

SCSC Roundtable All Correspondence

November 5, 2021 – November 10, 2021

SCSC Roundtable

From: **Mary-Lynne Bernald** <mlbernal@saratoga.ca.us>
Date: Fri, Nov 5, 2021 at 9:44 AM
Subject: Request for SCSC RT Members
To: Liang Chao <LiangChao@cupertino.org>, Anita Enander <aenander@losaltosca.gov>, stanmok@losaltoshills.ca.gov <stanmok@losaltoshills.ca.gov>, Hicks, Alison <Alison.hicks@mountainview.gov>, Stone, Greer <Greer.Stone@cityofpaloalto.org>, Kathy Watanabe <kwatanabe@santaclaraca.gov>, Preminger, Steve <steve.preminger@ceo.sccgov.org>, Glenn Hendricks <HendricksCouncil@sunnyvale.ca.gov>
Cc: Mary-Lynne Bernald <mlbernal@saratoga.ca.us>, Kirsten Powell <kpowell@loganpowell.com>

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear SCSC Roundtable Members,

The November 11, 2021 Agenda Packet has been sent to ESA for publication. Given the decision by the Cities Association of Santa Clara County Board to discontinue their fiscal sponsorship, the Agenda has two items of great importance: a Budget discussion and a Futures discussion.

As a result of the unique billing recommendations from CASCC, as Chair, I am requesting that each of you arrange some time to meet with your City Manager or County Executive prior to the 11/11/21 meeting to discuss the financial aspects contained in this Budget request. Each of our Cities and the County should have monies set aside in a placeholder fund based on the last fiscal year's past dues invoice. The total amount (\$83,406.50) requested this year is far less than the amount (\$187,597.78) requested last fiscal year in dues. The formula for assessing each member entity is based on a per capita formula. If you have further financial accounting questions beyond the information contained in our staff report, I ask that you communicate directly with CASCC. Our report is based on the most up to date information we could obtain from CASCC.

Finally, I want to take this opportunity to thank personally each and every one of you for your participation in this Roundtable. While a challenging endeavor, you all rose to that challenge and contributed to making change that has and will help improve our community. We can always be proud of our work on the SST and the NES!

With deep appreciation,

Mary-Lynne Bernald

SCSC Roundtable Chair



SCSC Roundtable <scscroundtable@gmail.com>

Letter for SCSC RT relevant to upcoming Nov. 11 meeting

1 message

Alastair Fyfe

Mon, Nov 8, 2021 at 12:08 PM

To: "scscroundtable@gmail.com" <scscroundtable@gmail.com>

Hello,

please include the attached letter to correspondence made available to SCSC RT members ahead of the meeting scheduled for Nov. 11, 2021.

Thank you,

Alastair Fyfe



Nov8.pdf
28K

November 8, 2021

Dear Chair Bernald and SCSC Roundtable Members,

On July 20 and 21, 2021, the FAA sponsored a Community Engagement Workshop focused on the Northern California Airspace, “the FAA provided an update on some key recommendations from the Select Committee on South Bay Arrivals that area members of Congress established”. Though various topics were discussed, by far the most controversial was a proposed westward shift of the SERFR arrival procedure covered in Select Committee recommendations 1.2R1 and 1.2R2.

I am writing to urge the SCSC Roundtable to thank the FAA for organizing this workshop, an unprecedented outreach effort, and for carefully conforming to both the spirit and the letter of those recommendations. After careful analysis, the FAA determined it could not design a path that met both 1.2R1 and 1.2R2 and thus opted to make no change. The restraint shown is a model for appropriate FAA response to unimplementable community requests. The alternative, for the FAA to implement a variant that had not been asked for, and thus would likely aggravate community annoyance with flight noise, was avoided.

Some background is relevant. When the Select Committee (SC) was formed, on April 4, 2016, Representative Eshoo noted “This is a regional problem which calls for regional solutions. Simply shifting noise from one community to another is not an option.” In accordance with that directive, the twelve members of the Select Committee agreed early on that any proposed recommendation required support from a super majority of its members to move forward. This was the working definition of “community consensus”. Much of the discussion between May and November 2016 was taken up with a proposed westward shift of SERFR. In November, the Committee finally reached a carefully-crafted compromise. The path should be shifted (1.2R1) but in such a way as to preserve essential noise mitigating requirements (1.2R2). It is significant that 1.2R1 only reached the required super majority by a single vote, whereas 1.2R2 passed unanimously.

By December 2017 that fragile compromise fell apart. In response to information released by the FAA in “Update on Phase Two” issued in November 2017, Mayor Gary Waldeck of Los Altos Hills wrote to the FAA retracting support for 1.2R1. In explaining this retraction Mayor Waldeck commented to a local newspaper “My vote was predicated on the assumption that all nine of the validating criteria were possible and would be used”. **The loss of community consensus for 1.2R1 has never been reversed.** In the intervening years, Mayor Waldeck’s letter to the FAA has been followed by similar letters from Mayor Martine Watkins, Mayor Cynthia Mathews, Mayor John Radford and Mayor Roger Spreen. All those letters, along with letters from Santa Cruz County Supervisors Bruce McPherson and Ryan Coonerty have urged the FAA to either fully implement 1.2R1 and 1.2R2, as the SC intended, or make no changes to the SERFR arrival route.

The FAA listened. They should be recognized for their appropriate response, even if events interfered with a more rapid response.

Thank you for your consideration,

Alastair Fyfe
Brookdale

SCSC Roundtable

From: Mary-Lynne Bernald <mlbernal@saratoga.ca.us>
Sent: Tuesday, November 9, 2021 9:31 AM
To: Liang Chao; Anita Enander; stanmok@losaltoshills.ca.gov; Hicks, Alison; Stone, Greer; Kathy Watanabe; Preminger, Steve; Mary-Lynne Bernald; Glenn Hendricks
Cc: Kirsten Powell; Evan Wasserman; Chris Jones
Subject: SCSC RT Budget Spreadsheet for 11/11 meeting
Attachments: SCSCRT FY 2022 SCSC funding scenerio for calculations final_2021-11-08 v2.xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello All!

Per requests, I am now able to send out a spreadsheet supplied last night by Andi Jordan to Kirsten Powell. Unfortunately my internet went out before I was able to forward to all of you. This spreadsheet shows the amounts each of our members owe based on the per capita formula that has been in use for the RT.

The amounts shown in the far right column of the attached spreadsheet, titled "11/11/2021:FY 22 special assessment proposed by Chair," (which tallies to \$83,403.50) are the proposed amounts for each RT member entity. There are no additional costs being proposed. These numbers cover those CASCC invoiced bills for Andi Jordan, for their legal bills, and for the investigation bills all of which CASCC has attributed to the Roundtable and the contracted bills the Roundtable has incurred while responding to CASCC.

If you have any further questions, please contact me.

Mary-Lynne

Santa Clara/Santa Cruz Community Roundtable Final Funding Formula

City Name	2010 Census Population	.5/.1 approved calculation	Adopted		FY 22 special assessment	11/11/2021: FY 22 special assessment proposed by Chair
			FY 2021 Budget	proposed FY 22		
Cupertino	58,302	\$ 29,151.00	\$ 17,926.99	\$ 17,926.91	\$ 4,778.04	\$ 7,970.39
Mountain View	74,066	\$ 37,033.00	\$ 22,774.18	\$ 22,774.08	\$ 6,069.95	\$ 10,125.46
Palo Alto	64,403	\$ 32,201.50	\$ 19,802.95	\$ 19,802.87	\$ 5,278.03	\$ 8,804.45
Santa Clara	116,468	\$ 58,234.00	\$ 35,812.15	\$ 35,812.00	\$ 9,544.93	\$ 15,922.18
Saratoga	29,926	\$ 14,963.00	\$ 9,201.79	\$ 9,201.76	\$ 2,452.53	\$ 4,091.14
Sunnyvale	140,081	\$ 70,040.50	\$ 43,072.80	\$ 43,072.62	\$ 11,480.09	\$ 19,150.29
Unincorporated Santa Clara county	89,960	\$ 44,980.00	\$ 27,661.34	\$ 27,661.23	\$ 7,372.51	\$ 12,298.31
Los Altos	28,976	\$ 14,488.00	\$ 8,909.68	\$ 8,909.65	\$ 2,374.68	\$ 3,961.27
Los Altos Hills	7,922	\$ 3,961.00	\$ 2,435.90	\$ 2,435.89	\$ 649.23	\$ 1,083.01
		\$ 406,524.00	\$ 187,597.78	\$ 187,597.00	\$ 50,000.00	\$83,406.50

per capita fee structure	
Large City	\$ 0.50
Medium City	\$ 0.50
Small City	\$ 0.50
XL City	\$ 0.10
County	\$ 0.50

SCSC Roundtable

From: Kirsten Powell <kpowell@loganpowell.com>
Sent: Wednesday, November 10, 2021 4:07 PM
To: Mary-Lynne Bernald; Evan Wasserman
Subject: staff report
Attachments: BudgetStaffReport.docKP10.29.21.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Evan: I apologize. I do not think I included this in all of the documents for the meeting. Can you please send it to the members? Thank you so much.

**SC/SC Roundtable
STAFF REPORT**

DATE: November 3, 2021

TO: Honorable Chair and Board Members

FROM: Roundtable Staff and Chairperson Bernald

SUBJECT: **ADOPTION OF BUDGET FOR JULY 1, 2021-DECEMBER 31, 2021**

SUMMARY OF ISSUE

Pursuant to the Bylaws of the SCSC Roundtable, a budget is to be adopted by July 1st of each year. Prior to adoption of the budget, Roundtable Staff, in consultation with the Roundtable Chairperson, is required to recommend an annual funding amount for the Roundtable at least 60 days prior to the anticipated date of adoption of the budget. Because the meetings of the Roundtable were paused during the winter and spring of 2021, the Roundtable was unable to consider its budget until August 2021. At that meeting, the Board requested additional information of items included in the budget at the request of the Cities Association. Specifically, the Board approved the following motion:

Motion by Member Hendricks to notify the Cities Association that the items in the budget for ESA and Logan and Powell would be approved. Additional detail is needed from the Cities Association on the HR, Legal, and Cities Association staff items, as well as additional details on the costs for the program coordinator and associated costs, and the fiscal sponsorship fee (all the line items they had provided) with a more specific and detailed breakdown on the \$27,000 previously incurred costs and the \$23,000 future costs. This motion was seconded by Member Watanabe and passed unanimously with one member absent.

On September 9, 2021, Special Counsel Kirsten Powell sent a letter to the Cities Association requesting additional information on the budget based on the motion approved by the Roundtable. To date, no clarifying information has been provided by Cities Association.

In order to obtain funding from the member agencies of the Roundtable for outstanding obligations and future obligations, a budget must be adopted by the Roundtable. The budget includes funds for ESA, Logan & Powell, Cities Association staff and outside legal counsel and investigators hired by Cities Association to address a personnel matter. Due to the uncertainty surrounding the future of the Roundtable due to the Cities Association's withdrawal as the Roundtable's fiscal agent, the proposed budget only runs through December 31, 2021. In the event the Roundtable continues its work

after December 31, 2021, a budget amendment can be adopted for the remainder of the fiscal year.

ESA

ESA is currently working under contract for the Roundtable to provide technical assistance. To date, ESA has been paid \$168,372.50 of a total contract amount of \$180,000.00. It is anticipated that no additional services from ESA will be needed after December 31, 2021.

Logan & Powell, LLP

Logan & Powell, LLP is currently providing legal services to assist the Roundtable with its meetings. To date, Logan & Powell, LLP has been paid \$18,012.50. It is anticipated that an additional \$7,500.00 will be needed for services through December 31, 2021.

Cities Association Staff

Pursuant to the Bylaws, the duties of the Roundtable Staff and consultants provided by the Cities Association of Santa Clara County shall be specified and approved as part of the Roundtable's annual budget process. This was not included as part of the last budget approved by the Roundtable. However, for the time period from January 1, 2021 through September 2, 2021, Cities Association staff is requesting \$21,054.35 as reimbursement for time spent by the Executive Director and legal counsel for the Cities Association working on issues related to the Roundtable. Copies of the invoices provided by the Cities Association staff are attached.

Costs Associated with Personnel Matter

Cities Association has received a personnel complaint that it has stated is associated with the Roundtable. As such, it has requested reimbursement for some expenses associated with that complaint. This includes staff time working on this matter, legal expenses from outside counsel as well as the Cities Association legal counsel and investigative costs. The total amount requested for reimbursement is \$25,125.50. Copies of the disclosable invoices provided by Cities Association are attached.

Although the Roundtable requested specific information about the costs incurred on this matter and the basis for charging the Roundtable for these costs, no additional information has been provided, citing confidential personnel obligations. These costs were not specified and approved as part of a prior Roundtable budget as required by the Bylaws.

Cities Association has also requested an additional \$19,214.50 for reimbursement of anticipated costs associated with the personnel matter. As of the date of this report, no additional detail was included with this request.

Reserves

As of July 1, 2021, the Roundtable had approximately \$26,359.00 in reserves. The reserves have been used to pay Logan & Powell, LLP. As of October 15, 2021, the total amount remaining in reserves is \$8,346.50.

RESERVES	Expenditures	Reserve Balance
Reserves as of 7/1/2021 (used for legal)		\$26,359.00
7/1/2021-9/30/2021	(\$13,392.50)	
Bills 10/2021	(\$4620.00)	
Total bills expenses	(\$18012.50)	
Remaining reserves for legal		\$8,346.50

Annual Funding

Pursuant to the Bylaws, the annual funding for the Roundtable is based on the approved per capita formula and may be increased or decreased on a percentage basis at a Regular or Special Meeting by a majority vote of those members present at that meeting. In order to fund the Roundtable through December 31, 2021, the Board must send annual funding requests to the member agencies. The amount of that request should include amounts for Logan & Powell, LLP to continue their work through December 31, 2021. In addition, the Roundtable must determine what amount, if any, is appropriate to reimburse Cities Association for staff time and the costs associated with the personnel matter. The following chart includes all expenditures requested and the required annual funding amount needed to cover those expenditures.

July 1, 2021-December 31, 2021 Budget	Expenditures	Revenue
Cities Association Staff (Exec. Director and Legal Counsel)	(\$21,054.35)	
ESA2	(\$180,000.00)	
Legal Fees (Logan & Powell)	(\$25,512.00)	
Personnel Matter Costs (outside counsel and investigator) ³	(\$44,340.00)	
FY20-21 Membership Dues		\$187,500.00
FY22 Membership Dues to be collected⁴		\$83,406.35

2 As noted above, there are funds sufficient to pay the remainder of the contract amount for ESA.

3 \$25,125.50 has been expended through September 2, 2021. Cities Association staff has estimated \$19,241.50 from the remainder of the calendar year.

4 This amount may be adjusted depending on the decision regarding Personnel Matter Costs

FISCAL IMPACT

Approval of the budget will result in annual funding notices being sent to the member agencies for payment to fund the operations of the Roundtable through December 31, 2021.

STAFF RECOMMENDATION

It is recommended that the Roundtable approve the budget for the period from July 1, 2021, through December 31, 2021, by adopting the attached resolution and direct staff to send annual funding notices to the member agencies. If there are funds remaining after December 31, 2021, the remaining funds shall be returned to the members of the Roundtable in accordance with the funding formula.

TABLE OF CONTENTS

Invoices Provided by Cities Association
Resolution approving the budget for FY21
(July 1, 2021-December 31, 2021)