board"** shall mean the Board of Directors which is the governing body of the Silicon Valley Regional Interoperability Authority.
 - 1.7. **"Central County Agencies"** shall include the City of Santa Clara, the City of Sunnyvale, and the City of Milpitas.
 - 1.8. **"Overhead"** shall mean the Authority's ongoing necessary administrative costs (such as system site/facility rent, office rent, utilities, office supplies, and insurance) which are not separately budgeted as part of a specific project, program, or service.
 - 1.9. **"Members"** shall mean the public agencies which are signatories to this Agreement prior to the Effective Date. Unless otherwise indicated, actions or approvals of a Member are deemed to be those of the legislative body of the Member.
 - 1.10. **"Multiple Agency Directorship"** shall mean any seat on the Board of Directors which represents more than one Member.
 - 1.11. **"Northwest County Agencies"** shall include the City of Mountain View, the City of Palo Alto, the City of Los Altos and the Town of Los Altos Hills.
 - 1.12. **"Smaller Member"** shall mean any Member whose population is less than 15,000.

- 1.13. **"South County Agencies"** shall include the City of Gilroy and the City of Morgan Hill.
- 1.14. **"Southwest County Agencies"** shall include the City of Cupertino, the City of Campbell, the City of Saratoga, the Town of Los Gatos and the City of Monte Sereno.
- 1.15. **"Working Committee"** shall mean the committee described in Article 6 of this Agreement.

ARTICLE 2 – CREATION AND PURPOSES

2. The Silicon Valley Regional Interoperability Authority is created as described in this Article.
 - 2.1. **Creation of Authority and Jurisdiction.** Pursuant to the Joint Exercise of Powers Act, the Members hereby create the Silicon Valley Regional Interoperability Authority, a public entity separate and distinct from each of the Members, to exercise the powers common to the Members and as otherwise granted by the Joint Exercise of Powers Act. The jurisdiction of the Authority shall be all territory within the geographic boundaries of the Members; however the Authority may undertake any action outside such geographic boundaries as is necessary or incidental to the accomplishment of its purposes.
 - 2.2. **Purpose of Authority.** The purpose of the Authority is to enhance and improve communications, data sharing and other technological systems, tools and processes for protection of the public and public safety and to facilitate related local and regional cooperative efforts.
 - 2.3. **Purpose of Agreement.** The purpose of this Agreement is to create the Authority; to facilitate the implementation of the Authority's projects, systems and services; to provide for the Authority's acquisition of real, personal and intangible property, to provide for the Authority's administration, planning, design, financing, regulation, permitting, environmental evaluation, public outreach, construction, operation, and maintenance of the Authority's projects, systems and services; and to provide for any necessary or convenient related support services.

ARTICLE 3 – POWERS

3. The Authority shall have all powers necessary or reasonably convenient to carry out the purposes herein, subject to the limitations in this Article.
 - 3.1. The Authority shall have all powers necessary or reasonably convenient to carry out the purposes herein, including, but not limited to, the following powers:
 - 3.1.1. To obtain and secure funding from any and all available public and private sources including local, state, and federal government, including but

not limited to, bond issuances, lease purchase agreements, grants, public and private contributions, public and private loans, and other funds;

- 3.1.2. To manage and operate any projects, systems, and services transferred or assigned to the Authority and fulfill any existing obligations incurred under the Joint Funding Agreement that are transferred or assigned to the Authority;
- 3.1.3. To plan, design, finance, acquire, construct, operate, regulate, and maintain systems, equipment, facilities, buildings, structures, software, databases, and improvements;
- 3.1.4. To lease real, personal and intangible property;
- 3.1.5. To acquire, hold, or dispose of real, personal or intangible property by negotiation, dedication or eminent domain;
- 3.1.6. To own, lease, sublease, acquire, operate, maintain and dispose of materials, supplies, and equipment of all types including, but not limited to intangible property such as radio frequencies;
- 3.1.7. To conduct studies, tests, evaluations, investigations, and similar activities;
- 3.1.8. To develop and/or adopt standards and specifications;
- 3.1.9. To obtain permits, rights, licenses and approvals, including FCC licenses;
- 3.1.10. To enter into agreements;
- 3.1.11. To contract for services from Members, including but not limited to in-kind services;
- 3.1.12. To employ consultants, contractors, and staff and to adopt personnel rules and regulations;
- 3.1.13. To adopt bylaws, rules and regulations;
- 3.1.14. To delegate certain powers;
- 3.1.15. To acquire and maintain insurance of all types;
- 3.1.16. To accept, hold, invest, manage, and expend monies pursuant to the Joint Exercise of Powers Act;
- 3.1.17. To work with elected officials and local, regional, state and federal agencies, including joint powers agencies and consortia, to pursue funding, enter agreements, and otherwise act to carry out the purposes of the Authority;
- 3.1.18. To incur debts, liabilities or obligations, provided that no debt, liability, or obligation shall constitute a debt, liability or obligation of the Members, either jointly or severally;

- 3.1.19. To charge for services, programs, and/or system use by means of subscriber fees or similar charges;
 - 3.1.20. Subject to applicable legal authority, to cause assessments, fees or charges to be levied in accordance with applicable State and Federal law;
 - 3.1.21. To issue bonds and sell or lease any type of real or personal property for purposes of debt financing;
 - 3.1.22. To sue and be sued;
 - 3.1.23. To conduct public outreach and education;
 - 3.1.24. To participate in pilot and demonstration projects;
 - 3.1.25. To reimburse Authority officers, employees and officials for expenses incurred as permitted by law; and
 - 3.1.26. To exercise all powers incidental to the foregoing.
 - 3.1.27. In addition to those powers common to each of the members and the powers conferred by the Joint Exercise of Powers Act, the Authority shall have those powers that may be conferred upon it by subsequently enacted legislation.
- 3.2. Limitation on Eminent Domain Power. The Authority's power of eminent domain shall be exercised to acquire real property only in the manner prescribed by the California Code of Civil Procedure, including the requirements of Sections 1245.230 and 1245.240 of the Code of Civil Procedure (as such statutes and requirements may be amended) which provide that prior to the exercise of such power the Board adopt, by a 2/3 vote of the entire Board, a resolution finding that (1) the public interest and necessity require the proposed project; (2) the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and (3) the property described in the resolution is necessary for the proposed project. Further, the Authority shall not exercise such power in the jurisdiction of a municipal or county Member in absence of a resolution approved by a majority of the Member's governing body evidencing the Member's consent to the Authority's exercise of eminent domain.
- 3.3. No Authority Taxing Power. The Authority shall not exercise any power it possesses to impose taxes on the public, although it may receive the proceeds of taxes imposed by other entities.
- 3.4. Restriction on Exercise of Powers. Pursuant to Section 6509 of the Joint Exercise of Powers Act, the Authority has designated a general law city as the Member for determination of the restrictions upon the Authority in exercising the common powers under this Agreement and the City of Cupertino shall serve as such Member. In the event that the City of Cupertino ceases to be a Member, the Board may designate by resolution another general law city Member as the

Member for determination of the restrictions upon the Authority in exercising the common powers.

- 3.5. Unless expressly provided to the contrary herein, the Authority does not intend, by virtue of Section 3.3 or this Agreement, to subject itself to the internal policies or ordinances of any Member (e.g., Member purchasing or sunshine ordinances).

ARTICLE 4 – MEMBERSHIP

4. The Members of the Authority are the public agencies who enter into this Agreement prior to the Effective Date. In the event a city or town listed as represented by a Multiple Agency Directorship does not enter into this Agreement prior to the Effective Date, the city or town will not be a Member and the listed entities in the applicable Multiple Agency Directorship will be deemed amended to reflect this fact without further action. Admission of a new Member shall not require amendment to this Agreement, however, after the Effective Date new Members may be admitted only pursuant to the procedures described in Sections 4.1 and 4.2. Members may withdraw pursuant to the procedures described in Sections 4.3.
 - 4.1. A Public Agency may be considered for membership in the Authority after the Effective Date, by presenting an adopted resolution of the Public Agency's governing body to the Board which includes a request to become a Member of the Authority.
 - 4.2. The Authority shall accept new Members upon a majority affirmative vote of the entire Board, payment of any Board determined fees and charges, including a pro-rata share of organization, planning, project, and other costs and charges and upon satisfaction of any conditions established by the Board as a prerequisite for membership. At the time of admission, the Board shall adopt a resolution assigning the new Member to be represented by one of the existing Multiple Agency Directorships and amend the listed entities in the applicable Multiple Agency Directorship shall be amended to reflect this fact. Each proposed Member shall also enter into a membership agreement, upon the date of execution of which it shall be bound to the terms of this Agreement as a Member.
 - 4.3. Withdrawal. Any Member may withdraw from this Agreement upon at least 6 (six) months written notice to the Authority and the Members. Any Director who is an elected official of the withdrawing Member and any Working Committee member who is an official, officer or employee of the withdrawing Member shall be deemed to have resigned as of the date of receipt of the written notice.
 - 4.3.1. A withdrawing Member shall have no interest or claim in the assets of the Authority absent an Authority approved written agreement which contains express provisions to the contrary.
 - 4.3.2. Any withdrawing Member shall be obligated to pay an equitable share, consistent with the cost sharing principles herein, of all debts, liabilities and obligations of the Authority incurred prior to the effective date of the

withdrawal; as such share is determined by the Board, as a condition precedent to such withdrawal.

- 4.3.3. Provided, however, that the withdrawing Member's obligations under Section 4.3.2 shall not extend to debts, liabilities and obligations of the Authority that are secured or otherwise committed pursuant to specific project, service, or program agreements ("**limited scope agreements**") that expressly omit the withdrawing Member. The specific pro-rata share of the withdrawing Member of the debts, liabilities and obligations of the Authority that are secured or otherwise committed pursuant to a limited scope agreement shall be determined by the terms of those agreements and the withdrawing Member shall comply with all withdrawal terms of such agreement.
- 4.3.4. A withdrawing or withdrawn Member's payment obligation with respect to its share of debts, liabilities and obligations shall survive withdrawal of the Member and survive termination of this Agreement.
- 4.3.5. If a Member who is represented by a Multiple Agency Directorship withdraws, the listed entities in the applicable Multiple Agency Directorship may be amended to reflect this fact by a resolution of the Board.

ARTICLE 5 – BOARD OF DIRECTORS; ORGANIZATION

5. The Authority shall be governed by a Board of Directors (the "**Board**") consisting of nine (9) Directors. The term of a Director's appointment shall be three (3) years although Directors may be appointed for a shorter term consistent with the Board's bylaws. Directors may be appointed to multiple successive terms. An alternate shall be appointed for each Director. Alternates shall serve as Directors in the absence of their respective Directors and shall exercise all rights and privileges thereof. Notwithstanding the above, each Director and each alternate for such Director shall serve at the pleasure of the Member(s) they represent and may be removed by such Member(s) at any time without any right to notice thereof.
 - 5.1. Directors and alternates shall be appointed by the represented Member(s) as follows and, at the time of such appointment and for the duration of such appointment, each shall be an elected official of a Member:
 - 5.1.1. Two Directors shall represent the County of Santa Clara.
 - 5.1.2. Two Directors shall represent the City of San Jose.
 - 5.1.3. One Director shall represent the Central County Agencies.
 - 5.1.4. One Director shall represent the Northwest County Agencies.
 - 5.1.5. One Director shall represent the South County Agencies.
 - 5.1.6. One Director shall represent the Southwest County Agencies.

- 5.1.7. One Director shall be appointed by the City Selection Committee (as formed pursuant to Government Code Section 50270 *et seq.*) for Santa Clara County. The Director shall be an elected official of a Member who does not have an elected official on the Board at the time of appointment. The Director appointed in this manner may be removed by the Member that he or she serves.

Each directorship described in Sections 5.1.3 through 5.1.6 shall be a Multiple Agency Directorship and an action by a majority of the represented Members shall appoint and remove such Directors. If the Director (or his or her Alternate) shall fail to attend 70% of the meetings of the Board during the fiscal year, the Directorship shall be deemed vacant and the Authority shall send notice of the vacancy to the represented Member(s). If a Director shall cease to be an elected official of a Member, his or her seat shall be deemed vacant. If the City Selection Committee or the represented Members of a Multiple Agency Directorship fail to select a Director within ninety (90) days of a vacancy, the Board may appoint an interim Director from the elected officials of the represented Members (or of those Members who do not have an elected official on the Board in the case of the City Selection Committee's directorship) to serve until the appointment of the new Director is completed.

- 5.2. Each member of the Board shall have one vote. A majority of the members of the entire Board shall constitute a quorum for the transaction of business. Except where a supermajority is required by statute, this Agreement or a resolution of the Board, actions of the Board shall require the affirmative vote of a majority of the entire Board (i.e., five (5) affirmative votes).
- 5.3. The Board shall elect annually a Chair from among its membership to preside at meetings and shall appoint a Secretary who may, but need not, be a Director. The Board may, from time to time, elect such other officers as the Board shall deem necessary or convenient to conduct the affairs of the Authority.
- 5.4. Meetings. The Board shall hold at least two regular meetings each year. The Board shall by resolution establish the date, hour and location at which its regular meetings shall be held. All meetings of the Board shall be held in accordance with the Ralph M. Brown Act, Government Code Section 54950 *et seq.* The Secretary shall cause minutes of all open meetings of the Board to be kept and shall cause a copy of the minutes to be forwarded to each Director and the Members within thirty (30) days.
- 5.5. Bylaws. The Board, at its initial meeting, shall adopt by resolution rules of procedure ("**bylaws**"), not inconsistent with the provisions of this Agreement, to govern the conduct of its meetings. Such rules of procedure shall be in accordance with the Ralph M. Brown Act. Recommendations for amendments to the bylaws will be developed by Working Committee and forwarded to Board for consideration.

- 5.6. Political Reform Act Compliance. Directors of the Board, members of the Working Committee and designated officials and employees shall comply with the Political Reform Act of 1974, Government Code Section 81000 *et seq.*
- 5.7. Executive Director. The Executive Director shall report to and take direction from the Board and shall have such authority as is specified by resolution of the Board. Where authorized by the Working Committee, the Executive Director may sign agreements, applications and other documents on behalf of the Authority. The Executive Director shall be designated as a Government Code Section 6505.1 officer who has charge of, handles, and has access to, the Authority's property and shall file with the Authority an official bond in the amount set by the Board. The premiums for such bond may be paid or reimbursed by the Authority.
 - 5.7.1. The SVRIP Executive Director shall serve as the Authority's Executive Director during the term of the existing employment agreement between the City of San Jose and the SVRIP Executive Director or until an Executive Director is selected pursuant to Section 6.7.
- 5.8. General Counsel. The Authority shall have a General Counsel. The General Counsel shall report to and take direction from the Board. The Board may designate one of the Authority's or a Member's employees as General Counsel or contract for such legal services with an independent contractor.
- 5.9. Policies. The Board may, upon the recommendation of the Working Committee, adopt policies regarding personnel, conflicts of interest and other matters that are necessary or convenient for the efficient operation of the Authority.
- 5.10. In addition to such duties as may be necessary or desirable for the implementation of this Agreement, the Board shall have the duty to do the following within the times specified or, if no time is specified, within a reasonable time:
 - 5.10.1. The Board shall hold an initial Board meeting within sixty (60) days of the Effective Date, and adopt an initial budget, work plan, initial policies, and bylaws with or without a Working Committee recommendation;
 - 5.10.2. The Board shall adopt a work plan for each fiscal year;
 - 5.10.3. The Board shall select a General Counsel;
 - 5.10.4. The Board shall direct the Working Committee to evaluate the need for such insurance protection as is necessary to protect the interests of the Authority and its Members, and acquire and maintain if necessary, liability, errors and omissions, property and/or other insurance.

ARTICLE 6 – WORKING COMMITTEE

6. Pursuant to Government Code Section 6508, the Authority delegates certain powers related to program development, policy formulation and program implementation to the Working Committee described herein. Specifically, the Working Committee shall have the composition, powers and duties described in this Article and the implied powers necessary therefor.
 - 6.1. The Working Committee shall ensure that a budget and work plan are timely prepared and by March 31 of each year, shall review and recommend the budget and work plan to the Board for approval. Copies of the recommended budget and work plan shall be promptly sent to the Members and the Directors. The budget shall indicate the anticipated sources of revenues and the anticipated uses of such revenues. The work plan shall outline the activities and priorities of the Authority for the following year.
 - 6.2. The Working Committee may apply for and accept all grants and sub-grants that are consistent with the approved work plan, provided that either (a) the amount of matching funds required, if any, does not exceed that threshold provided in the approved work plan and budget, or (b) a Member or other entity volunteers to provide the matching funds without a guarantee of reimbursement.
 - 6.3. The Working Committee may take action to implement or modify any projects, programs or services, provided the projects, programs or services are consistent with the budget and the parameters and thresholds in the work plan. Any projects, programs and services that are not consistent with the work plan and budget shall be reviewed by the Working Committee and recommended to the Board for approval.
 - 6.4. The Working Committee shall let for bid, if required, and award all contracts consistent with the approved work plan, provided that the amount of funds required, if any, does not exceed that threshold provided in the approved work plan and budget. The Working Committee may approve any contract amendment, provided that the additional costs to the Authority for such amendment do not exceed the threshold provided in the Authority's contracting policy and sufficient funds are available in the approved budget.
 - 6.5. The Working Committee shall approve all agreements with Members and other public agencies and all other contracts that are consistent with applicable law and the approved work plan.
 - 6.6. The Working Committee shall recommend a conflict of interest policy and personnel rules, when necessary, and any amendments of those policies to the Board for approval.
 - 6.7. The Working Committee shall adopt policies regarding purchasing and consultants. In addition, the Working Committee may adopt policies on other issues that are necessary or convenient for the efficient operation of the Authority.

6.8. The Working Committee shall recommend an Executive Director, subject to the Board's approval and approval of the contract between the Authority and Executive Director.

6.9. The Working Committee shall have eleven (11) Committee Members, unless such number is increased by a resolution adopted by an affirmative vote of 2/3 of the entire Board. Each Committee Member shall serve at the pleasure of the appointing entity identified in Section 6.9.1 and may be removed at any time by that appointing entity without notice. Each Committee Member must be an official, officer, or employee of a Member, but no single Member may have more than three (3) Working Committee Members serving at one time. A Committee Member may also be removed by the Member who he or she serves upon notice to the Authority. If a Committee Member shall fail to attend 70% of the meetings of the Working Committee during the fiscal year, his or her seat shall be deemed vacant and the Authority shall send notice of the vacancy to the appointing entity. If a Committee Member shall cease to be an official, officer, or employee of a Member, his or her seat shall be deemed vacant. If an appointing entity shall fail to appoint a Committee Member within ninety (90) days of a vacancy, the Working Committee may, by majority vote, appoint an interim Committee Member from the officials, officers, or employees of the Members to serve until the appointment of the new Committee Member is completed.

6.9.1. Working Committee Members shall be appointed by the following entities (or successor entities approved pursuant to a resolution of the Working Committee) as follows:

6.9.1.1. Two City Managers appointed by the Santa Clara County/City Managers Association.

6.9.1.2. One fire chief appointed by the Santa Clara County Fire Chiefs Association.

6.9.1.3. One police chief appointed by the Santa Clara County Police Chiefs Association.

6.9.1.4. The Santa Clara County Executive or his or her designee.

6.9.1.5. Two members appointed by the San Jose City Manager.

6.9.1.6. The Director of Communications for Santa Clara County or his or her designee.

6.9.1.7. One communications manager appointed by the Public Safety Communications Managers Association (of Santa Clara County).

6.9.1.8. Two at-large members appointed by the Working Committee.

6.9.2. Meetings of the Working Committee shall be conducted in compliance with the Ralph M. Brown Act. The Working Committee may

adopt by resolution rules of procedure, not inconsistent with the provisions of this Agreement, to govern the conduct of its meetings.

- 6.9.3. A majority of the Committee Members shall constitute a quorum for the transaction of business and actions of the Working Committee shall require the affirmative vote of a majority of the entire Working Committee (i.e., as of the Effective Date, six (6) Committee Members).

ARTICLE 7 – FISCAL MATTERS AND FUNDING

7. The Authority shall comply with the fiscal and recordkeeping requirements of the Joint Exercise of Powers Act and shall take such other actions as necessary or desirable to address the fiscal, funding and budgeting needs of the Authority.
- 7.1. Treasurer and Auditor. The Treasurer and Auditor/Controller of Santa Clara County, respectively, are designated the Treasurer and Auditor of the Authority with the powers, duties, and responsibilities specified in the Joint Exercise of Powers Act, including, without limitation, Sections 6505 and 6505.5 thereof; provided however, the Board may revoke this designation by adopting a resolution appointing one or more of the Authority's or a Member's officers or employees to either or both of the positions of Treasurer or Auditor as provided in Sections 6505.6 of the Joint Exercise of Powers Act.
- 7.2. Accounts and Reports. The Board shall establish and maintain such funds and accounts as may be required by generally accepted public accounting practice. The books and records of the Authority shall be open to inspection at all reasonable times to the Members and their respective representatives. The accounts shall be prepared and maintained by the Treasurer and/or Auditor of the Authority. The Auditor shall, within one hundred twenty (120) days after the close of each fiscal year, cause an independent audit of all financial activities for such fiscal year to be prepared in accordance with Government Code Section 6505. The Authority shall promptly deliver copies of the audit report to each Director and the Members.
- 7.3. Budget. The Board shall adopt an initial budget consistent with Section 5.10 and adopt subsequent budgets no later than April 30th of each year thereafter. Adoption of the budget shall require an affirmative vote of 2/3 of the entire Board.
- 7.4. Fiscal Year. The fiscal year of the Authority shall be the period from July 1st of each year to and including the following June 30th.
- 7.5. Debts, Liabilities and Obligations. The debts, liabilities, and obligations of the Authority shall not constitute debts, liabilities, or obligations of the Members, either jointly or severally.
- 7.6. Initial Contribution for Annual Operating Costs. Within thirty (30) days of the Effective Date, each Member except the City of Los Altos Hills and the City of Monte Sereno shall make an initial operating costs contribution of \$13,157 to

the Authority. The City of Los Altos Hills and the City of Monte Sereno shall each make an initial operating costs contribution of \$8,000. Notwithstanding the above, any Member who has already contributed the identified amount pursuant to the Joint Funding Agreement for the 2009-2010 fiscal year need not make such initial operating costs contribution.

7.7. Initial Contribution for Annual Maintenance Costs. Within thirty (30) days of the Effective Date, each Member shall make an initial systems maintenance contribution of the amount required pursuant to the City Manager's Association approved maintenance assessment formula.

7.7.1. The City Managers' Association approved maintenance assessment formula provides the following population allocation percentages: Campbell - 2.21%, Cupertino - 3.02% , Gilroy - 2.60%, Los Altos - 1.60%, Los Altos Hills - 0.48%, Los Gatos - 1.67%, Milpitas – 3.76%, Monte Sereno - 0.20% , Morgan Hill - 2.02%, Mountain View – 4.16%, Palo Alto – 3.50% , San Jose – 53.47%, Santa Clara – 6.12%, Saratoga - 1.76%, and Sunnyvale – 7.66%; and unincorporated Santa Clara County - 5.78%.

7.7.2. The following contributions are due based on the above percentages: Campbell - \$3,315, Cupertino - \$4,530, Gilroy - \$3,900, Los Altos - \$2,400, Los Altos Hills - \$720, Los Gatos - \$2,505, Milpitas – \$5,640, Monte Sereno - \$300, Morgan Hill - \$3,030, Mountain View – \$6,240, Palo Alto – \$5,250 , San Jose – \$80,205, Santa Clara – \$9,180, Saratoga - \$2,640, and Sunnyvale – \$11,490, and unincorporated Santa Clara County - \$8,670.

7.7.3. Notwithstanding the above, any Member who has already contributed the identified amount pursuant to the Joint Funding Agreement for the 2009-2010 fiscal year need not make such initial maintenance contribution.

7.8. Annual Operating Costs. Each year, the Working Committee shall propose projected Annual Operating Costs, which projected costs shall be adopted by the Board prior to or during approval of the budget.

7.8.1. Population Share. Half of the adopted Annual Operating Costs shall be allocated to the Members based on their respective population (the "Population Share"). Each Member shall pay a portion of the Population Share which shall be determined based on that Member's population. The Population Share, each Member's share of the Population Share shall be determined pursuant to the funding policy adopted by the Board at its initial meeting, as may be amended. The funding policy shall specify the accepted method for calculating each Member's population (e.g., census data).

7.8.2. Membership Share. Half of the adopted Annual Operating Costs shall be allocated to the Members based on the principle that Members share these costs equally, except that the Smaller Members shall pay 60% of a Full Share (the "Membership Share"). Each Member except the Smaller

Members shall pay an equal full share of the adopted Annual Operating Costs (Full Share”) the Smaller Members shall pay 60% of a Full Share. The total of all shares shall be 100% of the Membership Share. A Full Share shall be calculated according to the formula implementing the above principle contained in the funding policy adopted by the Board at its initial meeting, as may be amended.

- 7.9. Annual Systems Maintenance Costs. Each year, the Working Committee shall propose projected Annual Systems Maintenance Costs, which projected costs shall be approved by the Board prior to or during approval of the budget.
 - 7.9.1. Each Member shall pay a share of the adopted Annual Systems Maintenance Costs based on the principle that Members shall share systems maintenance costs based on system and service usage and that until sufficient data is available regarding Member usage, Member population data is an acceptable proxy for usage.
 - 7.9.2. Each Member’s share of the adopted Annual Systems Maintenance Costs shall be calculated according to the formula implementing the principles in Section 7.9.1 contained in the funding policy adopted by the Board at its initial meeting, as may be amended.
- 7.10. Other Projects, Programs and Services. In the event that a project, program, service, or reserve fund is approved which has costs that are not Annual Operating Costs or the Annual Systems Maintenance Costs, the Working Committee shall either (a) develop a proposed cost allocation formula for the non-overhead costs based on the principle that costs shall be assessed to Members based on usage but, if usage data or projected usage data is not available, until sufficient data is available, Member population and entity type data are acceptable proxies for usage or (b) conduct or obtain a cost allocation study which considers usage, overhead, and other reasonable cost factors. The Board shall approve any such proposed cost allocation.
- 7.11. Limited Scope Agreements. Where a project or program is intentionally designed to be limited in scope such that it only provides benefits to particular Members, the Authority may enter into specific project or program agreements that provide for cost sharing by the particular affected Members; provided however, both the Board and Working Committee must approve such agreements.
- 7.12. Contributions on Behalf of Members. Special Districts or other parties may tender to the Authority those contributions due from a Member on that Member’s behalf.

ARTICLE 8 –GENERAL PROVISIONS

8. The following general provisions apply to this Agreement.

8.1. Term and Termination. This Agreement shall be effective as of the Effective Date. It shall remain in effect until the purposes of the Authority are fully accomplished, or until terminated by the vote of a majority of the governing bodies of the Members; provided, however, that this Agreement may not be terminated, until (a) all bonds or other instruments of indebtedness issued by the Authority and the interest thereon, if any, have been paid in full or provision has been made for payment in full and (b) all outstanding obligations and liabilities of the Authority have been paid in full or provision has been made for payment in full, except as set forth in Section 8.2.

8.2. Disposition of Property upon Termination. In the event of termination of the Authority pursuant to Section 8.1 herein and where there will be a successor public entity which will carry on the functions of the Authority and assume its assets and liabilities, the assets of the Authority shall be transferred to the successor public entity. If upon termination pursuant to Section 8.1, there is no successor public entity which will carry on the functions of the Authority and assume its assets, the assets shall be returned to the Members as follows: (a) all real property and any improvements thereon shall be conveyed to the Member which owned the property prior to the formation of the Authority, and (b) all other assets shall be divided among the Members in proportion to their respective contributions during the term of this Agreement. If upon termination pursuant to Section 8.1, there is a successor public entity which will carry on some of the functions of the Authority and assume some of the assets, the Authority's Board shall allocate the assets between the successor public entity and the Members.

8.3. Indemnification. To the fullest extent allowed by law, the Authority shall defend, indemnify, and save harmless the Members and their governing bodies, officers, agents, and employees from all claims, losses, damages, costs, injury, and liability of every kind, nature, and description directly or indirectly arising from the performance of any of the activities of the Authority or the activities undertaken pursuant to this Agreement.

8.4. Liability of Board, Officers and Employees. The Directors, Working Committee Members, officers, and employees of the Authority shall use ordinary care and reasonable diligence in the exercise of their powers, and in the performance of their duties pursuant to this Agreement. They shall not be liable to the Members for any mistake of judgment or other action made, taken, or omitted by them in good faith, nor for any action made, taken, or omitted by any agent, employee, or independent contractor selected with reasonable care, nor for loss incurred through the investment of the Authority's funds, or failure to invest the same.

8.5. To the extent authorized by California law, no Director, Working Committee Member, officer, or employee of the Authority shall be responsible for any action made, taken, or omitted, by any other Director, Working Committee Member, officer, or employee. No Director, Working Committee Member, officer, or employee of the Authority shall be required to give a bond or other security to

guarantee the faithful performance of his or her duties pursuant to this Agreement, except as required herein pursuant to Government Code Section 6505.1. The funds of the Authority shall be used to defend, indemnify, and hold harmless the Authority and each Director, Working Committee Member, officer, or employee of the Authority for actions taken in good faith and within the scope of his or her authority. Nothing herein shall limit the right of the Authority to purchase insurance to provide coverage for the foregoing indemnity.

8.6. Successors: Assignment. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Members. No Member may assign any rights or obligations hereunder without the unanimous consent of the governing bodies of the other Members; provided, further, that no such assignment may be made if it would materially and adversely affect (a) the rating of bonds issued by the Authority, or (b) bondholders holding such bonds.

8.7. Amendments. This Agreement may be amended only upon approval of all the governing bodies of the Members. So long as any bonds of the Authority are outstanding and unpaid, or funds are not otherwise set aside for the payment or redemption thereof in accordance with the terms of such bonds and the documentation relating thereto, this Agreement shall not be amended, modified or otherwise revised, changed or rescinded, if, in the judgment of the Board, such action would (a) materially and adversely affect (1) the rating of bonds issued by the Authority, or (2) bondholders holding such bonds, or (b) limit or reduce the obligations of the Members to make, in the aggregate, the payments which are for the benefit of the owners of such bonds.

8.8. No Third Party Beneficiaries. This Agreement is intended solely for the benefit of the Authority and its Members. No third party shall be deemed a beneficiary of this Agreement or have any rights hereunder against the Authority or its Members.

8.9. Dispute Resolution. In the event that any party to this Agreement should at any time claim that another party (or parties) has breached or is breaching this Agreement, the complaining party shall file with the governing body of claimed breaching party, and with the Authority, a written claim of said breach, describing the alleged breach and otherwise giving full information respecting the same. The Board shall thereupon, at a reasonable time and place, specified by it, give each of these parties to the dispute an opportunity to be heard on the matter, and shall, upon conclusion of said hearing, give the Members a full report of its findings and recommendations. Said report, findings and recommendations shall be deemed advisory only, shall not in any way bind any of the parties to the dispute, and shall not be deemed to establish any facts, either presumptively or finally. Upon receipt of said report and recommendations, if any party to the dispute should be dissatisfied with or disagree with the same, that party shall provide written notice to the other parties within ten (10) business days, and the parties to the dispute or their representatives shall meet at a reasonable time and place to be determined by them, for the purpose of resolving their differences. No action for breach of this

Agreement, and no action for any legal relief because of any such breach or alleged breach of this Agreement shall be filed or commenced by any party unless and until such party has first given to the other parties a reasonable time, after the parties to the dispute have met to resolve their differences, within which to cure any breach or alleged breach.

8.10. Notices. Any notices to Members required by this Agreement shall be delivered or mailed, U.S. first class, postage prepaid, addressed to the principal office of the respective Members. Notices under this Agreement shall be deemed given and received at the earlier of actual receipt, or the second business day following deposit in the United States mail, as required above. Any Member may amend its address for notice by notifying the other Members pursuant to this Section.

8.11. Severability. Should any part, term, or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

8.12. Liberal Construction. The provisions of this Agreement shall be liberally construed as necessary or reasonably convenient to achieve the purposes of the Authority.

8.13. Headings. The headings used in this Agreement are for convenience only and have no effect on the content, construction, or interpretation of the Agreement.

8.14. Counterparts. This Agreement may be executed in any number of counterparts, and by different parties in separate counterparts, each of which, when executed and delivered, shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument.

8.15. Non-Waiver. No waiver of the breach or default of any of the covenants, agreements, restrictions, or conditions of this Agreement by any Member shall be construed to be a waiver of any succeeding breach of the same or other covenants, agreements, restrictions, or conditions of this Agreement. No delay or omission of exercising any right, power or remedy in the event of breach or default shall be construed as a waiver thereof, or acquiescence therein, or be construed as a waiver of a variation of any of the terms of this Agreement or any applicable agreement.

8.16. Agreement Complete. The foregoing constitutes the full and complete Agreement of the parties. There are no oral understandings or agreements not set forth in writing above. Any such agreements merge into this Agreement.

This document continues on the following page.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives.

City of Campbell

Approved as to form:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

City of Cupertino

Approved as to form:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

City of Gilroy

Approved as to form:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

City of Los Altos

Approved as to form:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Town of Los Altos Hills

Approved as to form:

By: _____

By: _____

Name: _____

Name: _____

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Title: _____

Town of Los Gatos

By: _____

Name: _____

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Approved as to form:

By: _____

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City of Milpitas

By: _____

Name: _____

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Approved as to form:

By: _____

Name: _____

Title: _____

City of Monte Sereno

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Name: _____

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By: _____

Name: _____

Title: _____

City of Morgan Hill

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Mountain View

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

RD:SSG

City of Palo Alto

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

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City of San Jose

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Approved as to form:

By: _____

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City of Santa Clara

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County of Santa Clara

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Approved as to form:

By: _____

Name: _____

Title: _____

City of Saratoga

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

RD:SSG

City of Sunnyvale

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

RD:SSG

County of Santa Clara

Recycling and Waste Reduction Commission of Santa Clara County
Recycling and Waste Reduction Division

1555 Berger Drive, Building 2, Suite 300
San Jose, CA 95112-2716
(408) 282-3180 FAX (408) 280-6479
www.ReduceWaste.org



Recycling and Waste Reduction Commission of Santa Clara County JOB DESCRIPTION

- Authority:** The Recycling and Waste Reduction Commission is the principal advisory body to city councils and the Board of Supervisors on countywide solid waste planning issues and the Countywide Integrated Waste Management Plan.
- Meetings:** Last Monday of even numbered months at 5:30 p.m. (February, April, June, August, October and December)
- Term of Appointment:** The term of office of each commission member shall be six years and the number of terms shall be limited to two terms.
North County Cities representative: One city council member from Cupertino, Los Altos or Los Altos Hills
West Valley Cities representative: One city council member from Campbell, Los Gatos, Monte Sereno or Saratoga
Central County Cities representative: One city council member from Milpitas or Santa Clara
SMaRT Station Cities representative: One city council member from Mountain View, Palo Alto or Sunnyvale
South County Cities representative: One city council member from Gilroy or Morgan Hill
Member-at-large: Two city council members to serve as members-at-large. Members-at-large shall be drawn from any city that does not already have a representative on the commission.
- Attendance:** Three consecutive absences are sufficient grounds to warrant the Chairperson to request a replacement.
- Reporting Requirements:** City Selection appointees present quarterly written reports to the Board of Directors of the Cities Association regarding relevant activities. One appointee of the Committee is also required to report to the Board of Directors of the Cities Association at least one a regularly scheduled meeting during the course of each year. Committee members will also be expected to report to the specific cities they represent.
- For More Information:** William "Bill" Grimes, Program Manager (408) 918-1967
Lisa Rose, Staff to RWR Commission (408) 282-3166

Commissioners: James R. Griffith – Chair, Linda J. LeZotte – Vice-Chair, Mary-Lynne Bernald, Lan Diep, Susan M. Landry, Teresa O'Neill, Pat Showalter, Rod Sinks, Cat Tucker, Mike Wasserman

Subject: Recycling and Waste Reduction Commission

Date: Thursday, November 1, 2018 at 2:12:24 PM Pacific Daylight Time

From: Russ Melton

To: Andi Jordan

CC: Larry Klein

Dear Andi, please accept this as my expression of interest to serve on the Recycling and Waste Reduction Commission representing Sunnyvale, Mountain View and Palo Alto.

First and foremost, I would like to express my gratitude to the Selection Committee for previously appointing me to serve on the LAFCO of Santa Clara County (alternate) and the Santa Clara County Emergency Area Operations Council (alternate).

I support efforts in Sunnyvale and throughout the County in efforts to reduce, reuse and recycle materials that would otherwise be disposed of in landfills. Sunnyvale's food scrap recycle program has been tremendously successful in diverting food waste from the landfill (although not without controversy). I support the RWRC's mission to conserve, protect and preserve the community's environmental resources, to intelligently dispose of waste materials, and to promote sustainable living practices throughout the County.

As I have with my appointments to LAFCO and the EAOC, I commit to the Cities Association to prioritize attending RWRC meetings and representing the Cities Association to the best of my abilities. I humbly ask the Selection Committee for its support.

Best Regards,

Russ Melton
Sunnyvale City Councilmember, Seat #5

City Email: MeltonCouncil@sunnyvale.ca.gov

Personal Email: russell.w.melton@gmail.com

Cellphone: (650) 455-1163

Facebook: [@RussMeltonSunnyvale](https://www.facebook.com/RussMeltonSunnyvale)

Subject: Seat for Cities Association FW: Women's Equality Leadership Council Next Steps & Meeting Date
Date: Friday, September 21, 2018 at 4:47:47 PM Pacific Daylight Time
From: Collins, Carla
To: Andi Jordan
Priority: High
Attachments: image001.png, image002.png, image003.png, image004.png, image006.jpg

Hi –

We are excited that the Cities Association has a reserved seat as an ex-officio member of the Santa Clara County Women’s Equality 2020 Leadership Council. We’d like to designate the person you’d like to represent the association at meetings (the first is Nov 14; there are about 10 meetings between now and the completion of the council in 2020). I’ve been out for a bit and am back and not sure if you were contacted by other staff but would like to confirm your participation as soon as possible.

Please let me know if there is a good time to talk – or if you already have your rep identified, please send me the best contact info. Thanks so much, Carla

Carla D. Collins | Deputy Director, Office of Women's Policy

Pronouns: she, her, hers

408.299.5152 | Carla.Collins@ceo.sccgov.org

Do not despair. Do not be overwhelmed. Do not throw up our hands when it is time to roll up our sleeves and fight for who we are. –Kamala Harris, 11/09/16

From: Collins, Carla
Sent: Friday, September 21, 2018 9:52 AM
To: SCC Office of Women's Policy <OWP@ceo.sccgov.org>
Cc: Willon, Beth <beth.willon@BOS.SCCGOV.ORG>

WEDNESDAY, NOVEMBER 14, 2018 * 5:30PM
COUNTY GOVERNMENT CENTER
70 W. HEDDING, EAST WING, CAFETERIA
SAN JOSE, CA 95110

Subsequent meetings will take place in different locations around the County, always on a 2nd Wednesday of a month, always at 5:30pm.

To find out more about the Leadership Council, work groups, and other ways you might lend your support to our efforts, please continue to check online at www.sccgov.org/WomensEquality2020, email us at owp@ceo.sccgov.org, or call us at 408-299-5152!

Please mark your calendar today for November 14, 5:30pm
and remember, especially with you at the table, *Failure is Impossible!* (Susan B. Anthony)



County of Santa Clara
Office of Women's Policy

Carla Collins | Deputy Director, Office of Women's Policy

Pronouns: she, her, hers

408.299.5152 | Carla.Collins@ceo.sccgov.org

Office of the County Executive | Eleventh Floor – East Wing

70 West Hedding Street | San Jose, California 95110

Mark your calendars:

October 5, 2018- [Register](#) for the 25th Annual Domestic Violence Conference

Connect with us:



Subject: Dates for Women's Equality 2020 Leadership Council
Date: Monday, September 24, 2018 at 5:11:20 PM Pacific Daylight Time
From: Collins, Carla
To: Andi Jordan
Attachments: image001.png, image002.png, image003.png, image004.png, image005.jpg

Hi Andi –

Nice connecting with you! I'll hope you'll have a name after your executive meeting on the 4th or the general meeting on the 11th. If not, we can talk next steps.

Here are the proposed dates for the Leadership Council...at the first meeting on Nov 14 the council will approve the calendar. Thanks so much, Carla

<https://www.sccgov.org/sites/owp/board/womensequality2020/pages/home.aspx>

Meetings are 2nd Wednesday of the Month, 5:30pm, at various locations around the County.

Tentative Meeting Schedule for the Women's 2020 Leadership Council

November 14, 2018- County Government Center Cafeteria, 70 W. Hedding, San Jose

January 9, 2019

March 13, 2019

May 8, 2019

September 11, 2019

November 13, 2019

January 8, 2020

May 13, 2020

August 12, 2020

December 9, 2020



County of Santa Clara
Office of Women's Policy

Carla Collins | Deputy Director, Office of Women's Policy

Pronouns: she, her, hers

408.299.5152 | Carla.Collins@ceo.sccgov.org

Office of the County Executive | Eleventh Floor – East Wing

70 West Hedding Street | San Jose, California 95110

Mark your calendars:

October 5, 2018- [Register](#) for the 25th Annual Domestic Violence Conference

Connect with us:    

Subject: Re: Appointment of Seat 6 ALUC

Date: Wednesday, November 7, 2018 at 4:43:18 PM Pacific Standard Time

From: will willoughby

To: Andi Jordan

CC: Anton, Jean

Hi Andi,

My name is Will Willoughby and I have served as a ALUC proxy commissioner for the mayors of Morgan Hill and Palo Alto since early 2015. I represented them at nearly all of the ALUC meeting because of conflict in their duties serving as mayor.

I have over 50 year of aviation experience in Military and Commercial Aviation maintenance. My management positions include; Director of Maintenance, Aircraft Maintenance Manager, Station Manager, Engineering Senior Supervisor Operations, Team leader, Instructor, and Operations Coordinator.

I would feel comfortable serving as primary commissioner or the proxy.

Thank you for the opportunity.

Sincerely

Will Willoughby

408-910-6313

willwilloughby@yahoo.com

On Wednesday, November 7, 2018 08:17:50 AM PST, Andi Jordan <andi@citiesassociation.org> wrote:

Good Morning Will –

If you are interested, is it possible to send me a letter of interest and detail your qualifications?

It just needs to be a email/letter.

There is also an elected official from Mountain View who has expressed interest in being appointed.

Thank you,

~Andi

408.766.9534

From: "(null) (null)" <willwilloughby@yahoo.com>

Date: Wednesday, November 7, 2018 at 8:09 AM

To: "Anton, Jean" <jean.anton@cob.sccgov.org>
Subject: Re: Appointment of Seat 6 ALUC

Good morning, Jean

I would consider it a privilege to serve as commissioner.

Thank you

Will

Sent from my iPhone

On Nov 6, 2018, at 9:02 AM, Anton, Jean <jean.anton@cob.sccgov.org> wrote:

Good morning Commissioner Willoughby,

The Cities Association of Santa Clara County will meet on Thursday 11/8. Their agenda includes appointment of ALUC Seat 6. The Cities Association would like to know if you are interested in being appointed as the primary Commissioner.

Please advise. I will forward as appropriate.

This is copied from Andi Jordan of the Cities Association:

I've attached the draft agenda if you would like to pass it along.

The Job Descriptions are found here:

<https://bit.ly/2Ql3Cf2>

Sincerely,

Jean Anton, *Board Clerk I, Lead*

Office of the Clerk of the Board

(408) 299-5066

<CSC Agenda November 2018.docx>

November 6, 2018

Dear Members of the City Selection Committee,

I am interested in serving on the Santa Clara County Emergency Operational Area Council. I believe that public safety is one of the most fundamental services a city provides. And while each city does its best, preparing for a large-scale regional emergency requires a great deal of coordination and cooperation throughout the County and beyond.

I have a strong interest in public safety. Of all the departments within the City of Mountain View, I've probably spent the most time with the Police and Fire departments since being elected to the City Council. I've done numerous ride-alongs with member of the Police department to learn more about the various roles, including patrol, traffic, school resource, and neighborhood and event services. And I've done ride-alongs with the Fire department and have been through Community Emergency Response Team training. I feel very prepared to actively contribute to this Council.

I would be honored to be appointed to this Council.

A handwritten signature in cursive script, appearing to read "Lisa".

Lisa Matichak

Vice Mayor, City of Mountain View

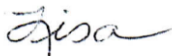
November 6, 2018

Dear Members of the City Selection Committee,

I am interested in serving on the Silicon Valley Regional Interoperability Authority. I believe that public safety is one of the most fundamental services a city provides. And while each city does its best, regional systems, procedures, and coordination contribute even more when it comes to public safety.

I work in the technology field and so am very familiar with IT processes and systems. And I have a strong interest in public safety. Of all the departments within the City of Mountain View, I've probably spent the most time with the Police and Fire departments since being elected to the City Council. I've done numerous ride-alongs with member of the Police department to learn more about the various roles, including patrol, traffic, school resource, and neighborhood and event services. And I've done ride-alongs with the Fire department and have been through Community Emergency Response Team training.

I would be honored to be appointed to this organization.

A handwritten signature in cursive script that reads "Lisa".

Lisa Matichak

Vice Mayor, City of Mountain View