



**NOTICE and AGENDA**  
**CITY SELECTION COMMITTEE**  
**6:00 P.M. Thursday, January 12, 2017**  
 Sunnyvale City Hall, West Conference Room  
 456 West Olive Avenue, Sunnyvale, CA

**NOTICE OF MEETING**

NOTICE IS HEREBY GIVEN, pursuant to the requirement of law, that the City Selection Committee for Santa Clara County will meet Thursday, January 12, 2017 at 6:00 p.m. at Sunnyvale City Hall, Sunnyvale, CA, in accordance with the following agenda items.

**AGENDA**

- 1. Call to Order/Roll Call**
- 2. Consent Calendar**
  - A. Draft Minutes of the meeting of June 9, 2016.
- 3. Communication Received from:**
  - A. Silicon Valley Regional Interoperability Authority (SVRIA) Alternate – One Alternate Director** - one elected official (from the city/town of Campbell, Cupertino, Los Gatos, Milpitas, Morgan Hill, Palo Alto, or Saratoga) to fulfill an ongoing term expiring October 2018.
    1. JPA Agreement
    2. Schedule of Meetings 2017
  - B. Recycling Waste & Reduction Commission (RWRC)**
    1. Job Description
    2. Draft 2017 Meeting Schedule
      - a. **West Valley Cities Seat:** one elected official from Campbell, Los Gatos, Monte Sereno or Saratoga to fill a new term expiring September 2022.
      - b. **Member-at-Large Seat:** one elected official from a city not currently represented on the Commission (Campbell, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, or Saratoga) to fulfill a new term expiring January 2023. Eligibility dependent on appointment to West Valley Cities Seat.
      - c. **Member-at-Large Seat:** one elected official from a city not currently represented on the Commission (Campbell,

Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, (Morgan Hill, Mountain View, Palo Alto, or Saratoga) to fulfill an ongoing expiring January 2021. Eligibility dependent on appointments of West Valley Cities and other Member-at-Large Seats.

**C. Emergency Operation Area Council (OAC) –**

1. Bylaws & Membership
2. 2017 Schedule of Meetings
  - a. South County & West Valley Cities Seat: one elected official from the city of Gilroy, Morgan Hill, Campbell, Los Gatos, Saratoga, or Monte Sereno to fulfill an ongoing term expiring September 2017.
  - b. Central County Cities Seat: one elected official from the city of Sunnyvale, Santa Clara, or Milpitas to fulfill ongoing term expiring September 2017.
  - c. Central County Cities Alternate: one elected official from the city of Sunnyvale, Santa Clara, or Milpitas to fulfill ongoing term expiring September 2017.
  - d. North County Cities Seat: one elected official from Los Altos, Los Altos Hills, Mountain View, or Palo Alto to fulfill a new term expiring December 2018.
  - e. North County Cities Seat Alternate: one elected official from Los Altos, Los Altos Hills, Mountain View, or Palo Alto to fulfill a new term expiring December 2018.

**D. Metropolitan Transportation Commission (MTC) –** one city elected official from a jurisdiction other than San Jose to fulfill an ongoing term expiring February 2019.

1. Bylaws & Overview

**E. Local Agency Formation Commission (LAFCO) –** one city elected official to fulfill ongoing term expiring May 2020.

1. LAFCO Overview and Membership

**F. Bay Area Air Quality Management District (BAAQMD) –** one appointment to a new term expiring November 2018.

1. Letter received from BAAQMD
2. Bylaws
3. Job Description

**G. Association of Bay Area Government (ABAG) Executive Board –** one city elected official to fill ongoing term expiring June 2018.

1. Bylaws/Membership

**4. Appointments -** Motions will be accepted from the floor in addition to consideration of submitted expressions of interest.

**A. SVRIA –** one appointment

1. Alternate Director

- B. RWRC – three appointments**
  - 1. Member-at-Large Seat
    - a. Expression of interest in appointment received from Pat Showalter of Mountain View.
  - 2. Member-at-Large Seat
  - 3. West Valley Cities Seat
- C. OAC – five appointments**
  - 1. North County Cities Seat
  - 2. North County Cities Alternate
  - 3. Central County Cities Seat
  - 4. Central County Cities Alternate
  - 5. South County & West Valley Cities Seat
    - a. Expression of interest in appointment received from Rob Rennie of Los Gatos.
- D. MTC – One appointment**
  - 1. Expression of interest in appointment received from Greg Scharff of Palo Alto.
  - 2. Expression of interest in appointment received from Margaret Abe-Koga of Mountain View.
  - 3. Expression of interest in appointment received from Rod Sinks of Cupertino.
- E. LAFCO – One appointment**
  - 1. Expression of interest in appointment received from Rob Rennie of Los Gatos.
  - 2. Expression of interest in appointment received from Margaret Abe-Koga of Mountain View.
  - 3. Expression of interest in appointment received from Cat Tucker of Gilroy.
- F. BAAQMD – One appointment**
  - 1. Expression of interest in reappointment received from Rod Sinks of Cupertino.
  - 2. Expression of interest in appointment received from Marico Sayoc of Los Gatos.
  - 3. Letter of support for Rod Sink’s appointment to BAAQMD received from Jan Pepper of Los Altos.
- G. ABAG – One appointment**
  - 1. Expression of interest in appointment received from Chris Clark of Mountain View.
  - 2. Expression of interest in appointment received from Mary-Lynne Bernald of Saratoga.

## 5. Adjournment

**Note:** City Selection Committee rules specify that each city’s representative to the Committee is the city’s Mayor or his/her designee from the city’s council.



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  5. South County & West Valley Cities Seat
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**Draft Minutes**  
**SANTA CLARA COUNTY CITY SELECTION COMMITTEE**  
**Sunnyvale City Hall**  
**June 9, 2016**

The meeting of the Santa Clara County City Selection Committee was called to order at 7:05 p.m. with City Selection Committee Chair Jim Griffith presiding.

**1. Call to Order/Roll Call**

**Present:**

Liz Gibbons, Campbell  
Rod Sinks, Cupertino  
Peter Leroe-Muñoz, Gilroy  
Jeannie Bruins, Los Altos  
Gary Waldeck, Los Altos Hills  
Rob Rennie, Los Gatos  
Jose Esteves, Milpitas  
Burton Craig, Monte Sereno  
Steve Tate, Morgan Hill  
Pat Showalter, Mountain View  
Greg Scharff, Palo Alto  
Chappie Jones, San Jose  
Pat Kolstad, Santa Clara  
Mary-Lynne Bernald, Saratoga  
Jim Griffith, Sunnyvale

**Also Present:**

Jim Davis, Sunnyvale  
Marsha Grilli, Milpitas  
Kent Steffens, Sunnyvale  
Steve Preminger, SCC  
Betsy Shotwell, San Jose  
Seth Williams, LCC Peninsula Div.  
Leslye Corsigila, Silicon Valley at Home  
Raania Mohsen, Cites Association

- 2. Consent Calendar:** Minutes of the meeting of June 9, 2016 was approved. Motion (Bernald) Second (Leroe-Muñoz)/ to accept the minutes. Motion Carried Unanimously 15:0.

**Ayes:** Baker, Bernald, Bruins, Craig, Esteves, Griffith, Jones, Kolstad, Leroe-Muñoz, Rennie, Scharff, Sinks, Showalter, Tate, Waldeck

**No:**

**Abstention:**

**Absent:**

**3. Communications & Appointments:**

- A. Association of Bay Area Government (ABAG) Executive Board** – four appointments to fill terms expiring June 2018: two Executive Board Members and two Alternate Executive Board Members.

1. Expressions of interest in reappointment as Executive Board Member received from Jim Davis of Sunnyvale.
2. Expression of interest in reappointment as Executive Board Member received from Greg Scharff of Palo Alto.
3. Expression of interest in Alternate Executive Board Member received from Chris Clark of Mountain View.
4. Mary-Lynne Bernald expressed interest in appointment as Alternate Executive Board Member.

Motion to make four appointments. Motion (Tate)/ Second (Jones). Motion carried unanimously (15:0)

**Ayes:** Baker, Bernald, Bruins, Craig, Esteves, Griffith, Jones, Kolstad, Leroe-Muñoz, Rennie, Scharff, Sinks, Showalter, Tate, Waldeck

**No:**

**Abstention:**

**Absent:**

**B. Airport Land Use Commission (ALUC) - Two appointments to fill terms expiring May 4, 2020:**

1. Seat to be filled by representative from a city that is adjacent to an airport (San Jose, Santa Clara, Mountain View, Sunnyvale, or Palo Alto) – Glen Hendricks of Sunnyvale expressed interest in reappointment.
2. At-large seat to be filled by representative from any city – Greg Scharff expressed interest in appointment from the floor.

Motion to appoint Glenn Hendricks and Greg Scharff to ALUC. Motion (Sinks)/ Second (Jones). Motion carried unanimously (15:0.)

**Ayes:** Baker, Bernald, Bruins, Craig, Esteves, Griffith, Jones, Kolstad, Leroe-Muñoz, Rennie, Scharff, Sinks, Showalter, Tate, Waldeck

**No:**

**Abstention:**

**Absent:**

**C. Silicon Valley Regional Operability Authority (SVRIA) – one elected official from the city/town of Campbell, Cupertino, Los Gatos, Milpitas, Morgan Hill, Palo Alto, or Saratoga is eligible to fulfill an ongoing term expiring October 2018.**

1. Nomination from the floor to appoint Marsha Grilli of Milpitas.

Motion (Jones)/ Second (Esteves). Motion carried unanimously (15:0).



**Ayes:** Baker, Bernald, Bruins, Craig, Esteves, Griffith, Jones, Kolstad, Leroe-Muñoz, Rennie, Scharff, Sinks, Showalter, Tate, Waldeck

**No:**

**Abstention:**

**Absent:**

#### **4. Adjournment.**

The meeting was adjourned at 7:10 pm.

Respectfully submitted:

Raania Mohsen, Executive Director

RD:SSG

**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

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

City of Cupertino

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

City of Gilroy

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

City of Los Altos

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Town of Los Altos Hills

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

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Title: \_\_\_\_\_

Town of Los Gatos

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

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Title: \_\_\_\_\_

City of Milpitas

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

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City of Monte Sereno

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

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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: \_\_\_\_\_

Title: \_\_\_\_\_

City of San Jose

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

City of Santa Clara

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

County of Santa Clara

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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: \_\_\_\_\_



## **2017 Meeting Schedule**

### **Board of Directors**

Thursday, January 26, 2017; 5:00pm; Santa Clara Police Department

Thursday, March 23, 2017; 5:00pm; Santa Clara Police Department

Thursday, May 25, 2017; 5:00pm; Santa Clara Police Department

Thursday, July 27, 2017; 5:00pm; Santa Clara Police Department

Thursday, September 28, 2017; 5:00pm; Santa Clara Police Department

Thursday, November 30, 2017; 5:00pm; Santa Clara Police Department

### **Working Committee**

Monday, January 9, 2017; 2:30pm; Santa Clara Police Department

Monday, March 13, 2017; 2:30pm; Santa Clara Police Department

Monday, May 8, 2017; 2:30pm; Santa Clara Police Department

Monday, July 10, 2017; 2:30pm; Santa Clara Police Department

Monday, September 11, 2017; 2:30pm; Santa Clara Police Department

Monday, November 13, 2017; 2:30pm; Santa Clara Police Department



# 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:** Fourth Wednesday of even numbered months at 5:30 p.m. (February, April, June, August, October and December) at Santa Clara County Board Chambers, 70 W. Hedding Street, San Jose

### 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 once 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, Michael F. Kotowski, Manh Nguyen, Teresa O'Neill, Jan Pepper, Greg Scharff, Rod Sinks, Cat Tucker, Mike Wasserman

# County of Santa Clara

Recycling and Waste Reduction Commission  
Recycling and Waste Reduction Division

1555 Berger Drive, Building 2, Suite 300  
San Jose, California 95112  
(408) 282-3180 FAX (408) 280-6479  
[www.ReduceWaste.org](http://www.ReduceWaste.org)



## RECYCLING AND WASTE REDUCTION COMMISSION OF SANTA CLARA COUNTY

### *2017 MEETING SCHEDULE*

Unless otherwise noted on the meeting agenda, the Recycling and Waste Reduction Commission of Santa Clara County will meet on the **4<sup>th</sup> WEDNESDAY** of every even numbered month at 5:30 p.m. except the December meeting (due to holidays). Meetings will be held in the **BOARD OF SUPERVISORS' CHAMBERS, County Government Center, 70 West Hedding Street, 1<sup>st</sup> Floor, San Jose, CA 95112** unless otherwise noted on the agenda. The Commission meeting dates for 2017 are as follows:

Wednesday, February 22, 2017 – Review/Approve FY 17-18 Countywide Programs Budget

Wednesday, April 26, 2017

Wednesday, June 28, 2017 – Updates on Countywide Programs

Wednesday, August 23, 2017 – Election of Officers

Wednesday, October 25, 2017 – Review 2018 Legislative Priorities

December 20, 2017 (off schedule due to holidays)

**COMMUTE ALTERNATIVES:** The Board of Supervisors encourages the use of commute alternatives including bicycles, carpooling, and hybrid vehicles. Public transit access is available to and from the County Government Center, 70 West Hedding Street, San Jose, California 95112 by VTA bus line 66. For trip planning information, contact the VTA Customer Service Department at 408-321-2300 Monday through Friday between the hours of 6:00 a.m. to 7:00 p.m., and on Saturday from 7:30 a.m. to 4:00 p.m. Schedule information is also available on the web at [www.vta.org](http://www.vta.org).

Bicycle racks are available in front of County Government Center.

**Commissioners:** James R. Griffith – Chair, Linda J. LeZotte – Vice-Chair, Teresa O'Neill, Jan Pepper, Greg Scharff, Rod Sinks, Cat Tucker, Mike Wasserman

# **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.

818613

Santa Clara County Emergency Operational Area Council  
2017 Meeting Location & Schedule

Where: Sheriff's Auditorium, Office of the Sheriff, 55 West  
Younger Avenue, San Jose

When: Quarterly, 4th Thursday of the month, 1:30pm

Dates: Thursday, February 23, 1:30 pm

Thursday, May 25, 1:30 pm

Thursday, August 24, 1:30 pm

Thursday, November 9, 1:30 pm

\*Moved to the 2<sup>nd</sup> Thursday due to Thanksgiving Holiday



## About the Metropolitan Transportation Commission

Created by the state Legislature in 1970 (California Government Code § 66500 et seq.), the Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating and financing agency for the nine-county San Francisco Bay Area. Over the years, the agency's scope has grown, and it is now three agencies in one, functioning as MTC as well as the Bay Area Toll Authority (BATA) and the Service Authority for Freeways and Expressways (SAFE).

The Commission's work is guided by a policy board whose membership has risen from 19 to 21 as a result of state legislation passed in 2012 (taking effect in January 2013), with 18 of the commissioners designated as voting members. Sixteen of the voting commissioners are appointed by local elected officials in each county. The two most populous counties, Alameda and Santa Clara, each have three representatives on the Commission: the county board of supervisors selects one member; the mayors of the cities within the county collectively appoint another; and the mayors of the biggest cities in these two counties — Oakland in Alameda County and San Jose in Santa Clara County — each appoint a representative.

The City and County of San Francisco is represented by two members, one appointed by the board of supervisors and the other by the mayor. In addition, two voting members represent regional agencies — the Association of Bay Area Governments (ABAG) and the Bay Conservation and Development Commission (BCDC). The new legislation specifies that the BCDC representative must be a resident of San Francisco, effectively giving San Francisco a third voice on the Commission. San Mateo County and Contra Costa County each have two representatives on the Commission, with the county's board of supervisors selecting one representative, and the mayors of the cities within that county appointing another. The four less populous northern counties of Marin, Napa, Solano and Sonoma each appoint one commissioner to represent both their board of supervisors and cities within their respective counties.

Finally, three nonvoting members represent federal and state transportation agencies and the federal housing department. Commissioners generally serve concurrent four-year terms, with a new chair elected every two years. The current term expires in February 2015.

Carrying out the Commission's directives is a staff of some 200 persons headquartered at the Joseph P. Bort MetroCenter in Oakland, Calif. (located at the [Lake Merritt BART Station](#)). Plans are in the works for MTC to move into a new [Regional Agency Headquarters facility](#) in San Francisco that will foster collaboration among MTC and partner regional agencies, including ABAG and the Bay Area Air Quality Management District.

### Planning for the Next Generation

MTC functions as both the regional transportation planning agency — a state designation — and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, freight, bicycle and pedestrian facilities. The Commission also screens requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan, the most recent version of which — known as [Plan Bay Area](#) — was jointly adopted in July 2013 by MTC and ABAG.

Plan Bay Area is an integrated transportation and land-use strategy through 2040 that marks the nine-county region's first long-range plan to meet the requirements of landmark 2008 California legislation (Senate Bill 375), which calls on California's 18 metropolitan areas to develop a Sustainable Communities Strategy to accommodate future population growth and reduce greenhouse gas emissions from cars and light trucks. Working in collaboration with cities and counties, the plan advances initiatives to expand housing and transportation choices, create healthier communities and build a stronger regional economy. Plan Bay Area includes funding from a pioneering [One Bay Area Grant Program](#), an incentives-based program designed to stimulate the production of housing in areas well-served by transportation, particularly public transit.

MTC also has played a major role in building regional consensus on where and when to expand the Bay Area transit network. A historic agreement forged by MTC with local officials as well as state and federal legislators in the late 1980s set forth a \$4.1 billion program to extend a total of six rail lines in the Bay Area, adding 40 miles to the region's rail transit network and linking BART to San Francisco International Airport. In 2001, MTC laid out the next phase of major regional public transit investments in [Resolution 3434](#). This agreement, which was reaffirmed and refined in 2006, features additional rail investments as well as a significant expansion of bus rapid transit and ferry service. Most recently, MTC in the spring of 2012

engineered a [multi-agency agreement](#) for upgrading rail service between San Francisco and San Jose as part of a package to bring high-speed rail to the Bay Area.

### **Financing and Monitoring Roles Expand**

MTC advocates in both Sacramento and Washington, D.C., to ensure an adequate flow of funding for the maintenance and expansion of the Bay Area's transportation network, and over the years, state and federal laws have given MTC an increasingly important role in financing Bay Area transportation improvements. At the federal level, the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) and its successor, the Transportation Equity Act for the 21st Century (TEA-21), empowered MPOs like MTC to determine the mix of transportation projects best suited to meet their region's needs. MPOs' role in transportation financing was reaffirmed by Congress in 2005 with the passage of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA). An update known as [MAP 21](#) (Moving Ahead for Progress in the 21st Century) was enacted in 2012.

Using these federal dollars, MTC has established several innovative grant programs that are changing the Bay Area landscape. Most recently, an ambitious [Innovative Climate Grants Program](#) is funding 13 creative projects totaling \$33 million to reduce greenhouse gas emissions, including several fleet-oriented electric vehicle programs and a bike-sharing program across a number of cities.

MTC also administers state moneys, including those provided by the Transportation Development Act. Legislation passed in 1997 gives MTC and other regional transportation planning agencies increased decision-making authority over the selection of state highway projects and allocation of transit expansion funds for the [State Transportation Improvement Program \(STIP\)](#). Also in 1997, the state Legislature transferred to MTC responsibility for administering the base \$1 toll from the Bay Area's seven state-owned toll bridges. A new entity, the [Bay Area Toll Authority \(BATA\)](#) was created for this purpose, with MTC directing its work and MTC's staff providing support (and with MTC's executive director also serving as BATA's executive director). BATA also oversees the [Regional Measure 2](#) Traffic Relief Plan, which is funded by a voter-approved \$1 toll hike that went into effect on the region's state-owned toll bridges on July 1, 2004. With the passage of Assembly Bill 144 in 2005, BATA assumed responsibility for administering all toll revenue from the region's state-owned toll bridges. AB 144 also established a Toll Bridge Project Oversight Committee — consisting of BATA's executive director, the director of the state Department of Transportation and the executive director of the California Transportation Commission — to manage the state Toll Bridge Seismic Retrofit Program, which includes construction of the iconic [new East Span for the San Francisco-Oakland Bay Bridge](#).

With the authority over the Bay Area's transportation purse strings has come responsibility for overseeing the efficiency and effectiveness of the region's transportation system. MTC monitors transit operators' budgets, conducts performance audits, and ensures that the region's numerous bus, rail and ferry systems are in synch in terms of their routes, fares, transfer policies, schedules, passenger information and facilities. In May of 2012, MTC approved recommendations from a two-year Transit Sustainability Project, including performance measures and targets for the region's public transit operators; the Transit Performance Initiative, an investment and incentive strategy to improve public transit; and additional customer-focused service improvements.

### **Taming Traffic and Smoothing Regional Travel**

Over the years, MTC has added to its work "hands-on" projects to squeeze more efficiency out of the existing regional transportation network. MTC recently launched a [Bay Area Express Lanes](#) initiative to provide a network of efficient and reliable lanes that function as high-occupancy vehicle lanes that offer toll-free travel for carpools, vanpools, motorcycles, buses and eligible clean-air vehicles, while also accommodating solo drivers who want to pay to use the lanes to avoid congestion.

A pioneering, computer-based pavement management system (known as [StreetSaver™](#)) developed by MTC staff is helping Bay Area cities and counties better maintain their local streets and roads. As the [Service Authority for Freeways and Expressways \(SAFE\)](#), MTC — in partnership with the California Highway Patrol and California Department of Transportation, or Caltrans — oversees the maintenance and operation of [call boxes](#) along Bay Area freeways. MTC/SAFE also teams up with these two sister agencies to administer the [Freeway Service Patrol](#), a free roving tow truck service designed to quickly clear incidents from the region's most congested roadways.

An innovator in new transportation technologies (referred to as intelligent transportation systems), MTC sponsors a number of high-tech programs to smooth commutes and take the kinks out of intersystem travel. The 511 Traveler Information System provides real-time traffic conditions via a free phone line and a companion website located at [511.org](#). The system relies on an elaborate data-gathering network that MTC

and Caltrans have been installing along area freeways in recent years. The 511 Traveler Information System also serves transit riders, linking callers with the phone centers at every Bay Area transit agency and offering personalized transit trip planning via the web and a smartphone app. MTC also oversees [Clipper®](#) — a universal or "all-in-one" fare card that can be used on select Bay Area transit systems (including San Francisco Muni, BART, AC Transit, Caltrain, the Dumbarton Express, Golden Gate Transit and Ferry, SamTrans, Valley Transportation Authority or VTA, and San Francisco Bay Ferry) and ultimately will be used by most of the region's roughly two dozen transit operators. Acting in its role as BATA, MTC administers all toll funds generated by the region's seven state-owned toll bridges, and oversees the [FasTrak®](#) electronic toll collection system, which speeds motorists' passage across all eight toll bridges in the region. BATA also operates FasTrak electronic toll collection on the region's growing network of Express Lanes, which whisk drivers willing to pay a fee past traffic bottlenecks.

MTC/BATA has been experimenting with the concept of varying tolls (with tolls dropping during off-peak hours) on the Bay Bridge, the region's busiest bay crossing, as a way of managing congestion. Dynamic pricing is also being applied to the region's budding network of Express Lanes.

### **Serving a Diverse Region**

The region MTC serves is unique in that there are eight primary public transit systems as well as numerous other local transit operators, which together carry nearly 500 million passengers per year. The region's varied geography has given rise to a diverse range of public transit modes: antique cable cars and historic streetcars; high-speed ferries; diesel commuter rail and electric-powered rapid transit rail; diesel and natural gas buses; and electric trolley buses. The combined annual operating budget of the transit agencies is over \$2 billion, placing this region among the top transit centers in the nation. In addition, there are numerous specialized services for elderly and disabled travelers (referred to as paratransit service), nearly 20,000 miles of local streets and roads, 1,400 miles of highway, five public ports and three major commercial airports. The Bay Region embraces the nine counties that touch San Francisco Bay (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma) and includes 101 municipalities. More than 7 million people reside within its 7,000 square miles.

For more information, contact the MTC Public Information Office by telephone: 510/817-5787 (TDD/TTY: 510/817-5769) or by e-mail at [info@mtc.ca.gov](mailto:info@mtc.ca.gov).



**APPOINTMENT TO THE LOCAL AGENCY FORMATION COMMISSION  
(LAFCO) BY THE SANTA CLARA COUNTY CITY SELECTION  
COMMITTEE**

**CITIES MEMBER**

The Santa Clara County City Selection Committee appoints one council member or mayor to serve as a LAFCO Commissioner for a term of four years, or for the remainder of a vacated term.

**ALTERNATE CITIES MEMBER**

The Santa Clara County City Selection Committee appoints one council member or mayor to serve as Alternate LAFCO Commissioner for a term of four years, or for the remainder of a vacated term.

**CITIES MEMBER SELECTION**

Because San Jose has a permanent seat on LAFCO, the cities member may be selected from any of the other 14 cities in the county. However, the cities member must not be from the same city as the public member. Currently, LAFCO public members are from the cities of Morgan Hill and Palo Alto. A cities member may serve on LAFCO only while holding office as a city council member.

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act) that governs LAFCO, encourages the City Selection Committee to select members to fairly represent the diversity of the cities in the county with respect to population and geography.

The City Selection Committee, may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the city which the member or alternate represents.

**ROLE OF LAFCO COMMISSIONERS**

While serving on LAFCO, pursuant to the CKH Act, all commissioners shall exercise their independent judgement on behalf of the interests of the public as a whole in furthering the purposes of the CKH Act, and not solely the interests of the appointing authority.

The alternate cities member may vote / serve in place of the cities member if the cities member is absent or does not qualify to participate in a meeting. If the office of a regular cities member becomes vacant, the alternate cities member may serve and vote in place

of the former regular cities member until the vacancy is filled. Alternate members are expected and encouraged to attend and participate in all LAFCO meetings, even if the regular member is present.

### **LAFCO PURPOSE**

LAFCO is an independent local agency created by the State legislature in 1963 to encourage orderly growth and development of local agencies. LAFCO's mission is to promote sustainable growth and good governance in Santa Clara County by preserving agricultural and open space lands, preventing urban sprawl, and encouraging efficient delivery of services.

### **LAFCO AUTHORITY**

LAFCO regulates annexations and other boundary changes for cities and special districts including detachments, consolidations, formations and dissolutions. The Commission also has authority over amendments to cities' Urban Service Area boundaries; and over service extensions outside jurisdictional boundaries. Once every five years, LAFCO is also required to conduct Service Reviews prior to reviewing and updating as necessary, the Spheres of Influence for cities and special districts.

### **LAFCO COMPOSITION**

Funded jointly by the cities, the independent special districts and the County, Santa Clara LAFCO is made up of seven commissioners including two county supervisors; one council member from the City of San Jose; one council member from any of the other 14 cities; two special district members – including one Santa Clara Valley Water District board member; and one public member selected by the other six members. Five alternate commissioners, one for each category serve in place of the regular members when needed.

LAFCO contracts with the County of Santa Clara for its staffing, services and facilities.

### **LAFCO MEETINGS**

LAFCO generally meets on the first Wednesday of even months at 1:15 PM at the County Government Center in San Jose. LAFCO commissioners are expected to make every effort to attend all six regular meetings. LAFCO commissioners receive a per diem of \$100 for attendance at LAFCO meetings. Commissioners are excluded from voting on proposals if proponents or agents of the project have contributed over \$250 to them during the 12 months prior to the date of the LAFCO filing.

### **MORE INFORMATION**

More information on LAFCO is available on the web site at [www.santaclaralafco.org](http://www.santaclaralafco.org).

Please contact Neelima Palacherla, LAFCO Executive Officer at (408) 993-4713 or e-mail [neelima.palacherla@ceo.sccgov.org](mailto:neelima.palacherla@ceo.sccgov.org) with any questions on LAFCO and for the most current LAFCO information.



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

VIA EMAIL; ORIGINAL TO FOLLOW VIA CERTIFIED MAIL RETURN  
RECEIPT REQUESTED

November 10, 2016

Raania Mohsen  
Executive Director  
Cities Association of Santa Clara County  
PO Box 1079  
Los Gatos, CA 95031  
[executive\\_director@citiesassociation.org](mailto:executive_director@citiesassociation.org)

**ALAMEDA COUNTY**  
Tom Bates  
Scott Haggerty  
Rebecca Kaplan  
Nate Miley

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

**MARIN COUNTY**  
Katie Rice

**NAPA COUNTY**  
Brad Wagenknecht

**SAN FRANCISCO COUNTY**  
John Avalos  
Edwin M. Lee  
Eric Mar  
(Chair)

**SAN MATEO COUNTY**  
David J. Canepa  
Carole Groom  
Warren Slocum

**SANTA CLARA COUNTY**  
Cindy Chavez  
Liz Kniss  
(Vice-Chair)  
Jan Pepper  
Rod G. Sinks

**SOLANO COUNTY**  
James Spering  
Osby Davis

**SONOMA COUNTY**  
Teresa Barrett  
Shirlee Zane

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

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

Dear Ms. Mohsen:

Director Sinks' term of office on the Bay Area Air Quality Management District Board of Directors expires on January 1, 2017. Director Sinks was appointed to the Board on November 13, 2014, and is eligible for reappointment.

Therefore, 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](mailto: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  
Maricela Martinez, Manager, Executive Operations



contribution shall be required from the counties or cities included in the unified district or valley district.

Added Stats 1992 ch 765 § 1 (AB 3400), effective September 19, 1992. Amended Stats 2000 ch 890 § 10 (AB 2939).

**CHAPTER 4**

**Bay Area Air Quality Management District**

[Added Stats 1975 ch 957 as Bay Area Air Pollution Control District. Heading amended Stats 1978 ch 1025 § 4.]

Article 1  
Jurisdiction

- Section
- 40200. Continuation of district
- 40201. Continuation of activities

Article 2  
City Selection Committee

- 40210. Appointments to board
- 40211. Membership
- 40212. Appointment by mayor

Article 3  
Governing Body

- 40220. Bay district board
- 40220.5. Directors
- 40221. County representation
- 40221.5. Members of board
- 40222. Term of office
- 40223. Vacancies; Removal of member
- 40224. Recall of member
- 40225. Vacancy on board when member ceases to hold county or city office
- 40226. Quorum
- 40227. Compensation and expenses
- 40228. Executive secretary
- 40229. Civil service system
- 40230. Zones for special regulations
- 40231. Zones for differing tax formulas
- 40232. Emission standards
- 40233. Transportation control measures
- 40234. Compliance with specified section

Article 4  
Advisory Council

- 40260. "Council"
- 40261. Bay Area Air Quality Management Council
- 40262. Membership
- 40263. Term of office
- 40264. Removal of member
- 40265. Vacancies
- 40266. Compensation and expenses
- 40267. Officers
- 40268. Meetings

Article 5  
Financial Provisions

- 40270. Borrowing and indebtedness
- 40271. Estimate of money required; Apportionment
- 40272. Certification of apportionment; Ad valorem tax
- 40273. Tax lien
- 40274. Payment by county treasurers
- 40275. Custody of treasury
- 40276. Application of Government Code

**ARTICLE 1**

**Jurisdiction**

[Added Stats 1975 ch 957.]

**§ 40200. Continuation of district**

A district, which is called the Bay Area Air Quality Management District, which was formerly known as the Bay Area Air Pollution Control District, is hereby continued in existence within the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and those portions of the Counties of Solano and Sonoma within the boundaries of the Bay Area Air Pollution Control District as it existed on January 1, 1976. Any reference to the Bay Area Air Pollution Control District shall be deemed to be a reference to the Bay Area Air Quality Management District.

Added Stats 1975 ch 957 § 12. Amended Stats 1978 ch 1025 § 3, effective September 22, 1978.

**§ 40201. Continuation of activities**

The bay district shall continue to transact business and exercise its powers under this division in the counties, and portions of counties, specified in Section 40200.

Added Stats 1975 ch 957 § 12.

**ARTICLE 2**

**City Selection Committee**

[Added Stats 1975 ch 957.]

**§ 40210. Appointments to board**

The city selection committee organized in each county within the bay district pursuant to Article 11 (commencing with Section 50270), Chapter 1, Part 1, Division 1, Title 5 of the Government Code shall make the appointments to, and submit recommendations for appointments to, the bay district board as prescribed in Section 40221.5.

Added Stats 1975 ch 957 § 12. Amended Stats 1976 ch 517 § 1.

**§ 40211. Membership**

Where the bay district may transact business and exercise its powers only in a portion of a county, the membership of the city selection committee of such county, for purposes of this chapter, shall consist only of the representatives from those cities within that portion of the county.

Added Stats 1975 ch 957 § 12.

**§ 40212. Appointment by mayor**

With regard to the city selection committee appointment to the bay district board for the City and County of San Francisco, the mayor shall make the appointment.

Added Stats 1975 ch 957 § 12.

**§ 40220. Bay district**

The bay district shall be organized as a district and shall be known as the Bay Area Air Quality Management District.

Added Stats 1975 ch 957.

**§ 40220.5. Directors**

The bay district board shall consist of members appointed by the county board of supervisors. The bay district board shall have the authority to estimate and prepare the budget for the bay district and to recommend to the Department of the General Services the Revenue and Expenditure Account for the bay district.

Added Stats 1975 ch 957. Renumbered Stats 1976 ch 517.

**§ 40221. County board of supervisors**

A county with a population of more than 300,000 shall appoint one member to the bay district board; a county with a population of more than 75,000 but less than 300,000 shall appoint two members to the bay district board; a county with a population of more than 1,000,000 shall appoint three members to the bay district board.

Added Stats 1976 ch 517.

**§ 40221.5. Membership**

(a) The members of the bay district board shall be appointed as follows:

(1) For a county with a population of more than 1,000,000, the bay district board shall consist of three members appointed either a representative from each of the cities within that county or a representative from each of the cities within that county and one representative from the county board of supervisors by the city selection committee.

(2) For a county with a population of more than 75,000 but less than 1,000,000, the bay district board shall consist of two members appointed either a representative from each of the cities within that county or a representative from each of the cities within that county and one representative from the county board of supervisors by the city selection committee.

(3) For a county with a population of more than 300,000 but less than 750,000, the bay district board shall consist of one member appointed either a representative from the county board of supervisors or a representative from the county board of supervisors by the city selection committee.

(4) For a county with a population of more than 75,000 but less than 300,000, the bay district board shall consist of two members appointed either a representative from each of the cities within that county or a representative from each of the cities within that county and one representative from the county board of supervisors by the city selection committee.

### ARTICLE 3

## Governing Body

[Added Stats 1975 ch 957.]

#### § 40220. Bay district board

The bay district board is the governing body of the bay district and shall exercise all the powers of the bay district.

Added Stats 1975 ch 957 § 12.

#### § 40220.5. Directors

The bay district board shall be a board of directors consisting of members appointed pursuant to Section 40221.5 from each county included, in whole or in part, within the district on the basis of the population of that portion of the county, as determined by the latest estimate prepared by the Population Research Unit of the Department of Finance pursuant to Section 2227 of the Revenue and Taxation Code, included within the district.

Added Stats 1975 ch 957 § 12 as H & S C § 40221. Amended and renumbered Stats 1976 ch 517 § 2.

#### § 40221. County representation

A county with a population of 300,000 or less shall appoint one member of the bay district board; a county with a population of 750,000 or less, but more than 300,000, shall appoint two members of the bay district board; a county with a population of 1,000,000 or less, but more than 750,000, shall appoint three members of the bay district board; and a county with a population of more than 1,000,000 shall appoint four members of the bay district board.

Added Stats 1976 ch 517 § 3.

#### § 40221.5. Members of board

(a) The members of the bay district board shall be appointed as follows:

(1) For a county entitled to appoint one member of the bay district board, the board of supervisors shall appoint either a member of the board of supervisors or a person from a list submitted to the board of supervisors by the city selection committee of that county.

(2) For a county entitled to appoint two members of the bay district board, the city selection committee of that county shall appoint one member and the board of supervisors shall appoint the other member, which member may either be a member of the board of supervisors or a person on the list submitted to the board of supervisors by the city selection committee.

(3) For a county entitled to appoint three members of the bay district board, two members shall be appointed as provided in paragraph (2) and the third member shall be appointed by the board of supervisors and shall either be a member of the board of supervisors or a person on the list submitted to the board of supervisors by the city selection committee of that county.

(4) For a county entitled to appoint four members of the bay district board, the city selection committee of

that county shall appoint two members and the board of supervisors shall appoint the other two members, either one or both of whom may be members of the board of supervisors or persons on the list submitted to the board of supervisors by the city selection committee.

(b) Any member of the bay district board appointed, and any person named on the list submitted to the board of supervisors by the city selection committee, shall be either a mayor or a city councilperson of a city in that portion of the county included within the district. The member appointed by a city selection committee pursuant to paragraph (3) of subdivision (a) or Section 40212 may designate a deputy to act on his or her behalf on the bay district board or any of its committees. The board member shall be responsible for the acts of the deputy acting in his or her official capacity on the bay district board or any of its committees under this designation.

Added Stats 1976 ch 517 § 4. Amended Stats 2002 ch 1001 § 1 (AB 2637).

#### § 40222. Term of office

Each member appointed by the board of supervisors shall hold office for a term of four years and until the appointment and qualification of his successor, and each member appointed by the city selection committee shall hold office for two years and until the appointment and qualification of his successor.

Added Stats 1975 ch 957 § 12.

#### § 40223. Vacancies; Removal of member

Any vacancy on the bay district board shall be filled by appointment in the same manner as the vacating member was appointed.

Any member of the bay district board may be removed at any time in the same manner as he was appointed. If four-fifths of the members of the board of supervisors of a county request the removal of a member appointed by the city selection committee of such county, the city selection committee of such county shall meet within 20 days to consider the removal of such member.

Added Stats 1975 ch 957 § 12.

#### § 40224. Recall of member

If any member of the bay district board is recalled from his or her office as a supervisor, mayor, or city council member, pursuant to Division 11 (commencing with Section 11000) of the Elections Code, his or her office as member of the bay district board shall be vacant.

Added Stats 1975 ch 957 § 12. Amended Stats 1994 ch 923 § 155 (SB 1546).

#### § 40225. Vacancy on board when member ceases to hold county or city office

No supervisor, mayor, or city council member shall hold office on the bay district board for a period of more than three months after ceasing to hold the office of supervisor, mayor, or city council member, respectively, and his or her membership on the bay district



board shall thereafter be considered vacant, except that any mayor who continues to hold office as a city council member, or any city council member who continues to hold office as a mayor, shall not be considered to have ceased to hold office under this section.

Added Stats 1975 ch 957 § 12. Amended Stats 2010 ch 38 § 20 (AB 1668), effective January 1, 2011, ch 699 § 28 (SB 894), effective January 1, 2011.

**§ 40226. Quorum**

A majority of the members of the bay district board constitutes a quorum for the transaction of business and may act for the bay district board.

Added Stats 1975 ch 957 § 12.

**§ 40227. Compensation and expenses**

Each member of the bay district board shall receive actual and necessary expenses incurred in the performance of board duties, and may receive compensation, to be determined by the bay district board, not to exceed one hundred dollars (\$100) for each day attending the meetings of the bay district board and committee meetings thereof, or, upon authorization of the bay district board, while on official business of the bay district, but the compensation shall not exceed six thousand dollars (\$6,000) in any one year. Compensation pursuant to this section shall be fixed by ordinance.

Added Stats 1975 ch 957 § 12. Amended Stats 1976 ch 517 § 5; Stats 1981 ch 751 § 1; Stats 1986 ch 135 § 1.

**§ 40228. Executive secretary**

The bay district board may appoint an executive secretary to perform such duties as may be assigned to the executive secretary by the bay district board.

Added Stats 1975 ch 957 § 12.

**§ 40229. Civil service system**

The bay district board may, by ordinance, adopt a civil service system for any or all employees of the bay district, except that the executive secretary and the air pollution control officer shall be exempt from such system and shall serve at the pleasure of the bay district board.

Added Stats 1975 ch 957 § 12.

**§ 40230. Zones for special regulations**

The bay district board may establish, within the bay district, zones wherein special regulations are warranted. In establishing such zones, the bay district board shall consider the degree of concentration of population, the number, nature, and dispersal of the stationary sources of air pollution, whether the area is a rural agricultural area, and the presence or absence of industry.

Added Stats 1975 ch 957 § 12.

**§ 40231. Zones for differing tax formulas**

The bay district board may establish, within the bay district, zones wherein differing tax formulas may be applied. In establishing such zones, the bay district

board shall consider the degree of concentration of population, the number, nature, and dispersal of the stationary sources of air pollution, whether the area is a rural agricultural area, and the presence or absence of industry.

Added Stats 1975 ch 957 § 12.

**§ 40232. Emission standards**

Except as provided in Section 41705, the bay district board shall establish standards for the emission of identifiable odor-causing substances. Exceptions or variances may be granted from such standards in a manner provided by the bay district board. No person shall discharge from any source any contaminant which violates such standards.

Added Stats 1975 ch 957 § 12. Amended Stats 1995 ch 952 § 2 (AB 59), effective October 16, 1995.

**§ 40233. Transportation control measures**

(a) Notwithstanding any other provision of law, the bay district shall adopt, implement, and enforce transportation control measures for the attainment of state or federal ambient air quality standards, in accordance with all of the following procedures:

(1) The bay district shall estimate, by June 30, 1989, the quantity of emission reductions from transportation sources necessary to attain and maintain state and federal ambient air standards.

(2) The Metropolitan Transportation Commission, in cooperation with the bay district, the Association of Bay Area Governments, local entities, and employers, shall develop and adopt a plan to control emissions from transportation sources which will achieve the emission reductions established pursuant to paragraph (1). The plan shall include, at a minimum, a schedule for implementing transportation control measures, identification of potential implementing agencies and any agreements entered into by agencies to implement portions of the plan, and a procedure for monitoring the effectiveness of and compliance with the measures. The commission shall submit the plan to the bay district for its adoption according to a reasonable schedule developed by the bay district in consultation with the commission, but not later than June 30, 1990.

(3) Upon receipt of the plan submitted by the commission, the bay district shall review the plan to determine if it will achieve the emission reductions specified in paragraph (1). If the bay district determines that the plan will achieve those reductions, the bay district shall adopt the plan and implement it immediately. If the bay district determines that the plan will not achieve the emission reductions specified in paragraph (1), it shall notify the commission of the specific deficiencies in the plan and return the plan to the commission for revision. Within 60 days after receipt of the plan, the commission shall revise it and return it to the bay district. If the bay district determines that the revised plan will achieve necessary emission reductions, the bay district shall adopt the plan and implement it immediately. If the bay district determines that the revised plan still will not achieve the emission reductions specified in paragraph (1), or if the plan is not

submitted pursuant to paragraph (2), the bay district shall develop a plan to control such sources.

(4) As the bay district estimates of the emission sources necessary to attain air standards specified in paragraph (2) are adopted, and enforced, the bay district shall establish pursuant to paragraph (2) the following:

(b) The bay district shall establish pursuant to paragraph (2) the following:

(1) The local agency shall develop a transportation plan to identify sources to adopt and enforce measures that the bay district approves the plan.

(2) The local agency shall adopt and enforce measures at least as strict as those in the local agency's quality management plan.

(3) The bay district shall monitor the performance of the local agency's measures to ensure compliance with the local agency's quality management plan.

(c) The bay district shall enforce this section if it determines that the local agency is in violation of the measures, or if the measures are otherwise inadequate to implement the local agency's quality management plan.

(d) For purposes of this section, "transportation control measures" means measures to control trips, vehicle use, vehicle emissions, or traffic congestion from vehicle emissions.

(e) The bay district shall submit the plan not later than June 30, 1990, and shall monitor the effectiveness of this section.

Added Stats 1988 ch 1569 § 1.

**§ 40234. Compliance**

In adopting any regulation, the bay district shall comply with Section 40233.

Added Stats 1990 ch 1457 § 1.

**§ 40260. "Council"**

As used in this article, "Council" means the Air Quality Management Council.

Added Stats 1975 ch 957 § 12, effective September 22, 1978.

**§ 40261. Bay Area Air Quality Management Council**

There is continued the Air Quality Management Council, which council

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submitted pursuant to the schedule established under paragraph (2), the bay district shall develop and adopt a plan to control emissions from transportation sources.

(4) As the bay district periodically revises its estimates of the emission reductions from transportation sources necessary to attain state and federal ambient air standards specified in paragraph (1), the plan for transportation control measures shall also be revised, adopted, and enforced according to the procedure established pursuant to paragraphs (1), (2), and (3).

(b) The bay district may delegate any function with respect to transportation control measures to any local agency, if all of the following conditions are met:

(1) The local agency submits to the bay district an implementation plan which provides adequate resources to adopt and enforce the measures, and the bay district approves the plan.

(2) The local agency agrees to adopt and implement measures at least as stringent as those in the district air quality management plan to attain state standards.

(3) The bay district adopts procedures to review the performance of the local agency in implementing the measures to ensure compliance with the district air quality management plan to attain state standards.

(c) The bay district may revoke a delegation under this section if it determines that the performance of the local agency is in violation of this section or is otherwise inadequate to implement the district air quality management plan.

(d) For purposes of this section, "transportation control measures" means any strategy to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, or traffic congestion for purposes of reducing motor vehicle emissions.

(e) The bay district and the commission shall report, not later than June 30, 1991, to the Legislature on the effectiveness of this section.

Added Stats 1988 ch 1569 § 2.

#### § 40234. Compliance with specified section

In adopting any regulation, the bay district board shall comply with Section 40703.

Added Stats 1990 ch 1457 § 1 (SB 2652).

## ARTICLE 4

### Advisory Council

[Added Stats 1975 ch 957.]

#### § 40260. "Council"

As used in this article, "council" means the Bay Area Air Quality Management Advisory Council.

Added Stats 1975 ch 957 § 12. Amended Stats 1978 ch 1025 § 4, effective September 22, 1978.

#### § 40261. Bay Area Air Quality Management Council

There is continued in existence the Bay Area Air Quality Management Council, which was formerly known as the Bay Area Air Pollution Control Advisory Council, which council is appointed by the bay district

board, to advise and consult with the bay district board and the bay district air pollution control officer in effectuating the purposes of this division. Any reference to the Bay Area Air Pollution Control Advisory Council shall be deemed to be a reference to the Bay Area Air Quality Management Council.

Added Stats 1975 ch 957 § 12. Amended Stats 1978 ch 1025 § 5, effective September 22, 1978.

#### § 40262. Membership

The council shall consist of the following:

(a) The chair of the bay district board, who shall serve as an ex officio member.

(b) Seven members who shall be skilled and experienced in the fields of air pollution, climate change, or the health impacts of air pollution. Members shall be selected to include a diversity of perspectives, expertise, and backgrounds.

(c) This section shall become operative on July 1, 2015.

Added Stats 2014 ch 696 § 2 (SB 1415), effective January 1, 2015, operative July 1, 2015.

#### § 40263. Term of office

Each council member shall hold office for a term of two years and until the appointment and qualification of his successor.

Added Stats 1975 ch 957 § 12.

#### § 40264. Removal of member

Any member of the council may be removed at any time by the majority vote of the bay district board.

Added Stats 1975 ch 957 § 12.

#### § 40265. Vacancies

Any vacancy on the council shall be filled by appointment in the same manner as the vacating member was appointed, except that the member appointed to fill the vacancy shall only serve the unexpired term of the vacating member.

Added Stats 1975 ch 957 § 12.

#### § 40266. Compensation and expenses

Council members shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties.

Added Stats 1975 ch 957 § 12.

#### § 40267. Officers

The council shall select a chairman and vice chairman and such other officers as it deems necessary.

Added Stats 1975 ch 957 § 12.

#### § 40268. Meetings

The council shall meet as frequently as the bay district board or the council deem necessary, but not less than four times a year.

Added Stats 1975 ch 957 § 12.

## **JOB DESCRIPTION**

Board of Directors  
Bay Area Air Quality Management District

- Authority:** The Board of Directors is the governing body of the district and exercises all district powers, as prescribed in State law.
- Meetings:** 1<sup>st</sup> and 3<sup>rd</sup> 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

**BYLAWS OF  
THE  
ASSOCIATION OF BAY AREA GOVERNMENTS  
As Amended April 23, 2009**

**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.

**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.

(4) (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 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.
- (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**

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.

## **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.

(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) President, Vice President and Immediate Past President. The President, Vice President and Immediate Past President of the Association shall be ex-officio voting members of the Executive Board, but shall not be representatives or alternates.

(k) 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 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) 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.

(d) 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 the these Bylaws.

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

(f) 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.

## **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) Appoint, fix the salary of, or remove an Executive Director of the Association;
- (4) 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 quorum are required for action by the Executive Board with the exceptions set out below.

(3) In order to recommend the annual budget to the General Assembly, the affirmative vote of not less than a majority of the voting members of the Executive Board is required.

(4) 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 is required.

**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.

#### **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.

**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.

(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 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 Secretary-Treasurer of the Association and of the Executive Board.
- D.** To perform such other and additional duties as the Executive Board may require.

## **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.

- (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 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. If within 60 days after the adoption of any amendment, one-third or more of the delegates protest such amendment, it shall automatically be up for reconsideration and vote as in the first instance.

**ARTICLE XV. EFFECTIVE DATE**

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

January 5, 2017

The Honorable Greg Scharff  
President of the Cities Association of Santa Clara County  
P.O. Box 1079  
Los Gatos, CA 95031

Re: At-Large Appointment to the Recycling and Waste Reduction Commission of Santa Clara County

Dear Greg,

Please consider me as an applicant for the At-Large position on the Recycling and Waste Reduction Commission (RWRC). This Commission has been instrumental in instituting policies that advance environmental protection efforts for our County and the State. I would like to contribute my professional expertise and enthusiasm to this effort.

My professional career has been spent as a water resources engineer and there is significant overlap between protecting water quality and solid waste management. For instance, litter generally is a water pollutant. Some categories of litter such as plastics and household hazardous wastes are particularly harmful to wildlife. RWRC led the charge for the plastic bag ban throughout Santa Clara County by developing a model ordinance and sharing methodologies between cities. This had led to significant reduction of plastic bag pollution in our local waterways. Paint dumped in creeks causes fish kills. RWRC has led the effort for proper disposal of used paint in Santa Clara County. I would like to contribute to this important environmental policy work.

In addition, I represented the Santa Clara Valley Water District on the Technical Advisory Committee (TAC) for the RWRC from 2011 to 2014. It was a great learning experience that allowed me to understand both the responsibilities of the RWRC and opportunities this commission has to improve our local environment. Serving as a commissioner on the RWRC, I would be able to put this valuable experience to good use.

Protecting against Climate Change is another issue that is very important to me. The current work of the RWRC to reduce food waste will reduce our green house gas emissions with the added benefit of supplying food to people in need. I would like to contribute to this by serving on the RWRC.

I have checked the calendar for the dates of this year's RWRC meetings and should be able to attend them all. I should also be able to report back to the Cities Association as needed. It would be an honor to serve on the Recycling and Waste Reduction Commission for Santa Clara County. If you have any questions about this request, please contact me at [pat.showalter@mountainview.gov](mailto:pat.showalter@mountainview.gov) or 650 526-8676.

Sincerely,

Pat Showalter, PE  
Mayor  
City of Mountain View



Raania Mohsen  
Executive Director  
Cities Association of Santa Clara County  
P.O. Box 1079  
Los Gatos, CA 95031

Dear Members of the City Selection Committee,

I am writing to express interest in the appointment as the primary appointment from the west valley cities to the SCC Emergency Operation Area Council (OAC).

I have been the alternate for this position for over a year now and have attended all meeting (with the exception of one) as an observer in order to learn the position. My emergency preparedness experience also includes Community Emergency Response Team (CERT). I am currently the CERT captain for my neighborhood in Los Gatos and have been a CERT member for several years.

Appointment as the primary to this council will both allow me to continue expand my participation and knowledge in the area of emergency preparedness.

Thank you for your consideration.

Sincerely,

Rob Rennie  
Vice Mayor, Town of Los Gatos  
rrennie@losgatosca.gov

December 14, 2016

Cities Association of Santa Clara County  
P.O. Box 1079  
Los Gatos, CA 95031

Dear Members of the City Selection Committee:

I am writing to request appointment as the Santa Clara County Cities Association representative to the Metropolitan Transportation Commission Board of Directors (MTC). Thank you for considering me for this position.

As most of you are aware the ABAG staff is being merged into MTC. ABAG will continue with its current structure for the moment and will contract for services with MTC. This is a critical moment in history for ABAG, for how RHNA numbers are developed, the input cities will have and the role that the Urban Sim model will play in determining each cities' RHNA numbers. The new MTC clearly will play a much larger role in housing. It remains to be determined how top down this structure will be and what role ABAG will play in the next RHNA cycle.

Currently, I am one of five ABAG Executive board members tasked with negotiating and guiding the merger process to protect the independence of ABAG and to ensure that our cities maintain a voice in the RHNA process. This Committee is referred to as the ABAG Ad Hoc Committee. Our duties have ranged from evaluating and recommending possible organizational charts for the new MTC structure and how the ABAG Board of Directors fits into that structure to hosting an all hands meetings with the ABAG staff, the MTC Executive Director, and the ABAG acting Executive Director. However, there are many elected officials who serve both on the MTC and ABAG Boards. It is clear to me as I have participated in this process that to be truly effective in protecting our cities' abilities to influence RHNA allocations and the next iteration of Plan Bay Area, I need to serve on both ABAG and MTC as our representative.

I also currently serve on the ABAG Administrative Committee, which usually meets jointly with the MTC planning committee and as a side benefit, I have now attended most of the MTC Legislation Committee meetings for the past year. The Administrative Committee acts as a defacto Executive Committee to the ABAG Executive Board and is empowered to act for the Board when the Board is not in session, there is an emergency, or a Quorum of the Executive Board cannot be reached. However, its primary purpose is to meet jointly with the MTC Planning Committee to allow a subset of ABAG Board Members and MTC Commissioners to discuss the merger process and Plan Bay Area. Through my work on the ABAG Executive Board, I have developed strong relationship and credibility with the ABAG and MTC Board Members and MTC Executive Director Steve Heminger. This has allowed me many opportunities to more effectively advocate for the interests of

Santa Clara County cities. I understand the issues before the Commission and will hit the ground running.

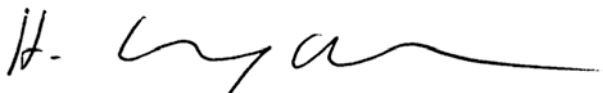
MTC's traditional role is of course transportation. I have been heavily involved in transportation issues as a City Council Member. I have served since 2013 on the Cal Train Citizens Advisory Commission, which advises the Cal Train Board. I have also served on Palo Alto's Rail Committee for the four years it has been in existence. In Palo Alto, I coauthored a memo that brought into existence our downtown Transportation Management Agency and worked closely with Stanford to create a Transportation Management Agency for the Stanford Research Park. I was also instrumental in developing a funding plan for extensive Bike and Pedestrian Master Plan and developing creative funding solutions to fix our roads in Palo Alto so that we now have a pavement index of 82. I have also served on the Expressway Plan 2040 Policy Advisory Board since 2013 and worked closely with Carl Guardino on Measure B.

As most of you know, I have been heavily involved in the Cities Association since 2011. I served as Mayor of Palo Alto in 2013, am serving as Vice Mayor this year, currently serve on BCDC, and have a strong regional focus.

I believe my background, experience and commitment to our region as well as the unprecedented current circumstances of the ABAG-MTC staff merger make me uniquely qualified to play a useful role in influencing the outcome of this merger to the benefit of Santa Clara County cities. I would greatly appreciate your support in considering my appointment and would welcome any questions.

Thank you for your consideration.

Sincerely,

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

H. Gegory Scharff  
Vice Mayor, Palo Alto

January 6<sup>th</sup>, 2017

Cities Association of Santa Clara County  
P.O. Box 1079  
Los Gatos, CA 95031

Dear City Selection Committee Members,

I am writing to respectfully request your appointment as the Cities Association representative to the Metropolitan Transportation Commission (MTC) Board of Directors.

Having served on the Mountain View City Council for two terms from 2007-2015, I am returning on 1/10/2017, after a two year break and am excited to resume work on not only issues pertaining to my City but to regional issues as well.

As you are aware, the MTC's work has been primarily centered on the planning, financing, coordination and management of transportation for nine counties in the Bay Area including Santa Clara County. During my first two terms on the Mountain View City Council, I gained extensive experience on transportation issues from the work I did with my council colleagues to address the City's transportation and traffic congestion concerns as we allowed for growth in our City. I championed the formulation of the City's General Plan Update, which focuses on sustainability and sprouted the formulation of cutting edge policies and strategies to improve multimodal transportation options and encourage transit. During my time, our Council directed the establishment of a Transportation Management Agency within the City, aggressive requirements around the reduction of single occupancy vehicles in our North Bayshore Area, the establishment of a community shuttle, participation in the bike share program, improved bike and pedestrian access with a bike master plan and pedestrian master plan, and close work with VTA to improve light rail service.

I was also active at the regional level on transportation issues as I served on the VTA for all eight years. I served as a member of the Policy Advisory Committee for three years (2007-2010) and ultimately chaired the committee. I then served on the VTA Board of Directors and served as Vice-Chair and Chairperson of the Board in 2011 and 2012. As Vice Chair I served on the Economic Stabilization Task Force to turnaround a \$40 million budget deficit to a \$20 million surplus. I also led the agency's work in advancing major transit projects such as Bay Area Rapid Transit (BART) Extension Phase I, Express Lanes, Bus Rapid Transit and a regional bike share program. During the recession, when Caltrain service was in danger of being cut, I fought hard to maintain service levels in Santa Clara County. I also actively advocated for the addition of the San Jose representative's seat on the MTC to increase Santa Clara County's representation.

It was also during my time with VTA that the State mandated the integration of transportation with housing which led to the Plan Bay Area Process. Therefore, I had the opportunity to understand and provide feedback on the process from the ground level. I believe this experience is relevant and will enable me to hit the ground running as an MTC Commissioner given the current status of MTC where its mission is evolving to emphasize the synchronization of transportation investments with housing and development and the consolidation of ABAG staff with MTC.

During my first two council terms, I devote much time and effort on regional issues, understanding that many of our challenges must be addressed with our cities working together. I was an active member of the Cities Association, serving as a boardmember and then elevating to the Executive Board where I worked my way to eventually serving as President of the Association in 2013. I am proud of the progress we made in making the Cities Association more active and relevant in advancing issues regionally such as the single use bag ban, affordable housing, regionalization of public safety services, and community choice energy.

I also served on other regional bodies such as the SVRIA, OAC, LAFCO and as an appointee of Governor Jerry Brown to the Regional Water Quality Control Board.

My experiences have provided me with an understanding of the concerns and challenges in our communities and a proven track record of being able to advocate for our County's needs. I would be honored to have your support in the MTC appointment.

Sincerely,

Margaret Abe-Koga  
Councilmember-elect, City of Mountain View

January 9, 2016

Cities Selection Committee  
Cities Association of Santa Clara County  
c/o Raania Mohsen, Executive Director



Dear Cities Selection Committee Members:

I ask your consideration for appointment as your representative to the Metropolitan Transportation Commission.

We all know that mobility in our region impacts our residents, threatens our continued prosperity and needs serious improvement. We are blessed with private sector growth yet the public sector has fallen behind on effective transportation solutions. For the past two years, I have teamed up with many of you to understand and press for solutions, helping organize the North County/ West Valley mayors' discussions leading to funding in Measure B for CalTrain and transit in the 85 corridor, and helping create the SR85 Policy Advisory Board which I chair.

I researched and co-authored an entertaining 10 minute video with Stanford Professor Stephen Heck on innovative transportation, using Portland's TriMet as a model of how we can dramatically improve (available at [cupertino.org/transit](http://cupertino.org/transit)). TriMet's service territory has roughly half our density over a bigger area than VTA, with 3 times the ridership per capita, and has increased overall ridership 20% in the last 15 years, whereas VTAs ridership is down 20%. Similarly, at MTC, I believe we should also be benchmarking our transportation infrastructure to comparable metro regions, driving improvements using integrated pricing, and welcoming new technology and innovative services.

In my discussions over the past two years with transportation innovators such as Berkeley Professor Susan Shaheen, the City of Oakland's Jeff Tumlin, TriMet planners, major Silicon Valley employers running private buses, private sector leaders Lyft and Uber, and longtime public servants including Rod Diridon and Jim Beall, I am convinced we can do better, and that our economy and quality of life depend on it.

Should you choose to appoint me, I will make attendance at board and committee meetings a priority, and 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  
rodsinks@gmail.com  
408-446-3907 / 408-892-3841

15 December 2016

Cities Association of Santa Clara County  
City Selection Committee  
c/o Raania Mohsen, Executive Director  
P.O. Box 1079  
Los Gatos, CA 95031

Re: LAFCO Appointment for Commissioner

Dear Cities Association, Selection Committee:

With the unfortunate resignation of LAFCO Cities Member Commissioner Tara Martin-Milius, I respectfully ask the Cities Selection Committee to consider my candidacy to serve as the new Cities Member Commissioner.

I have had the privilege of serving as the LAFCO Alternate Cities Member since May 2016. LAFCO encourages Alternates to attend and participate in the LAFCO hearings with the Commissioners. I have done so, attending and participating in all LAFCO meetings since my appointment, with the exception of when I was attending the League of Cities conference. I also attended the three day CALAFCO 2016 Conference in Santa Barbara this past October. I had the opportunity to attend many informational sessions including LAFCO 101. This helped to further deepen my knowledge of LAFCO which I had previously had fair exposure to via the years I spent serving on Sierra Club committees including conservation, political, and chapter board.

As a result, I feel I am well prepared to step into the role of the Cities Member Commissioner.

One of the most important things I have learned in my time as an Alternate is that a LAFCO Commissioner must be able to represent the interests of the public as a whole per LAFCO's mission rather than that of any other office they may hold. LAFCO's state-mandated mission to curb sprawl, preserve open space and agriculture land, and ensure the orderly and efficient delivery of services is representative of the county's philosophy on balancing responsible growth and natural resource preservation. Both the state and Santa Clara County have prioritized reducing VMT (Vehicle Miles Traveled) and thus have a strong interest in transportation/transit issues which are heavily tied to land use. With all the pressures of growth stronger than ever, LAFCO Commissioners play an important role in helping support regional goals of long-term sustainable transit-oriented development.

Finally, another important task of LAFCO is the oversight of the special districts. LAFCO conducts municipal service reviews (and has jurisdiction over the spheres of influence) of cities and special districts in the county. The majority of the cities and almost half of the special districts are north or west of San Jose, therefore it is helpful to have a Cities Member from that area serving on LAFCO.

Thank you for considering my appointment as LAFCO Commissioner for the Cities Association.

Regards,  
Rob Rennie  
Los Gatos Town Council  
408 356 8534 / [rrennie@losgatosca.gov](mailto:rrennie@losgatosca.gov)

January 6, 2017  
Cities Association of Santa Clara County  
City Selection Committee  
P.O. Box 1079  
Los Gatos, CA 95031

Dear Cities Association, Selection Committee:

I am writing to respectfully ask for your appointment as the Cities Association member to the Local Agency Formation Commission (LAFCO).

I believe I am uniquely qualified for this position as I served on LAFCO as the Cities Association appointee from 2011-2014 during my previous service on the Mountain View City Council. I worked hard to uphold LAFCO's state-mandated mission of curbing development sprawl, preserving open space and agricultural land, and ensuring orderly and efficient delivery of services. Santa Clara County has, and continues to be a leader in balancing responsible growth with environmental preservation and LAFCO plays a critical role in that leadership. Frankly speaking, it was not always easy to fulfill LAFCO's mission, as contentious annexation applications have come before us with many pressures on commissioners to satisfy other interests. I believe that I have been true to LAFCO's mission despite those pressures and will continue to stand strong to do what is best for our County as a whole.

During my time on LAFCO, the State Legislature strengthened LAFCO's oversight responsibilities and powers of special districts. I actively participated in the second ever round of reviews of fire and water service as well as 16 special districts and all the cities. These reviews focused on detailed data collection, identification and analysis of issues related to public accountability, transparency, and service efficiency and effectiveness; providing recommendations to address any issues; and raising public awareness about potential solutions to these issues and working with the agencies to implement recommendations. I served on the Technical Advisory Subcommittee to several of these reviews. I believe I can provide historical knowledge and continuity to the review process as LAFCO embarks on its third round of reviews.

Finally, given the diversity of our County, I think it is crucial to have a wide range of perspectives represented on LAFCO. I believe I can help in bringing balance to the representation on LAFCO. I would be honored to have your support.

Sincerely,

Margaret Abe-Koga  
Councilmember-elect, City of Mountain View



To: Santa Clara County Cities Association

From: Cat Tucker

01-09-17

Hello Association Members,

I am requesting your consideration to be the representative on the LAFCO commission of which I was appointed in 2014 and 2015 along with being the alternate in prior years.

In the past I attended all the LAFCO meetings in addition to attending the Cal LAFCO Conference in Sacramento in 2014 and 2015.

My background in Land Use decisions is 9 years on Gilroy City Council along with 8 years on Planning Commission. I have also served on the Santa Clara Habitat Conservation Agency for several years along with another 3 years on the HCP Planning Team. As you can see I am invested in protecting our Habitat along with Preserving Open space.

As a resident of South County I feel it is important to have a seat on LAFCO as most of the vacant Land Mass is in this region especially since Santa Clara County has illustrated that the pressures of growth will occur in South County due to the availability of land. I believe it is important to have an elected official that is familiar with the uniqueness of South County and is accountable to the voters as the representative.

My Goal is to represent the Cities Association to the best of my ability and I respectfully request your support in appointment to LAFCO.

Best Regards,  
Cat Tucker  
Gilroy City Council Member  
408 427-1546

December 9, 2016

Cities Selection Committee  
Cities Association of Santa Clara County  
c/o Raania Mohsen, Executive Director



Dear Cities Selection Committee Members:

I ask your consideration for reappointment to the Bay Area Air Quality Management District Board representing the cities of Santa Clara County.

The Air Board does important work balancing the interests of business with the health of residents and our environment. I have served as one of your two appointees for the past two years, representing the interests of all 15 cities in our county. In addition to serving on the Board, the Chair has appointed me to serve on the Climate Change, Stationary Source and Public Engagement Committees. Based on my background in physics and engineering, I have also been asked to serve as the Board's liaison to the Advisory Council, a group of leading scientists and economists helping the Board wrestle with the best approaches to mitigate climate change and improve human health. I have learned a lot and worked collaboratively with my colleagues on the Board, many of whom have served for many years, and won their respect, including that of your other appointee, Liz Kniss, who will chair the Board in 2017. Our meetings are held in San Francisco, and 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.

During my recent campaign for reelection to the City Council, I was successful running a positive campaign focused on improving our transportation and environment, and I received endorsement of the SCC League of Conservation Voters and the Sierra Club.

Should you choose to reappoint me, I will continue to make attendance at board and committee meetings a priority, and 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 style with a long, sweeping underline.

Rod Sinks  
Councilmember, City of Cupertino  
rodsinks@gmail.com  
408-446-3907 / 408-892-3841

Cities Association of Santa Clara County  
PO Box 1079  
Los Gatos, CA 95031

RE: Cities Association of Santa Clara County Appointment to the Bay Area Air Quality  
Management District

Dear Colleagues,

I respectfully request your consideration to appoint me to the Bay Area Air Quality Management District's Board of Directors.

I was trained, both in my education and in my professional career, for this appointment. I am confident that I will represent Santa Clara County skillfully. I graduated from the University of California, Berkeley with a degree in Environmental Sciences. I then pursued a graduate degree from Duke University with a Masters in Environmental Management with an emphasis on Air and Water Resources. I was fortunate to have the opportunity to implement my education working at the US Environmental Protection Agency and the Natural Resources Defense Council.

I am knowledgeable in the science behind air quality standards. I am experienced developing environmental policy from sound science. I would like to use my direct knowledge and experience to benefit all of our cities in Santa Clara County.

Respectfully Yours,

Marico Sayoc  
Mayor, Town of Los Gatos

December 15, 2016

Raania Mohsen  
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 Sunnyvale Councilmember Jim Davis.

I have served as the Cities Association's alternate for this position for over two years and am familiar with the 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.

I was just re-elected to Mountain View City Council for another 4-year term and will be able to serve the full term of this appointment.

Finally, I should note that the board meeting location recently moved to San Francisco. Because I work in San Francisco on Thursdays, it will be reasonably easy for me to attend the Thursday evening meetings.

Thank you for your consideration, and I look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Clark". The signature is fluid and cursive, written in a professional style.

Chris Clark  
Councilmember & Former Mayor  
City of Mountain View

Dear Cities Association,

With the departure of Council Member Jim Davis from Sunnyvale City Council, one of the ABAG Executive Board Member positions is now vacant. With this email, I submit my name for that position.

In June of this year The Cities Association kindly appointed me to an ABAG Alternate position. In that capacity, and even prior to my appointment, I have followed and participated in the process of the merger with MTC and feel it is an important time to be fully engaged.

My background as a Planning Commissioner for ten years over an 18-year period afforded me the opportunity and experience of developing three Housing Elements, which were successfully accepted for the City of Saratoga. While there is so much more to ABAG than RHNA numbers, these exercises served me well in understanding the reasons for ABAG.

Two years serving on the City Council and on Cities Association has taught me the intricacies of City government and the importance of inter county cooperation. It has also given me an appreciation for the services ABAG provides our individual Cities.

My latest appointment to the successfully concluded Select Committee on South Bay Arrivals into SFO allowed me to demonstrate how I can work cooperatively with an even larger regional body and how I understand the importance of regional thinking, even while looking out for the needs of Santa Clara County. This is our future, and how it needs to be addressed!

The housing crisis in our part of California is tremendous. It is intricately tied to our transportation systems, too. It will take dedication, hard work, and the willingness to share creative ideas to address the overall situation. I am excited to be a team player on this field.

Thank you for giving me an opportunity to submit my name.

With Appreciation,

Mary-Lynne Bernald  
Council Member  
City of Saratoga