



EXECUTIVE BOARD OF DIRECTORS MEETING AGENDA
FRIDAY, AUGUST 2, 2019 | 3PM
CITY OF SARATOGA | 13777 FRUITVALE | SARATOGA 95070

Discussion & action may be taken on any of the following items.

1. Welcome and Roll Call 3:00 PM
2. Consideration of approval of consent agenda:
 - a. June 2019 Executive Board of Directors Minutes
 - b. Financial reports: June/July 2019
 - c. SC|SC Roundtable Invoices:
May 2019: \$25,724.21
June 2019: \$32,297.50
3. Old Business: 3:05 PM
 - a. Update on organizational status
 - b. RHNA Subregion Formation Update
4. New Business: 3:15 PM
 - a. Legislative Action Committee:
 - Consideration of request to collect members' position letters on Cities Association website
 - b. Discussion of attendees and alternates to Cities Association meetings
5. Discussion and Agenda Setting for Board of Directors Meeting/Committee Reports to Board: 3:30 PM
 - a. Senator Bob Wieckowski
 - b. Legislative Committee meeting/update
 - c. RHNA Subregion Formation Update
 - d. Other committee reports
 - e. City Selection Appointee Report
6. Public Comment 3:45 PM
7. Executive Director Report 3:50 PM
8. Adjourn until Friday, September 6, 2019 at 3PM, Saratoga City Hall. 4:00 PM



Agenda Item No: 2a-b-c

Meeting Date: August 2, 2019

Cities Association of Santa Clara County Agenda Report

TOPIC: Consent Agenda: June Executive Board Meeting Minutes & Acceptance of June Financials

SUBJECT: APPROVAL OF THE CONSENT AGENDA:

- a. June 2019 Executive Board draft minutes
- b. Financial reports: June 2019
- c. SC|SC Roundtable Invoices:
 - May 2019: \$25,724.21
 - June 2019: \$32,297.50

EXECUTIVE SUMMARY:

Items a,b,c: requesting approval by the Executive Board and will be provided to the Board to keep Board apprised of the Association's business.

Item c: The CASCC acts as the fiscal agent for the SC | SC Roundtable. The Roundtable Invoices have been reviewed by the Executive Director and SC|SC Roundtable Chair Mary-Lynne Bernald.

RECOMMENDATION:

Approve the Consent Agenda.

FISCAL IMPACT:

No Fiscal Impact

RECOMMENDED ACTION:

Move to approve the consent agenda consisting of

- June 2019 Board draft minutes
- June Financial Reports (Management Report and 2018-2019 budget)
- SC | SC Roundtable invoices
 - May 2019: \$25,724.21
 - June 2019: \$32,297.50

EXECUTIVE BOARD OF DIRECTORS CLOSED SESSION MEETING MINUTES
FRIDAY, JUNE 7, 2019 | 3PM
CITY OF SARATOGA | 13777 FRUITVALE | SARATOGA 95070

1. President Manny Cappello (Saratoga) called the meeting to order at 3:25 PM. Also present:
Marico Sayoc (Los Gatos)
Margaret Abe-Koga (Mountain View)
Larry Klein (Sunnyvale)
James Lindsay (SCCCMA/Saratoga)
Andi Jordan (Executive Director)

2. Consideration of approval of consent agenda:

- April Board of Directors Minutes
- Financial reports: April & May 2019
- SC | SC Roundtable Invoices
February 2019: \$11791.97
March 2019: \$14,414.44
April 2019: \$22,223.30
- General Membership Meeting: Budget vs. Actuals

Motion to approve the consent agenda (with edits to minutes and insert updated committee assignments) by Marico Sayoc and second by Larry Klein.

AYES: 4 (Cappello, Klein, Abe-Koga, Sayoc)

NAYES: 0

ABSTENTIONS: 0

ABSENT: Jones, Sinks

3. Old Business:

- a. Jordan provided an update on the progress of the Santa Clara | Santa Cruz Roundtable (informational only).
- b. Discussion of the May General Membership Meeting.

4. New Business:

- a. Legislative Action Committee:

- Discussion of committee meeting in May and positions taken. By unanimous consent the Executive Board agreed that ACA 1 should be placed on the agenda to comply with the Brown Act.

AYES: 4 (Cappello, Klein, Abe-Koga, Sayoc)

NAYES: 0

ABSTENTIONS: 0

ABSENT: Jones, Sinks

- b. Consideration of request to cosponsor symposium on electrification with Silicon Valley Joint Venture to co-sponsor. Motion by Sayoc, seconded by Abe-Koga, for the Executive Board to

recommend to the Board of Directors cosponsoring symposium on electrification. Motion passes unanimously. This item will be placed on the consent agenda.

AYES: 4 (Cappello, Klein, Abe-Koga, Sayoc)

NAYES: 0

ABSTENTIONS: 0

ABSENT: Jones, Sinks

5. By unanimous consent, the Board agreed to the following Agenda for April Board of Directors Agenda Setting for Board of Directors Meeting/Committee Reports to Board:
- a. Legislative Committee meeting 6PM
 - b. City Selection Committee – 2 appointments/recommendations 6:45 PM
 - c. Silicon Valley Clean Energy – 7:05 (15 min)
 - d. City of San José – scooters - 7:20 (20 min)
 - e. Legislative Committee (report out) – 7:40 (20 min)
 - f. RHNA Subregion formation update – 8:05 (5 min)

There was no public comment or executive director report.

The meeting adjourned at 4:10 pm until Friday, August 2, 2019 at 3 PM.

Respectfully submitted,

Andi Jordan
Executive Director

Minutes approved on DATE

Motion:

Second:

AYES:

NAYES:

ABSTENTION:

ABSENT:

Management Report

CITIES ASSOCIATION OF SANTA CLARA COUNTY
For the period ended June 30, 2019



Prepared by

BestBooks4U Bookkeeping & QuickBooks Consulting

Prepared on

July 1, 2019

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Profit and Loss

July 2018 - June 2019

	Total
INCOME	
Directory Income	195.00
Dues Income	144,886.05
Reimbursement	18.42
Roundtable Income	250,000.01
Services	15.00
Total Income	395,114.48
GROSS PROFIT	
	395,114.48
EXPENSES	
Computer & Equipment	2,670.91
Dues and Subscriptions	400.00
Office	6.80
Conferences/Director's Expenses	373.30
Directory Production	241.00
Hospitality	1,480.59
Insurance	1,690.50
Internet - Web Hosting Services	128.81
Miscellaneous	
Bank Service Charges	43.00
Merchant QB Payment Fees	1.12
Total Bank Service Charges	44.12
Total Miscellaneous	44.12
Post Office Box	56.00
Postage and Delivery	98.29
Printing and Copying	1,345.52
Software Licenses	1,287.76
Supplies and Equipment	269.39
Website Update	2,000.00
Total Office	9,022.08
Other Miscellaneous Service Cost	7.17
Professional Services	
Accounting Services	2,110.50
Attorney Services	1,300.00
Employee Expenses	
Payroll Service Fees	589.00
Payroll Taxes	7,881.00
Payroll Wages/Salary	102,999.96
Total Employee Expenses	111,469.96
Total Professional Services	114,880.46
Programs and Initiatives	1,000.00
Reimbursable Expense	122.00
Uncategorized Expense	3.00

	Total
Workers Compensation	684.02
Total Expenses	128,789.64
NET OPERATING INCOME	266,324.84
OTHER INCOME	
General Membership Meeting	61.11
Interest Income	1,131.21
Membership Dinners - Proceeds	8,100.00
Total Other Income	9,292.32
OTHER EXPENSES	
General Meeting - catering	1,034.11
General meeting - office supplies/signage	884.15
Membership Dinners - Cost	12,237.69
Roundtable consultant and technical services	48,429.71
Total Other Expenses	62,585.66
NET OTHER INCOME	-53,293.34
NET INCOME	\$213,031.50

Balance Sheet

As of June 30, 2019

	Total
ASSETS	
Current Assets	
Bank Accounts	
Checking - Union Bank	151,132.22
Total Bank Accounts	151,132.22
Other Current Assets	
Accrued Interest	44.60
LAIF Funds	119,761.49
Venue Deposit	1,000.00
Total Other Current Assets	120,806.09
Total Current Assets	271,938.31
Fixed Assets	
Accumulated Depreciation	-1,926.59
Machinery and Equipment	2,203.41
Total Fixed Assets	276.82
TOTAL ASSETS	\$272,215.13
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
First National Bank of Omaha	433.68
Total Credit Cards	433.68
Total Current Liabilities	433.68
Total Liabilities	433.68
Equity	
Opening Bal Equity	-34.00
Reserves	0.00
Reserve for New Equip.	2,329.09
Reserve for Operations	35,000.00
Total Reserves	37,329.09
Unrestricted Fund Balance	21,454.86
Net Income	213,031.50
Total Equity	271,781.45
TOTAL LIABILITIES AND EQUITY	\$272,215.13

Statement of Cash Flows

July 2018 - June 2019

	Total
OPERATING ACTIVITIES	
Net Income	213,031.50
Adjustments to reconcile Net Income to Net Cash provided by operations:	
LAIF Funds	-63,131.21
First National Bank of Omaha	1,228.16
Total Adjustments to reconcile Net Income to Net Cash provided by operations:	-61,903.05
Net cash provided by operating activities	151,128.45
FINANCING ACTIVITIES	
Reserves: Reserve for New Equip.	-2,670.91
Unrestricted Fund Balance	2,670.91
Net cash provided by financing activities	0.00
NET CASH INCREASE FOR PERIOD	151,128.45
Cash at beginning of period	3.77
CASH AT END OF PERIOD	\$151,132.22

PL Fiscal YTD by month

July 2018 - June 2019

	Jul 2018	Aug 2018	Sep 2018	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Total
INCOME													
Directory Income		15.00	150.00	30.00									195.00
Dues Income	144,886.05			18.42									144,886.05
Reimbursement							210,107.22		39,882.79				250,000.01
Roundtable Income											15.00		15.00
Services													
Total Income	144,886.05	15.00	150.00	48.42	0.00	0.00	210,107.22	0.00	39,882.79	0.00	15.00	0.00	385,114.48
GROSS PROFIT	144,886.05	15.00	150.00	48.42	0.00	0.00	210,107.22	0.00	39,882.79	0.00	15.00	0.00	385,114.48
EXPENSES													
Computer & Equipment						400.00		2,670.91					2,670.91
Dues and Subscriptions													400.00
Office		6.80											6.80
Conferences/Directors Expenses					40.00				103.30				373.30
Directory Production						200.00			41.00				241.00
Hospitality													1,480.59
Insurance	138.42	151.23	151.23	124.00	145.19		260.25	126.25	220.03	162.18		140.23	1,680.50
Internet - Web Hosting Services		138.42	138.41	138.41	138.41	138.41			427.00	144.36	144.33		1,288.61
Miscellaneous		21.57	59.94		21.57			21.57	-20.01	4.00		20.17	0.00
Bank Services Charges	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00		43.00
Merchant/CB Payment Fees							1.12						1.12
Total Bank Service Charges	3.00	3.00	3.00	3.00	3.00	3.00	4.12	3.00	3.00	3.00	13.00	0.00	44.12
Total Miscellaneous	3.00	3.00	3.00	3.00	3.00	3.00	4.12	3.00	3.00	3.00	13.00	0.00	44.12
Post Office Box				56.00									56.00
Postage and Delivery		7.21	7.25	1.63						82.20			98.29
Printing and Copying		100.90	95.22	106.67	76.94	140.28	107.65	184.12	147.79	233.04	35.86	104.05	1,345.52
Software Licenses	71.49	87.49	87.49	87.49	107.49	107.49	107.49	122.48	128.46	122.48	135.43	122.48	1,267.76
Supplies and Equipment		5.98				246.54					5.98	10.89	269.39
Website Update													2,000.00
Total Office	212.91	622.60	542.54	1,620.20	1,652.60	635.72	534.51	642.42	1,050.57	751.28	334.60	542.15	9,022.08
Other Miscellaneous Service Cost		4.60									2.57		7.17
Professional Services													0.00
Accounting Services	556.25	66.75				255.00	170.00		403.75	191.25	148.75	318.75	2,110.50
Attorney Services						650.00			650.00				1,300.00
Employee Expenses													0.00
Payroll Services Fees	88.00	45.00	45.00	45.00	45.00	51.00	45.00	45.00	45.00	45.00	45.00	45.00	589.00
Payroll Taxes	637.50	637.50	637.50	637.49	637.51	637.50	791.50	637.50	637.50	714.50	637.50	637.50	7,861.00
Payroll Wages/Salary	8,333.33	8,333.33	8,333.33	8,333.33	11,333.33	8,333.33	8,333.33	8,333.33	8,333.33	8,333.33	8,333.33	8,333.33	102,999.86
Total Employee Expenses	9,058.83	9,015.83	9,015.83	9,015.82	12,015.84	9,021.83	9,168.83	9,015.83	9,015.83	9,022.83	9,015.83	9,015.83	111,488.98
Total Professional Expenses	9,015.08	9,062.89	9,015.83	9,015.82	12,015.94	9,022.83	9,339.83	9,015.83	10,069.29	9,294.06	9,164.29	1,000.00	114,880.46
Programs and Initiatives						122.00							122.00
Reimbursable Expense												3.00	3.00
Uncategorised Expense													684.02
Workers Compensation		61.42	62.26	62.26	62.26	62.26	62.26	62.26	62.26	62.26	62.26	62.26	684.02
Total Expenses	9,627.89	9,666.60	9,626.23	10,266.28	13,610.70	11,246.81	9,638.60	12,281.42	11,182.41	10,687.60	9,554.01	10,841.89	128,799.84
NET OPERATING INCOME	135,058.06	-9,651.60	-9,475.23	-10,546.86	-13,610.70	-11,246.81	200,170.62	-12,281.42	28,710.38	-10,687.60	-9,549.01	-10,841.89	285,324.84
OTHER INCOME													
General Membership Meeting											61.11		61.11
Interest Income							823.55						1,191.21
Membership Dinners - Proceeds			307.66			5,200.00					2,900.00		8,100.00
Total Other Income	0.00	0.00	307.66	0.00	0.00	5,200.00	823.55	0.00	0.00	0.00	2,961.11	0.00	9,262.92
NET OTHER INCOME	\$135,058.06	\$-11,676.11	\$-9,167.57	\$-10,546.86	\$-14,306.68	\$-15,946.81	\$200,994.17	\$-12,281.42	\$28,710.38	\$-21,887.46	\$-4,389.26	\$-17,579.79	\$210,051.00
NET INCOME	\$135,058.06	\$-11,676.11	\$-9,167.57	\$-10,546.86	\$-14,306.68	\$-15,946.81	\$200,994.17	\$-12,281.42	\$28,710.38	\$-21,887.46	\$-4,389.26	\$-17,579.79	\$210,051.00
General Meeting - catering											1,034.11		1,034.11
General meeting - office supplies/signage										107.91	776.24		884.15
Membership Dinners - Cost		2,023.51			715.98	9,498.20							12,237.69
Roundtable consultant and technical services												36,837.74	48,429.71
Total Other Expenses	0.00	2,023.51	0.00	0.00	715.98	9,498.20	0.00	0.00	0.00	11,590.88	1,810.35	36,837.74	82,595.66
NET OTHER INCOME	0.00	-2,023.51	307.66	0.00	-715.98	-4,298.20	823.55	0.00	0.00	-11,590.88	1,180.78	-36,837.74	-52,293.34
NET INCOME	\$135,058.06	\$-11,676.11	\$-9,167.57	\$-10,546.86	\$-14,306.68	\$-15,946.81	\$200,994.17	\$-12,281.42	\$28,710.38	\$-21,887.46	\$-4,389.26	\$-17,579.79	\$210,051.00

Monthly Summary Expenses by VENDOR

June 2019

	Total
Adobe	14.99
AP Intego	62.26
Bestbooks4U	318.75
Caviar	120.06
Environmental Science Associates	36,637.74
FedEx Office	104.05
Great American Insurance Group	144.33
Gusto	45.00
Intuit	80.00
Lucky	20.17
Microsoft	12.50
Silicon Valley Leadership Group	1,000.00
Target	10.89
www.1and1.com	20.17
Zoom.us	14.99
Not Specified	8,973.83
TOTAL	\$47,579.73

Transaction Detail by Account

June 2019

Date	Transaction Type	Num	Adj	Name	Class	Memo/Description	Split	Amount	Balance
Checking - Union Bank									
06/03/2019	Expense		No	Great American Insurance Group		GreatAmer - Grea VENDOR P GreatAmer - Grea VENDOR PMT PPD *****3704	Office:Insurance	-144.33	-144.33
06/04/2019	Expense		No	Gusto		GUSTO FEE 758360 CCD 6sem GUSTO FEE 758360 CCD 6semjnitdors	Professional Services:Employee Expenses:Payroll Service Fees	-45.00	-189.33
06/05/2019	Expense		No	Environmental Science Associates		March 1-March 31 - Invoice 145506	Roundtable consultant and technical services	-14,414.44	-14,603.77
06/05/2019	Expense		No	Environmental Science Associates		April 1 - April 30, 2019	Roundtable consultant and technical services	-22,223.30	-36,827.07
06/10/2019	Expense		No	AP Intego		APIntego ACHTRANS CCD 427 APIntego ACHTRANS CCD 42777410	Workers Compensation	-62.26	-36,889.33
06/11/2019	Payment		No	City of Santa Cruz		check number 236767	Accounts Receivable	18,432.49	-18,456.84
06/12/2019	Check	2796	No	Silicon Valley Leadership Group		Check #2796	Programs and Initiatives	-1,000.00	-19,456.84
06/13/2019	Expense		No	Bestbooks4U		ADELE LEVIN T/A SALE CCD	Professional Services:Accounting Services	-318.75	-19,775.59
06/24/2019	Journal Entry		No	Gusto		Debit met pay	-Split-	-5,610.75	-25,386.34
06/24/2019	Journal Entry		No	Gusto		Debit tax	-Split-	-3,360.08	-28,746.42
06/25/2019	Transfer		No			1ST NATL BK OMAH ONLINE P 1ST NATL BK OMAH ONLINE PMT CCD CC0005054938	First National Bank of Omaha	-1,376.66	-30,123.08
06/27/2019	Payment		No	Santa Clara County Fire			Accounts Receivable	15.00	-30,108.08
06/28/2019	Expense		No			CHECK IMAGE FEE	Uncategorized Expense	-3.00	-30,111.08
Total for Checking - Union Bank								\$ -30,111.08	
Accounts Receivable									
06/11/2019	Payment		No	City of Santa Cruz			Checking - Union Bank	-18,432.49	-18,432.49
06/27/2019	Payment		No	Santa Clara County Fire			Checking - Union Bank	-15.00	-18,447.49
Total for Accounts Receivable								\$ -18,447.49	
First National Bank of Omaha									
06/07/2019	Expense		No	FedEx Office		Exec meeting	Office:Printing and Copying	24.72	24.72
06/10/2019	Expense		No	www.1and1.com		WWW.1AND1.COM - 6105601589, PA	Office:Internet - Web Hosting Services	20.17	44.89
06/13/2019	Expense		No	FedEx Office			Office:Printing and Copying	79.33	124.22
06/13/2019	Expense		No	Lucky		Lac Csc Bod	Office:Hospitality	20.17	144.39
06/13/2019	Expense		No	Caviar		June LAC/CSC/BOARD meetings	Office:Hospitality	120.06	264.45
06/17/2019	Expense		No	Zoom.us		ZOOM.US - 888799666, CA	Office:Software Licenses	14.99	279.44
06/17/2019	Expense		No	Intuit		Intuit *QuickBooks - 800-446-8848, CA ADOBE *ACROBAT PRO - 8008336887, CA	Office:Software Licenses	20.00	299.44
06/17/2019	Expense		No	Adobe			Office:Software Licenses	14.99	314.43
06/18/2019	Expense		No	Intuit		Intuit *QuickBooks - 800-446-8848, CA	Office:Software Licenses	60.00	374.43

Date	Transaction Type	Num	Adj	Name	Class	Memo/Description	Split	Amount	Balance
06/20/2019	Expense		No	Microsoft		MSFT * E01008GPA1 - MSBILL.INFO, WA	Office:Software Licenses	12.50	386.93
06/25/2019	Transfer		No			1ST NATL BK OMAH ONLINE P 1ST NATL BK OMAH ONLINE PMT CDD CC0005054938	Checking - Union Bank	-1,376.66	-989.73
06/25/2019	Expense	stationary	No	Target		Blank flat cards and envelopes for thank you cards and notes	Office:Supplies and Equipment	10.89	-978.84
Total for First National Bank of Omaha									\$ -978.84
Office									
Hospitality									
06/13/2019	Expense		No	Caviar	CASCC	Slice of NY delivery for LAC/CSC/Board meeting	First National Bank of Omaha	120.06	120.06
06/13/2019	Expense		No	Lucky	CASCC		First National Bank of Omaha	20.17	140.23
Total for Hospitality									\$140.23
Insurance									
06/03/2019	Expense		No	Great American Insurance Group	CASCC	GreatAmer - Grea VENDOR P GreatAmer - Grea VENDOR PMT PPD *****3704	Checking - Union Bank	144.33	144.33
Total for Insurance									\$144.33
Internet - Web Hosting Services									
06/10/2019	Expense		No	www.1and1.com	Roundtable	WWW.1AND1.COM - 6105601589, PA	First National Bank of Omaha	20.17	20.17
Total for Internet - Web Hosting Services									\$20.17
Printing and Copying									
06/07/2019	Expense	exec meeting	No	FedEx Office	CASCC	Exec meeting	First National Bank of Omaha	24.72	24.72
06/13/2019	Expense	lac csc board	No	FedEx Office	CASCC	Lac Csc Board	First National Bank of Omaha	79.33	104.05
Total for Printing and Copying									\$104.05
Software Licenses									
06/17/2019	Expense		No	Zoom.us	CASCC	ZOOM.US - 8887999666, CA	First National Bank of Omaha	14.99	14.99
06/17/2019	Expense		No	Adobe	CASCC	ADOBE *ACROBAT PRO - 8008336687, CA	First National Bank of Omaha	14.99	29.98
06/17/2019	Expense		No	Intuit	CASCC	Intuit *QuickBooks - 800-446-8848, CA	First National Bank of Omaha	20.00	49.98
06/18/2019	Expense		No	Intuit	CASCC	Intuit *QuickBooks - 800-446-8848, CA	First National Bank of Omaha	60.00	109.98
06/20/2019	Expense		No	Microsoft	CASCC	MSFT * E01008GPA1 - MSBILL.INFO, WA	First National Bank of Omaha	12.50	122.48
Total for Software Licenses									\$122.48
Supplies and Equipment									
06/25/2019	Expense	stationary	No	Target	CASCC	Blank flat cards and envelopes for thank you cards and notes	First National Bank of Omaha	10.89	10.89
Total for Supplies and Equipment									\$10.89

Date	Transaction Type	Num	Adj	Name	Class	Memo/Description	Split	Amount	Balance
Total for Office									
Professional Services									
Accounting Services									
06/13/2019	Expense		No	Bestbooks4U	CASCC	ADELE LEVIN T/A SALE CCD	Checking - Union Bank	318.75	318.75
Total for Accounting Services									
Employee Expenses									
Payroll Service Fees									
06/04/2019	Expense		No	Gusto	CASCC	GUSTO FEE 758360 CCD 6sem GUSTO FEE 758360 CCD 6semjndors	Checking - Union Bank	45.00	45.00
Total for Payroll Service Fees									
Payroll Taxes									
06/24/2019	Journal Entry	Gusto	No			Employer Taxes	-Split-	637.50	637.50
Total for Payroll Taxes									
Payroll Wages/Salary									
06/24/2019	Journal Entry	Gusto	No			Regular Wages	-Split-	8,333.33	8,333.33
Total for Payroll Wages/Salary									
Total for Employee Expenses									
Total for Professional Services									
Programs and Initiatives									
06/12/2019	Check	2796	No	Silicon Valley Leadership Group	CASCC	Check #2796	Checking - Union Bank	1,000.00	1,000.00
Total for Programs and Initiatives									
Uncategorized Expense									
06/28/2019	Expense		No			CHECK IMAGE FEE	Checking - Union Bank	3.00	3.00
Total for Uncategorized Expense									
Workers Compensation									
06/10/2019	Expense		No	AP Intego	CASCC	APIntego ACHTRANS CCD 427 APIntego ACHTRANS CCD 42777410	Checking - Union Bank	62.26	62.26
Total for Workers Compensation									
Roundtable consultant and technical services									
06/05/2019	Expense		No	Environmental Science Associates	Roundtable	CASCC - Facilitator/Consultant Services for Santa Clara/Santa Cruz Community Roundtable	Checking - Union Bank	22,223.30	22,223.30
06/05/2019	Expense		No	Environmental Science Associates	Roundtable	CASCC Facilitator/consultant Services for Santa Clara/Santa Cruz Community Roundtable	Checking - Union Bank	14,414.44	36,637.74
Total for Roundtable consultant and technical services									

ADJ Profit and Loss by Class

July 2018 - June 2019

	CASCC	Roundtable	Not Specified	TOTAL
INCOME				
Directory Income	195.00			195.00
Dues Income	144,886.05			144,886.05
Reimbursement	18.42			18.42
Roundtable Income		250,000.01		250,000.01
Services	15.00			15.00
Total Income	145,114.47	250,000.01	0.00	395,114.48
GROSS PROFIT				
	145,114.47	250,000.01	0.00	395,114.48
EXPENSES				
Computer & Equipment	2,670.91			2,670.91
Dues and Subscriptions	400.00			400.00
Office	6.80			6.80
Conferences/Director's Expenses	373.30			373.30
Directory Production	241.00			241.00
Hospitality				
Insurance	1,308.54	172.05		1,480.59
Internet - Web Hosting Services	1,690.50			1,690.50
Miscellaneous	103.08	25.73		128.81
Bank Service Charges	43.00			43.00
Merchant QB Payment Fees	1.12			1.12
Total Bank Service Charges	44.12			44.12
Total Miscellaneous				
Post Office Box	56.00			56.00
Postage and Delivery	88.64	9.65		98.29
Printing and Copying	1,032.13	313.39		1,345.52
Software Licenses	1,281.78	5.98		1,287.76
Supplies and Equipment	269.39			269.39
Website Update	2,000.00			2,000.00
Total Office	8,495.28	526.80		9,022.08
Other Miscellaneous Service Cost	7.17			7.17

	CASCC	Roundtable	Not Specified	TOTAL
Professional Services				0.00
Accounting Services	2,110.50			2,110.50
Attorney Services		1,300.00		1,300.00
Employee Expenses				0.00
Payroll Service Fees	589.00			589.00
Payroll Taxes	7,243.50		637.50	7,881.00
Payroll Wages/Salary	94,666.63		8,333.33	102,999.96
Total Employee Expenses	102,499.13		8,970.83	111,469.96
Total Professional Services	104,609.63	1,300.00	8,970.83	114,880.46
Programs and Initiatives	1,000.00			1,000.00
Reimbursable Expense	122.00			122.00
Uncategorized Expense			3.00	3.00
Workers Compensation	684.02			684.02
Total Expenses	117,989.01	1,826.80	8,973.83	128,789.64
NET OPERATING INCOME	27,125.46	248,173.21	-8,973.83	266,324.84
OTHER INCOME				
General Membership Meeting	61.11			61.11
Interest Income	1,131.21			1,131.21
Membership Dinners - Proceeds	8,100.00			8,100.00
Total Other Income	9,292.32	0.00	0.00	9,292.32
OTHER EXPENSES				
General Meeting - catering	1,034.11			1,034.11
General meeting - office supplies/signage	884.15			884.15
Membership Dinners - Cost	12,237.69			12,237.69
Roundtable consultant and technical services		48,429.71		48,429.71
Total Other Expenses	14,155.95	48,429.71	0.00	62,585.66
NET OTHER INCOME	-4,863.63	-48,429.71	0.00	-53,293.34
NET INCOME	\$22,261.83	\$199,743.50	\$ -8,973.83	\$213,031.50

CITIES ASSOCIATION OF SANTA CLARA COUNTY

BUDGET VS. ACTUALS: FY 19 (JULY 2018 - JUNE 2019) - FY19 P&L

July 2018 - June 2019

	ACTUAL	TOTAL		% OF BUDGET
		BUDGET	OVER BUDGET	
Income				
Directory Income	195.00	1,000.00	-805.00	19.50 %
Dues Income	144,886.05	144,886.00	0.05	100.00 %
Interest		500.00	-500.00	
Total Income	\$145,081.05	\$146,386.00	\$ -1,304.95	99.11 %
GROSS PROFIT	\$145,081.05	\$146,386.00	\$ -1,304.95	99.11 %
Expenses				
Office	6.80	8,861.00	-8,854.20	0.08 %
Professional Services		10,000.00	-10,000.00	
Employee Expenses		10,000.00	-10,000.00	
Payroll Wages/Salary	102,999.96	100,000.00	2,999.96	103.00 %
Total Employee Expenses	102,999.96	110,000.00	-7,000.04	93.64 %
Total Professional Services	102,999.96	120,000.00	-17,000.04	85.83 %
Programs and Initiatives	1,000.00	7,000.00	-6,000.00	14.29 %
Total Expenses	\$104,006.76	\$135,861.00	\$ -31,854.24	76.55 %
NET OPERATING INCOME	\$41,074.29	\$10,525.00	\$30,549.29	390.25 %
Other Income				
General Membership Meeting	61.11	3,250.00	-3,188.89	1.88 %
Membership Dinners - Proceeds	8,100.00	4,225.00	3,875.00	191.72 %
Total Other Income	\$8,161.11	\$7,475.00	\$686.11	109.18 %
Other Expenses				
General Meeting - catering	1,034.11	5,000.00	-3,965.89	20.68 %
Membership Dinners - Cost	12,237.69	13,000.00	-762.31	94.14 %
Total Other Expenses	\$13,271.80	\$18,000.00	\$ -4,728.20	73.73 %
NET OTHER INCOME	\$ -5,110.69	\$ -10,525.00	\$5,414.31	48.56 %
NET INCOME	\$35,963.60	\$0.00	\$35,963.60	0.00%



Agenda Item No: 3a

Meeting Date: August 2, 2019

Cities Association of Santa Clara County Agenda Report

TOPIC: Update on Organizational Status

SUBJECT: Organizational Status of the Cities Association of Santa Clara County

EXECUTIVE SUMMARY: The Executive Director is expecting an update on the organizational status of the association from the IRS on June 30, 2019.

Background: The Cities Association of Santa Clara County Board of Directors voted to hire an accountant to work with the IRS regarding the organizational status. The Executive Director sent a letter to the IRS dated March 9, 2019. The Accountant followed up in June 2019. The Cities Association has also requested assistance from Congressional office to facilitate a response and action from the IRS.

RECOMMENDATION:

N/A

FISCAL IMPACT:

(Unknown.)

RECOMMENDED ACTION: If an update is provided before August 2, 2019, the Executive Board may choose to update the Board of Directors at the next meeting.



Agenda Item No: 3b

Meeting Date: August 2, 2019

Cities Association of Santa Clara County Agenda Report

TOPIC: Regional Housing Needs Allocation Subregion Formation

SUBJECT: Status Report on RHNA Subregion Formation

EXECUTIVE SUMMARY: The deadline for RHNA Subregion Formation is February 2020. The CASCC and the RHNA Subregion Taskforce targeted presentation of completed documents for the August 2019 Executive Board/Board meetings.

City of San José City Attorney's office and Vice Mayor Jones Office have been assisting with formation documents and Task Force Meetings. Because of summer staffing (vacations), city/county responses to the MOU have not been incorporated into a final MOU. The MOU will require more discussion which is not able to happen for the August meetings.

Staff of the Task Force will also meet and review the proposed MOU to ensure the MOU reflects the requested changes and the bylaws which have been previously adopted by the Board of Directors.

The Cities/County will be notified of the delays if the Executive Board is agreeable.

Attached are letters received from the cities.

RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

RECOMMENDED ACTION: Move to accept modified internal RHNA Subregion formation schedule with presentation and adoption in September 2019.



CITY OF CAMPBELL
Community Development Department

July 22, 2019

Andi Jordan
Executive Director
Cities Association of Santa Clara County
PO Box 3144
Los Altos, CA 94024

Re: Draft MOU for the formation of a Santa Clara County and Cities RHNA Subregion

Ms. Jordan,

The City of Campbell is committed to planning for its fair share of the Regional Housing Needs Allocation and has expressed a desire to be included in the conversation of forming a subregion. While the City of Campbell is interested in exploring the formation of a subregion to facilitate collaboration with other Santa Clara County jurisdictions, no decision to formally join a subregion has been made.

City staff participated in a couple of subregion discussion meetings where staff identified a disconnect between explanations of a subregion's purpose and what is written within the draft Memorandum of Understanding (MOU). What staff learned from these meetings was that a subregion would allow opportunities to exchange units with other agencies. Staff also learned that that the subregion would accept the distribution methodology created as part of the Housing Methodology Committee (HMC), a subcommittee of the MTC/ABAG working group. However, the MOU reads much differently.

In general, the MOU spends a considerable amount of time defining the different entities (e.g., the policy committee, technical advisory committee) but doesn't adequately define the distribution "process" including the allocation methodology and decision milestones (e.g., dates to sign resolutions and consequences of a City withdrawing from the subregion).

The following clarifications are requested:

- Under "Recitals", page 2, letter D – It states that a RHNA subregion would consist of all the agency's respective jurisdictions. The City of Campbell has not yet committed to participating in the subregion at this point. There remain unanswered questions that need to be understood and ultimately accepted.

- Under “Recitals”, page 2, letter E – It states that the purpose of the MOU is “to develop the RHNA allocation for all the Agencies in a manner that is sensitive to the varied interests of all the Agencies” If the purpose of the MOU is to provide opportunities to swap units, why does it state that a RHNA allocation will be developed? Rather, a process to exchange units should be developed.
- Under “Agreement”, page 2, item 1d – It states that a purpose of the MOU is to appoint a committee to serve as the coordinating committee and point of contact for the RHNA subregion. How many representatives will be on this Committee and will they be evenly selected amongst all the South County jurisdictions?
- Under “RHNA Policy Committee (PC)”, page 3, item a1 – It states that the primary role of the PC is to “adopt a policy consensus” for transmittal to the governing boards and councils. Please define what a policy consensus is. Is this implying that a new methodology will be developed, or will the policies speak more broadly to jurisdictions’ obligation to plan for housing growth in a unified manner for all subregion jurisdictions?
- Under “RHNA Technical Advisory Committee (TAC)”, page 5, item b1 – It states that the purpose of TAC is to provide technical expertise and development of solutions to issues relating to the subregion RHNA allocation, to review and make recommendations for the RHNA allocation, etc. Is this statement implying that a new methodology will be developed to assign an allocation to a subregion agency or will the RHNA allocation assigned by MTC/ABAG be used?
- Under “Consultants”, page 6, item c – It states that the PC can hire a consultant to “Develop RHNA subregion allocation and/or the RHNA allocation for each Agency’s jurisdiction if the Agencies determine that they do not agree with the ABAG RHNA subregion or specific Agency allocation.” This clearly states that a new allocation could and probably will be prepared. The MOU needs to dispel the false understanding that the intent of the subregion is not to create a process to exchange units or prepare a set of policies to focus housing growth in specific areas within one’s jurisdiction. Rather, it is meant to review the assigned allocation from MTC/ABAG and then to alter the distribution based on a new set of allocation criteria.
- Under “Cost”, page 7, item a – It states that each agency agrees to pay an equal share of the “Initial Fund” to the Association, etc. If it is known that there will more than likely be additional monetary contributions, please state what activities or services are contemplated with approximate figures of what such services will cost.
- Under “Termination”, page 8, item a – It states that the MOU shall automatically extend with no further action unless terminated by “mutual agreement of the Parties.” Does this mean that a majority vote is required? What happens when the majority does not approve a withdrawal request from a participating agency? Will that Agency be forced to stay in the subregion?

- Under “Withdrawal of Agency”, page 9, item d – It states that upon withdrawal, funds collected pursuant to Section 3.... This should state “Section 9.”
- Within the Draft Resolution, there is no language that allows an agency to remove itself from the subregion. This should be included.

We recommend the following sections be added at a minimum:

Decision Milestones (this could be added to section 10)

- Dates that each resolution shall be signed by each jurisdiction
 - Resolution to participate the subregion (Recital C)
 - Resolution to approve the MOU (Recital D)
 - Resolution of PC to adopt an appeal process (Section 4.a.9)
 - Resolution of PC to adopt the rules of conduct (Section 4.e)
 - Resolution to accept the Subregion RHNA allocation (Section 8)
- Timeframe for a city to convey the PC’s votes to their respective boards/councils (Section 4.f)
- Outcomes at each stage if a city does not execute the resolution or withdraws from the subregion
 - When and how would an agency revert back to the MTC/ABAG allocation (e.g., if they reject the decision by the PC) assuming the TAC and PC will be creating a new allocation?
 - How will the delta between an agency’s rejected subregion allocation be redistributed to the remaining participating cities? Will it evenly be distributed, or will it be based on a percentage of an agency’s population, etc.?
 - When is a city obligated to fulfill the subregion allocation (e.g., after it is sent to, and accepted by, MTC/ABAG?)

Staff also has the following general questions:

- What are the ground rules for the “voluntary process” provided in section 1.e?
- How will the appeal process work? What are the dates/milestones to appeal?

- Are there examples of “findings” referred to in section 4.a.4?
- What if a city wants to trade after acceptance of its initial allocation? Agencies can’t predict what developers will build. Cities could incentivize developers to build a certain product with certain affordability but this may not be well thought out before acceptance of the subregion allocation is required.
- When will the subregion involve a consultant?
- Does the County need to stay in the subregion? If not, when can they withdraw?
- Do the participating agencies need to be geographically contiguous?

General Suggestion:

The City of Campbell wishes to offer a suggestion that the MOU establish a set of criteria and/or measures which allows participating agencies to swap/trade RHNA units. This was the premise in which the discussions began and yet the written MOU provides a much different approach – creation of new methodology to which a new allocation would be assigned.

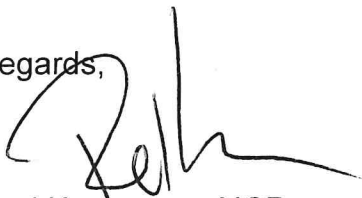
Another approach is to accept the MTC/ABAG RHNA and then create a set of defining principles, practices and policies to help guide individual agencies to uniformly plan for housing production. In this regard, the participating agencies would realize a more consistent and deliberate approach for regional growth in a responsible manner.

Conclusion:

We thank the RHNA Subregion Task Force for their efforts to date, and moving forward, as we work towards these important decisions.

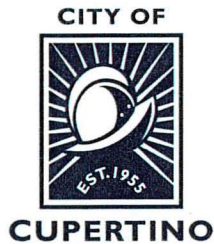
Please feel free to contact Paul Kermoyan, Community Development Director, if you have any questions or need any additional information.

Regards,



Paul Kermoyan, AICP
Community Development Director

CC: Brian Loventhal, City Manager



CITY MANAGER'S OFFICE

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366
CUPERTINO.ORG

July 25, 2019

Ms. Andi Jordan
Executive Director
Cities Association of Santa Clara County
PO Box 3144
Los Altos, CA 94024

Re: Proposed Memorandum of Understanding – Santa Clara County Regional Housing Needs Subregion

Dear Ms. Jordan:

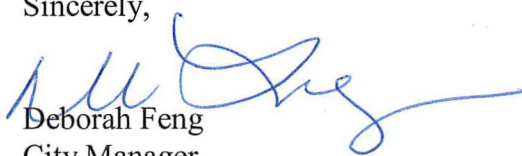
Thank you for the opportunity to comment on the proposed Memorandum of Understanding (MOU) for the proposed Santa Clara County Regional Housing Needs Subregion.

The City's legal counsel and staff have reviewed the proposed MOU, and both general comments and detailed comments are attached to this letter. Our primary concern is that the MOU does not seem to recognize the changes in the regional housing needs allocation (RHNA) process required by 2018 legislation. In particular, before allocating the RHNA to individual cities and the County, the subregion must develop a draft allocation methodology and submit it to the Department of Housing and Community Development (HCD) for review and comment. The draft MOU does not contain any provisions regarding this required process.

In addition, it should be confirmed that state law allows a city to withdraw from the subregion after it has agreed to join it.

Thank you for your consideration. If you have any questions, please feel free to contact Benjamin Fu, Community Development Director, at (408) 777-3247 (benjaminf@cupertino.org).

Sincerely,


Deborah Feng
City Manager

General Comments on Proposed MOU

Consistency with Statutory RHNA Requirements

- The RHNA provisions of state law require each subregion to develop a methodology for allocating units among cities and the County, in consultation with HCD and consistent with requirements for public involvement. (Gov't Code Section 65584.04.)¹ The methodology must then be submitted to HCD for review and comment, although the subregion will make the final decision. The MOU it has no provisions for developing a methodology and submitting it to HCD. If the subregion simply elects to use the ABAG methodology, it could not later decide to change the methodology by trading units among cities and the County.

This is a much more formal process than in past housing element cycles. In the past, subregions reviewed the ABAG allocations and then agreed on trades and exchanges. While the subregions needed to justify the changes and prepare a methodology, the methodology was not reviewed or scrutinized. Now the methodology itself must be reviewed by HCD for conformance with state law *before* the allocations are made. This practically requires that any trades or exchanges be agreed upon at the same time as the methodology is developed so that the methodology will allow the trade or exchange.

- After the methodology is approved, the subregion must distribute the allocations to individual cities and hold hearings on any appeals. (Section 65584.05.) HCD and any city may appeal the allocation of a city or the County. It is not clear from the statute that an individual city can withdraw from a subregion once formed or that a city could appeal its allocation to ABAG rather than to the subregion. This needs to be discussed with ABAG.
- The MOU requires subregion approval of the RHNA allocation to the entire subregion. However, although ABAG is required to consult with the subregion, hold one public hearing, and consider requests for revisions, ABAG makes the final decision. (Section 65584.03(c).)

Structure

- The Technical Advisory Committee, like the RHNA Policy Committee, should have defined members and alternates to ensure consistency in policy-making, with regular meetings in advance of Policy Committee meetings to advise the Policy Committee.
- The process for selecting the consultant is not clear. Additionally, the consultant's role needs to be expanded to be consistent with the statutory requirements. \$50,000 is probably inadequate because the consultant needs to be able to develop

¹ All future references are to the Government Code.

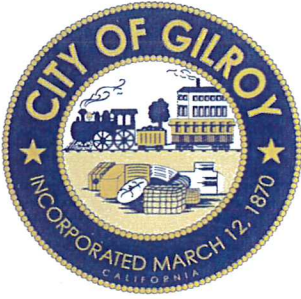
a methodology consistent with the subregion's interests and to interact with and consult with HCD.

- Costs should be shared based on population, budget, or some other measurement, rather than shared equally for all jurisdictions ranging in size from Monte Sereno to San Jose.

Other

- The indemnification provision (Section 14) should be removed. (There is a comment from the author saying it is unnecessary).

Attached are specific suggestions for revisions to the MOU.



Community Development Department

Greg Larson
INTERIM DIRECTOR

7351 Rosanna Street, Gilroy, California 95020-6197
Telephone: (408) 846-0451 Fax: (408) 846-0429
<http://www.cityofgilroy.org>

July 25, 2019

Andi Jordan
Executive Director
Cities Association of Santa Clara County
PO Box 3144
Los Altos, CA 94024

Re: Draft Resolution and MOU for the formation of a Santa Clara County RHNA Sub-Region

Ms. Jordan:

Enclosed please find the comments from the City of Gilroy regarding the Draft Santa Clara County RHNA Sub-Region Resolution and Memorandum of Understanding.

1. It is critical to Gilroy that the MOU incorporate the provision in the previous sub-region by-laws stating that adoption of the Final Regional Housing Needs Allocation requires the consent of each jurisdiction that has been allocated a greater share of housing than the ABAG default allocation.

The combined provisions of MOU Sections 8. Voting By the Agencies and 11. Adoption of Final RHNA Allocation are confusing, and possibly inconsistent, regarding the above requirement. Section 8 c. 3. says a 2/3 vote is required to approve the RHNA allocation for the sub-region and the allocation among the agencies. Section 11 a. says approval by each agency is required to approve the RHNA allocation for the sub-region. Section 11 b. appears to say that adoption of the final RHNA allocation shall include the approval of any agency proposed to receive a greater (or lesser) share of housing than their default ABAG allocation. These provisions appear to be inconsistent. We request that the language in these sections be simplified to clearly establish this requirement.

The following are the subject sections from the MOU.

8. VOTING BY THE AGENCIES

- a. The governing boards and councils of the Agencies may be requested to provide recommendations, guidance, and direction to the PC on issues related to the RHNA sub-region formation and RHNA allocation. Any direction from the governing boards and councils of the Agencies on matters brought before them for a recommendation shall be considered by the PC, and the PC's actions shall attempt in good faith to resolve any issues and concerns expressed by any Agency.
- b. The unanimous agreement of the Agencies is required to amend this MOU.
- c. Agreement by two-thirds (2/3) of the Agencies is required to:
 1. Fund RHNA sub-region work in accordance with Section 9;
 2. Approve the RHNA allocation for the sub-region; and

3. Approve the proposed RHNA allocation among the Agencies subject to the approval of each Agency in accordance with Section 8.d below.
- d. The adoption by resolution of the governing board or council of an Agency is specifically required to approve the RHNA allocation for that Agency.

11. ADOPTION OF FINAL RHNA ALLOCATION

Adoption of the Final RHNA Allocation requires:

- a. The approval by resolution of the governing board or council of each of the Agencies in accordance with the voting requirements in Section 8; and
 - b. Any resolution to adopt the final RHNA Allocation by an Agency that is allocated a greater or lesser share of regional housing or a greater or lesser share of housing in a specified household income category than its ABAG Default Allocation as defined in Section 13.c shall:
 1. Specify that the Agency approves and consents to the increase or decrease in its RHNA allocation; and
 2. Authorize the approval of any agreement specifying the terms and conditions of the approval of the Agency's increased or decreased allocation.
2. It is our understanding that a RHNA sub-region is a "statutory" entity, that is, an entity created pursuant to an authorizing statute, in this case Govt. C. 65584.03, which refers to it as a "sub-regional entity" without describing its legal status in any detail. Assuming that is correct, then in addition to whatever statutory powers it has, its other powers and duties would presumably be those that are given to it in the MOU. Therefore, the MOU should be reviewed to see if it has enough detail to enable the sub-region to function as a legal entity. For example, Section 6 allows it to hire consultants. Does it also have the power to sue and be sued? Does it have general contracting power? Can it hire an employee? Clarification of such items would be helpful.
3. The MOU extensively addresses the operational and administrative processes required to operate the sub-region. Much less focus is given to the actual objectives of the sub-region, in terms of creating the allocation methodology, establishing procedures for possible swapping of allocations between agencies, etc. Expanded information on these topics should be included.
4. The Outcome Section of the draft staff report refers to the 2023 – 2031 RHNA cycle. The MOU Section 3 Term. refers to the 2022 – 2030.

Thank you for the opportunity to provide comments on the draft MOU. We look forward to consideration by the Cities Association of our comments.

Regards,



Julie Wyrick, AICP
Planning Manager

CC: Gabriel A. Gonzalez, City Administrator

Subject: Fwd: RHNA Subregion MOU and Formation Resolution - Revised from 6/24 Meeting
Date: Friday, July 26, 2019 at 9:12:51 PM Pacific Daylight Time
From: Chris Jordan
To: Andi Jordan
Attachments: RHNA Subregion Resolution_Redline_062719-c1-c1.docx, ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Christopher Diaz <Christopher.Diaz@bbklaw.com>
Date: July 26, 2019 at 6:18:01 PM PDT
To: "Chris Jordan (cjordan@losaltosca.gov)" <cjordan@losaltosca.gov>
Subject: FW: RHNA Subregion MOU and Formation Resolution - Revised from 6/24 Meeting

Chris –

Sorry for our delay on this issue. However, if Andi saw Milpitas' comments, these are similar/same.

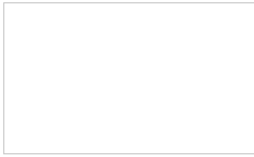
Please see our comments on the RHNA Subregion resolution attached. I would note that the MOU provides that each city shall contribute to the initial cost of the consultant work (\$3125/city), but the resolution is silent about the funding commitment. We think this should be addressed in the "WHEREAS" provisions and the resolution should include an authorization in the "RESOLVED" sections to address the funding that is specified in Section 9(a) and (b) of the MOU. We may also want to include something about how the additional "Subsequent Funding" will be handled.

The MOU itself establishes a "subregion" governed by 2/3 vote for all decisions except for "amending the MOU," which must be "unanimous." This is less than ideal drafting because it is stated ambiguously and in multiple places (Section 4(f), Section 8 and Section 15). I think it would be better just to state that in one place that all decisions shall be by 2/3 vote except for those decisions requiring an amendment to the MOU, which shall only occur by written agreement executed by all the Parties (the latter of which currently is stated in Section 15).

Please note also that the MOU (Section 13(d)) currently specifies that funds collected pursuant to "Section 3 prior to withdrawal shall not be returned to the withdrawing Agency." Section 3 does not deal with funding, but does address, by cross-reference, the process for withdrawing from the MOU (which is substantively addressed in Section 13 and accomplished by a notification process.) The point here seems to be (but is not entirely clear) that a city cannot receive a refund for any money it provides (as specified in Section 9, "Costs") if it elects to withdraw. It is not clear what happens if all the funds are not expended if the MOU is terminated (see Section 3). This language should be clarified and tightened, and perhaps a mechanism for refund if we do decide to withdraw is warranted in some circumstances.

Have a great weekend!

Thanks,



[Christopher Diaz](#)
Partner
christopher.diaz@bbklaw.com
T: (925) 977-3309 C: (310) 422-3523
www.BBKlaw.com

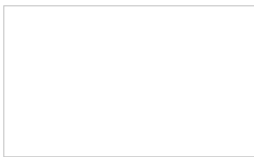
From: Chris Jordan [<mailto:cjordan@losaltosca.gov>]
Sent: Friday, July 12, 2019 7:00 AM
To: Jon Biggs; Christopher Diaz
Subject: Fwd: RHNA Subregion MOU and Formation Resolution - Revised from 6/24 Meeting

CAUTION - EXTERNAL SENDER.

The Cities Association is looking for our feedback on the MOU, including any concerns raised by legal counsel. Could you please review the MOU and provide me with your comments/concerns?

Thanks.

Chris



[Christopher Diaz](#)
Partner
christopher.diaz@bbklaw.com
T: (925) 977-3309 C: (310) 422-3523
www.BBKlaw.com

Begin forwarded message:

From: Chris Jordan <cjordan@losaltosca.gov>
Date: July 1, 2019 at 10:28:06 AM PDT
To: Jon Biggs <jbiggs@losaltosca.gov>, "christopher.diaz@bbklaw.com" <christopher.diaz@bbklaw.com>
Subject: FW: RHNA Subregion MOU and Formation Resolution - Revised from 6/24 Meeting

FYI

Subject: Comments for RHNA Subregion MOU and Formation Resolution
Date: Sunday, July 21, 2019 at 11:28:52 PM Pacific Daylight Time
From: Sharon Goei
To: Andi Jordan
CC: Steven McHarris
Attachments: image002.jpg, image003.png, RHNA Subregion Resolution_Redline_062719-c1.docx

Hi Andi,

Hope you had a great vacation!

I have reviewed all the documents in detail. I also have our attorney's review. Below and attached are combined comments. Please feel free to call me anytime if you'd like to discuss.

Reso

Add the funding commitment to the Whereas provisions (as specified in MOU Section 9)

Add an authorization for such funding in the Resolved section (for subsequent funding, perhaps authorizing the City Manager up to a certain amount, or some other process)

Add the withdrawing option to the Whereas provisions (easier to see than the MOU)

In #1 of the Resolved section, revise GC section from 65584.003 to 65584.03

MOU

Section 6. Reference to Section 4.a.6 should be 4.a.8.

Section 13d. Reference to Section 3 is clearer if revised to Section 9.

Voting – The MOU itself establishes a “subregion” governed by 2/3 vote for all decisions except for “amending the MOU,” which must be “unanimous.” This is less than ideal drafting because it is stated ambiguously and in multiple places (Section 4(f), Section 8 and Section 15). I think it would be better just to state that in one place that all decisions shall be by 2/3 vote except for those decisions requiring an amendment to the MOU, which shall only occur by written agreement executed by all the Parties (the latter of which currently is stated in Section 15).

Allocation methodology

- I understand the subregion methodology will be similarly based on the ABAG methodology as a whole. You mentioned that research indicates that subregions have tried to create their own methodology and the result isn't much different from ABAG's numbers. Since there is not a similar model among the 3 current subregions that mirrors the large population variances among jurisdictions in Santa Clara County, I think it is worth exploring/developing our own methodology. I think it would be beneficial to spend some effort and funding on this rather than just accepting ABAG's methodology.

Funding (MOU Section 9)

- The initial funding of \$50k for consultants for the RHNA subregion and allocation project seems insufficient for the amount of work this will involve. While there is a provision for subsequent

funding, I think a larger initial amount will bring in higher consultant services/commitment and provide more thorough analyses up front.

Timeframe

- When does the Cities Association expect to share a final version of the Reso, MOU, and report template that incorporates everyone's comments? That will help us determine when to agendize this for our Council meeting.

Thanks,
Sharon

Sharon Goei, P.E., CBO, LEED AP
Director of Building and Housing
CITY OF MILPITAS
455 E. Calaveras Blvd., Milpitas, CA 95035
(408) 586-3260

From: Steven McHarris <smcharris@ci.milpitas.ca.gov>
Sent: Friday, July 12, 2019 17:43
To: Sharon Goei <sgoei@ci.milpitas.ca.gov>
Subject: FW: What's New - July 12, 2019

FYI.

From: Andi Jordan [<mailto:andi@citiesassociation.org>]
Sent: Friday, July 12, 2019 4:28 PM
Subject: What's New - July 12, 2019

The latest from the Cities Association of Santa Clara County

RHNA Subregion

The Board will be discussing the proposal for the RHNA Subregion at the August meeting. City Managers and members of SCCAPO received the draft resolution, MOU, & staff report template.

City/county action item:

- Please have your attorney review and submit edits, suggestions by July 24 to andi@citiesassociation.org
- Agendize the RHNA Subregion discussion. Deadline for resolution adoption is end of Mid October 2019.

What you need to know about the RHNA Subregion:

- Subregion will accept methodology from ABAG/MTC. That's right - - put away those fancy calculators and spreadsheets. Our research indicates that subregions have tried to create their own methodology and the result isn't much different from ABAG's numbers.
- A technical committee (staff) and a policy committee (electeds) will complete the work of the Subregion.
- Each jurisdiction holds control over their numbers – ie, no trade may be forced upon a jurisdiction. The small cities can't gang up on San José and San José can't gang up on the small cities. Whew!z
- This is meant to be a collaborative effort to allow cities and the county to work together and collaborate around housing.



Sunnyvale

City Hall

456 West Olive Avenue
Sunnyvale, CA 94088-3707
TDD/TYY 408-730-7501
sunnyvale.ca.gov

Ms. Andi Jordan
Executive Director
Cities Association of Santa Clara County
PO Box 3144
Los Altos, CA 94024

RE: Santa Clara County RHNA Subregion Draft MOU

Ms. Jordan,

Please find the comments from the City of Sunnyvale regarding the draft Santa Clara County RHNA Subregion Memorandum of Understanding summarized below, with language modification proposed in Attachment 1. Prior to making comments on the draft MOU we accepted the track changes and prepared a document with suggested minor modifications to spelling, grammar, etc for your consideration (Attachment 2). These minor changes were then accepted for preparation of our more policy based comments.

- **Default RHNA Allocation**
 - Most cities were under the impression that the default ABAG allocation would be used as a starting point for negotiations and discussion by the PC and TAC. Language in the MOU seems to suggest the PC would formulate the RHNA allocation – as seen in Section 6c under Consultants which seems to suggest the Consultant will help develop the RHNA allocation.
 - Please clarify that the starting point of the Subregion's allocation is the allocation provided by ABAG (after any appeals for methodology are considered by ABAG). Please see comment below on appeals.
- **Contiguous Definition**
 - Clarification needed of "A subregion formed pursuant to this section may include a single county and each of the cities in that county or any other combination of *geographically contiguous* local governments". Is there one or more cities who, if terminated their participation in the Subregion, would require full termination of the entire subregion? This should be outlined so all cities are aware. We are under the impression that if less than all of the cities participate, any combination of cities and the county would meet the requirement of the second clause (any other combination of *geographically contiguous* local governments).
- **Failure to Adopt**
 - Please see proposed language modification in Section 10(c).
 - Clarify how and when a City would revert back to their original ABAG RHNA if the city rejects a trade.



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- **Failure to Adopt**
 - Please see proposed language modification in Section 10(c).
 - Clarify how and when a City would revert back to their original ABAG RHNA if the city rejects a trade.



- **Voting**
 - Clarification on this topic needed. Concern on the inability for a City to have say in their final allocation – Section 8 of the MOU states that a 2/3 vote is required to approve the RHNA allocation, while Section 11 states approval of all participating agencies is required.
 - Cities must have say in approval of any modifications to their original ABAG allocation prior to consideration by the PC or any 2/3 vote by the PC.

- **Cost**
 - Clarification needed on ongoing consultant use and cost. Initial cost is clear but unclear on which body would be responsible for requesting or securing future consultants and who would authorize eventual cost. Timing of this also concern as cities would need to obtain council approval, taking up to 60 days.
 - Clarification needed if agency fails to make a payment of subsequent funding, pursuant to 9(b).

- **Guiding Principles**
 - RHNA MOU should be amended to clarify the intent of the RHNA subregion (guiding principles) and clearly state what state law requires/allows of a Subregion and how the Santa Clara County Subregion may go beyond those basic requirements. Further recitals or clarification in Recital E should address this common goal of collaboration and discovering solutions.

- **Appeal process**
 - Unclear. Can any individual city appeal initial ABAG allocation prior to PC review (e.g. concern that job calculation is incorrect)? We recommend that the PC should automatically accept an appeal from any agency with a concern which would be submitted to ABAG on behalf of the whole subregion.
 - Clarify who would represent the City during that initial appeal – PC? Consultant?

- **Consultants**
 - See language modifications in Attachment 1. Strike through of 6(c) and 6(f). starting point will be the initial RHNA allocation and consultant will not be hired to create a new allocation. Consultant role should be primarily administrative in nature.

- **Timeline**
 - Include key dates when resolutions must be adopted, votes occur, or fees due in the MOU.



Sunnyvale

We appreciate the Association's consideration of these comments and look forward to a revised MOU which will be considered by Sunnyvale's City Council on September 24, 2019.

Sincerely,



Trudi Ryan
Community Development Director
City of Sunnyvale

Attachment:

1. Redline Edits to RHNA MOU (policy based)
2. Minor Edits to RHNA MOU



Agenda Item No: 4a

Meeting Date: August 2, 2019

Cities Association of Santa Clara County Agenda Report

TOPIC: Member Legislative Position Statements

SUBJECT: Request for the CASCC to collect all of the members position statements and letters

EXECUTIVE SUMMARY: A LAC Alternate member has requested that the CASCC collect member position statements and letters to the legislature and post on the CASCC website.

A few of the cities, but not all, have webpages dedicated to their position statements and legislative positions. Not all cities post their positions. Some cities send very few letters.

Pros of posting on website: listing all position statements creates a one stop shop for our cities.

Cons of posting on website: if not all cities take positions, publishing a partial list may create an inaccurate statement of the Association's point of view. This is labor intensive and requires cities desire to collaborate.

OPTIONS:

1. Collect position statements and post on website (significant staff time). Executive Board prioritizes what staff should remove from current workload to accommodate this request.
2. Create a shared folder for cities to post information (very little staff time).
3. Post only the Association's positions on the website. (no change)

RECOMMENDATION:

Recommend that the Association make no changes unless Executive Board prioritizes what staff should remove from current workload to accommodate this request.

FISCAL IMPACT:

N/A

RECOMMENDATION ACTION: (no action needed with above recommendation.)



Agenda Item No: 4b

Meeting Date: August 2, 2019

Cities Association of Santa Clara County Agenda Report

TOPIC: Alternates to Cities Association Meetings

SUBJECT: Who may attend as alternates to Cities Association of Santa Clara County meeting?

EXECUTIVE SUMMARY: Annually, our member cities appoint members to the Board of Directors, Legislative Action Committee, Cities Selection Committee. In recent years, in the spirit of collaboration and inclusiveness, the organization has been accommodating and allowing a city's seat to be filled by a councilmember that is not appointed to the alternate position but available to attend.

*Cities Selection Committee is mandated by state law and the attending voting delegate must be approved by the Mayor. If the attendee is not the alternate, communication must be received by the Mayor or staff indicating the attendee is an appointed delegate.

THE BY-LAWS

BOARD MEMBERS:

Section 1. Selection and Tenure. The Board of Directors of this Association shall be composed of a representative from each member city, selected by and from the legislative body thereof. Each Board member shall hold office at the pleasure of his or her City's legislative body, and selection shall be made in such manner as the respective legislative bodies of member Cities may themselves determine.

Section 2. Alternates. The legislative body of a member City may, in its discretion, select from among its members an alternate to represent that City on the Board of Directors and vote in the absence of the member from that City.

After our last meeting, staff has received concern from the members over this practice. Therefore, the Executive Board is being asked:

- Should participation in Cities Association be limited to appointed representative and alternate or by communication of the Mayor
- Or remain as current practice.

LEGISLATIVE ACTION COMMITTEE: There shall be a Legislative Action Committee of this Association, which shall have the membership and purpose as follows. The membership of the Legislative Action Committee shall consist of one representative from each City in the County. The representative shall be a City Council Member or the Mayor. Each City shall also appoint an alternate to serve on the Committee in the absence of the representative. The alternate may be a City Council Member or the Mayor. Each City, represented by either the representative or the alternate, shall have one vote.

CITY SELECTION COMMITTEE: The City Selection Committee shall be a Standing Committee

of this Association, and shall have the membership and purposes set forth in Government Code sections 50270-50279.4 and which shall be governed by the requirements of such sections. The membership of the City Selection Committee shall consist of the Mayor or Mayor's designee of each City in the County, whether or not any such City is a member of the Section.

RECOMMENDATION:

Recommend that the Association ensure bylaws and state law are being followed or change bylaws to reflect practice.

FISCAL IMPACT:

N/A

RECOMMENDATION ACTION: Move to notify cities and members of the requirements to attend and vote at Board Meetings, LAC, and Cities Selection Committee meetings.