



TO THE HONORABLE MAYOR AND COUNCIL:

DATE: October 27, 2015

SUBJECT: INFORMATIONAL REPORT ON METROPOLITAN TRANSPORTATION COMMISSION (MTC) AND ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG)

Report in Brief

The Metropolitan Transportation Commission (MTC) recently held a meeting on September 23rd at which they discussed transferring funding from the Association of Bay Area Governments (ABAG) to MTC by the end of 2015, in what appeared to be an expedited merger process for the two organizations. MTC will hold a hearing on this issue at its meeting on October 28, 2015. Many jurisdictions, including the City of Concord, have written to express concern about a process that is not transparent and inclusive of all stakeholders.

Background

In 1961 the Bay Area Council of Governments created ABAG to serve as the San Francisco Area's singular regional government. In 1970, MTC was created to manage transportation planning and funding. Each of these agencies, along with many others, have jurisdiction and promulgate regulations in Bay Area cities.

Given that land use planning (ABAG) and transportation planning (MTC) are inherently related, there has been a growing consensus that those functions should be managed together. In 2003, ABAG and MTC formed a Joint Policy Committee to coordinate their regional planning efforts. There have also been periodic conversations about merging ABAG and MTC as a way to better coordinate and fund a regional vision, but longtime differences related to history, structure, culture, and style have hindered that effort.

ABAG, for example, receives much of its funding from cities and its large executive board is made up entirely of city and county elected officials. MTC, meanwhile, has a smaller board that includes State and Federal representation, and it receives proportionately less funding from cities and more from the State and Federal governments.

The concept of merging MTC and ABAG has been much discussed over the past decades, and many jurisdictions in the Bay Area support the formation of one Regional Governing Board. However, the current proposal by MTC is disfavored by many because it amounts to more of a hostile takeover

through shifting ABAG staff working on regional land use planning and research to MTC and paying for this by retaining \$3.7 million it had previously provided to ABAG each year. By ending ABAG's funding in December 2015, this would force the issue.

ABAG's Director, Ezra Rapport, prepared a white paper in response to MTC's proposal which outlines four options (see Attachment 1), including 1) retaining two organizations but with better collaboration, 2) transferring land use planning to MTC, 3) a full merger to create a new regional governing board, and 4) a transitional ABAG/MTC merger providing one governing board, with one executive director, but maintaining MTC and ABAG as separate divisions until a full merger is developed.

After learning of MTC's proposal, the City of Concord submitted a letter on September 22, 2015, to MTC and ABAG opposing MTC's proposal, and encouraging MTC to secure the stability of both agency planning departments in order to proceed with Plan Bay Area by extending ABAG funding for the final six months of FY 2015-2016, and to establish a subcommittee to produce an Action Plan to conduct a six-month process evaluation the four ABAG scenarios. It urged ABAG and MTC to take time to properly engage all stakeholders in an open and inclusive process.

Based on the Commission's comments at the September 23rd meeting, MTC's Board is anticipated to extend funding for ABAG through June 2016, and to support a process to merge MTC and ABAG into one organization at its meeting on October 28, 2015.

Discussion

While the merging of MTC and ABAG has long been discussed and could ultimately have a very positive outcome, the proposal by MTC to discontinue funding ABAG's land use and planning functions by subsuming ABAG land use planning staff into MTC could essentially result in a forced merger. This would likely result in many of ABAG's State mandated functions being lost or minimized. The balance of transportation needs and goals with planned jobs and housing growth has brought about a stronger Plan Bay Area.

As a member of the Association of Bay Area Governments (ABAG), the City of Concord has supported the ongoing collaboration in regional planning efforts such as the Sustainable Communities Strategy. Concord has benefitted from MTC's past planning and capital grants that are helping to implement our City's Downtown Specific Plan.

The idea of merging ABAG and MTC is supported by many, but it will take time to prepare a transition plan and implement a plan in a thoughtful, meaningful way. If ABAG becomes absorbed into MTC quickly, this would likely result in the loss of many of ABAG's programs and functions, some of which are State mandated, such as the Regional Housing Needs Assessment (RHNA) process, the Sustainable Communities Strategy (SCS) and other regional planning issues. It may also provide a transportation/engineering bias to all planning efforts. This would not allow for a fully thought out and considered public process.

In its September 10, 2015, white paper, ABAG outlines four proposed scenarios, from keeping both organizations distinct, with better collaboration, to second, the proposed MTC assimilation of ABAG planning functions, to third, a full merger with a new Governing Board, or fourth, a Transitional Merger which would make ABAG and MTC divisions under one Governing Board and Executive Director. This last option would centralize the budget and overhead services and strategic planning in a new organization, while keeping some functions distinct and intact.

The entire region would benefit from an agency merger that, at its end, delivers a comprehensive regional planning process that recognizes local control while still promoting an optimal use of land in the region, supported by and closely coordinated with transportation improvements and funding. That can only happen if the merger is transparent and involves input from the broadest range of stakeholders.

Change works best when it is grounded in a solid policy framework, has buy-in from the public, stakeholders, policymakers, and staff, and includes metrics for evaluating the effort.

Fiscal Impact

There is no fiscal impact as a result of this report.

Public Contact

The City Council Agenda was posted.

Recommendation for Action

Receive this report and provide any feedback and direction to staff.

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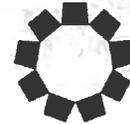
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- Attachment 1: ABAG's response to MTC proposal
- Attachment 2: Letter from Contra Costa Mayors Conference
- Attachment 3: Contra Costa Mayors Conference Resolution

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

Date: September 10, 2015

To: ABAG Executive Board

From: Ezra Rapport
Executive Director

Subject: **Response to MTC Proposal to Transfer Regional Land Use Planning Staff and Associated FY 2015-16 Planning Budget**

Executive Summary

This white paper analyzes MTC's proposal to transfer regional land use planning and research staff from ABAG to MTC.

The proposal represents a major shift in regional land use planning and could result in ABAG's insolvency with significant consequences to cities and counties and ABAG's employees.

MTC's proposal is driven by either a) an attempt to gain efficiencies in the planning process; or b) a desire on the part of MTC to enter into the field of land use planning in addition to its role as a transportation agency.

If the issue is about efficiencies, ABAG joins MTC in searching for new ways to improve the process and utilize fewer taxpayer dollars. Efficiencies in regional planning have not been explored in detail since the advent of SB 375 in 2008.

If the issue is about MTC taking on a new land use role, ABAG and MTC should immediately begin discussions about the merger of the two agencies. With merger, the best work of both agencies can maintain continuity and ABAG can remain solvent as a Council of Governments. This would reflect the way other regions are organized, and would require the retention of a consultant team to advise and support a merger process.

In either case, MTC's proposal should not be fast tracked. The discussion of issues should be thoughtful and every effort made to incur the least harm. On the other hand, ABAG is not seeking to delay the analysis and paralyze the process. Specific milestones should be created to hear back from the organizational consultant.

At this juncture, ABAG proposes four actions: (1) Restore ABAG's budget for FY 2015-2016; (2) Retain a third party consultant to evaluate existing conditions and develop proposals; (3) Establish a subcommittee from ABAG and MTC boards to prepare an Action Plan; and (4) Schedule regular progress reports to the joint MTC Planning Committee/ABAG Administrative Committee.

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Introduction

In 2008, ABAG was given regional land use planning responsibility under SB 375 with the legislative support of MTC. ABAG and MTC were required by law to create an integrated land use and transportation plan, referred to as a Sustainable Communities Strategy (SCS) which was renamed by the agencies as Plan Bay Area. Both agencies were required to approve the SCS.

MTC adopted a funding framework for ABAG to carry out its responsibilities under the SB 375 statute. The funding framework, adopted by the Commission, ran through 2022, in the amount of approximately \$3.7 million annually (see Attachment A). The funding framework was implemented by the execution of an Interagency Agreement in each of the last 3 fiscal years.¹

ABAG developed a regional land use plan with local government self-nominated Priority Development Areas (PDAs). The goal is to create high quality urban neighborhoods along transit corridors through the use of local plans. These plans, supported by regional funding and assistance, produce housing at feasible densities, and include sites for affordable housing. The PDAs integrate environmental sustainability and resiliency measures, and achieve entitlement efficiency to attract private investment. ABAG provides technical assistance, while

¹ MTC has provided pass through funding for ABAG's planning services since 1993 (see Attachment B).

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MTC supports the program with financial incentives. The program has been well received and lauded by reviewing State agencies.

MTC, however, has stated that the SCS process is inefficient and not cost-effective. MTC is now considering shifting the staff working on regional land use planning and research from ABAG to MTC and paying for this by retaining the \$3.7 million it had previously provided to ABAG each year.

ABAG has two principal concerns: (1) how should ABAG and MTC be structured to ensure the maximum benefit and efficiency for land use and transportation planning and (2) how can ABAG preserve its Council of Government functions if there is a structural change in regional land use planning.

ABAG's Role as a Council of Governments

ABAG is a local government dues-paying membership organization dedicated to the well-being of cities, towns, and counties. As a Council of Governments (COG), ABAG engages in many other activities and enterprises that benefit local government.

ABAG was created by local governments in the Bay Area in 1961 to meet their planning and research needs related to land use, environmental and water resource protection, disaster resilience, energy efficiency and hazardous waste mitigation, and to provide risk management, financial services and staff training to local counties, cities and towns.

As the COG, ABAG is responsible by state statute for the Regional Housing Needs Allocation (RHNA) and five elements of the Sustainable Communities Strategy that address the future distribution of housing and employment (see Attachment B for legal background). Over the years, ABAG and MTC have worked in parallel to serve the land use and transportation needs of the region. In 1991, the two agencies worked to produce Bay Vision 2010, a regional blueprint for smart growth in the Bay Area. Based on this experience and, most importantly, working with local jurisdictions and learning from local plans, ABAG and MTC began to develop a regional framework for sustainability through the local designation of Priority Development Areas and Priority Conservation Areas. Since the adoption of the Sustainable Communities Strategies under SB 375 in 2008, land use, housing and transportation strategies are formally integrated by ABAG and MTC to provide a better alignment of housing production, local land use planning and transportation investments.

In addition to ABAG's collaborative work in land use, ABAG is also responsible for a variety of regional planning, operational and project activities related to land use and growth, including water quality, natural hazards and resilience, energy efficiency, restoration of the San Francisco Bay, and protection of open space and regional trails including the Bay and Water Trails. A major component of ABAG's member services includes pooled insurance, energy and project financing.

The Plan Bay Area (SCS) Process

Following the adoption of SB375 and introduction of the Sustainable Communities Strategy (SCS), a land use plan approved by ABAG is required as part of the RTP/SCS. Prior to Plan Bay Area, MTC produced and independently adopted the Regional Transportation Plan (RTP). As a result of SB 375 requiring the adoption of the SCS by both ABAG and MTC, the complexity

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of a land use planning process was inserted into a well-structured transportation investment process. The addition of a more complex land use plan tied to transportation investment has resulted in a healthy and challenging dialogue as to how to manage the future of the Bay Area. This has also taken place in the context of heightened public interest in regional issues such as housing costs, job growth, and traffic congestion.

The SCS process has highlighted some frictions within MTC and ABAG about joint regional planning activities. For example, MTC has raised concerns about inefficiencies in the process, while ABAG is concerned with retaining local input in housing and land use planning. Despite these frictions, both agencies are seeking similar outcomes for addressing the multiple challenges facing the region.

ABAG's and MTC's planning units are responsible for two separate functions, land use and transportation, respectively. Both units complete tasks that require specialized skills and training. The intersection of the two units under Plan Bay Area has, however, been problematic. Both organizations have their own culture and it takes time for communication to proceed smoothly. The first SCS process was difficult, while the second, currently underway, is working better, but still needs improvement. The process of working together is still under construction, and an independent review by an outside consultant could be helpful in better managing this collaboration.

As state law requires the approval of both ABAG and MTC, important milestones in Plan Bay Area are periodically brought to the joint MTC Planning Committee/ABAG Administrative Committee. Prior to convening the committee, significant land use issues are brought before the ABAG Board and the Regional Planning Committee. MTC also brings various transportation issues to its Commission committees in advance of the joint committee. Through this process, consensus has been reached as to how to proceed over the past five years.

Loss of the MTC Grant Risks ABAG's Financial Solvency

ABAG's finances are such that the sudden withdrawal of MTC's Grant will disrupt ABAG's capacity to continue its programs (see Attachment C). Unless this change is done carefully, ABAG faces financial insolvency along with a default in its pension program. ABAG needs the overhead provided by the MTC grant to support administrative services to its enterprises and inter-governmental grant programs. ABAG's business model has leveraged over \$150 million of grants from the state and federal governments over the last five years (see Attachment D). If ABAG is not able to maintain solvency, the loss of the Bay Area's COG will diminish efforts in the fields of energy efficiency, clean water and wetlands, drought relief projects, economic development, resilience and climate adaptation. The number of people that will have to be laid off has not yet been calculated, and depends largely on whether ABAG can continue its membership dues without regional land use planning staff (see Attachment C). According to CalPERS, default on ABAG's pension debt will result in all ABAG pensions, both past and current, being severely reduced (see Attachment D).

Examining Structural Change Between ABAG and MTC

There are numerous options for ABAG and MTC to study structural changes. In this memo, we sketch four options superficially, with the understanding that these are for illustrative purposes only.

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- Option One focuses on retaining the independent organization of ABAG and MTC, but improving collaboration.
- Option Two reviews our understanding of the current MTC proposal.
- Option Three imagines one possibility of a complete merger between the organizations, where the governance of ABAG and MTC are forged into one Governing Board.
- Option Four is a transitional merger, creating one Governing Board, but retaining the authority of ABAG and MTC utilizing a single planning staff.

All of these options will take more time to examine thoroughly. There are numerous issues associated with each option that require analysis.

Recommendations and Next Steps

Staff recommends the following actions:

1. Secure stability of both planning departments to proceed with Plan Bay Area by extending ABAG funding for the final 6 months of FY2015 – 2016.
2. Establish a subcommittee to produce an Action Plan to conduct a transparent six-month process evaluating the options to ensure appropriate and efficient collaboration between planning departments and ABAG and MTC. The subcommittee would include Commissioners and Executive Board Members appointed by the Commission and Executive Board, respectively.
3. Retain an independent third party consultant to evaluate the two planning organizations and the options described in this paper.
4. Schedule regular progress reports by Executive Directors to joint MTC Planning Committee/ABAG Administrative Committee on an Action Plan, joint work plan, and coordination with local jurisdictions.

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Option One: Retain Independent MTC and ABAG but Strengthen Collaboration: Benefits of an Independent Council of Governments

Option one highlights the benefits of the division of regional planning responsibilities in the Bay Area. In the other major metropolitan areas, the Council of Governments (COG) is also the Metropolitan Planning Organization (MPO). The Bay Area's regional planning structure has allowed MTC and ABAG to develop unique strengths and focus responding to its mission. Some of the specific benefits of the current structure include:

Current Structure: Benefits

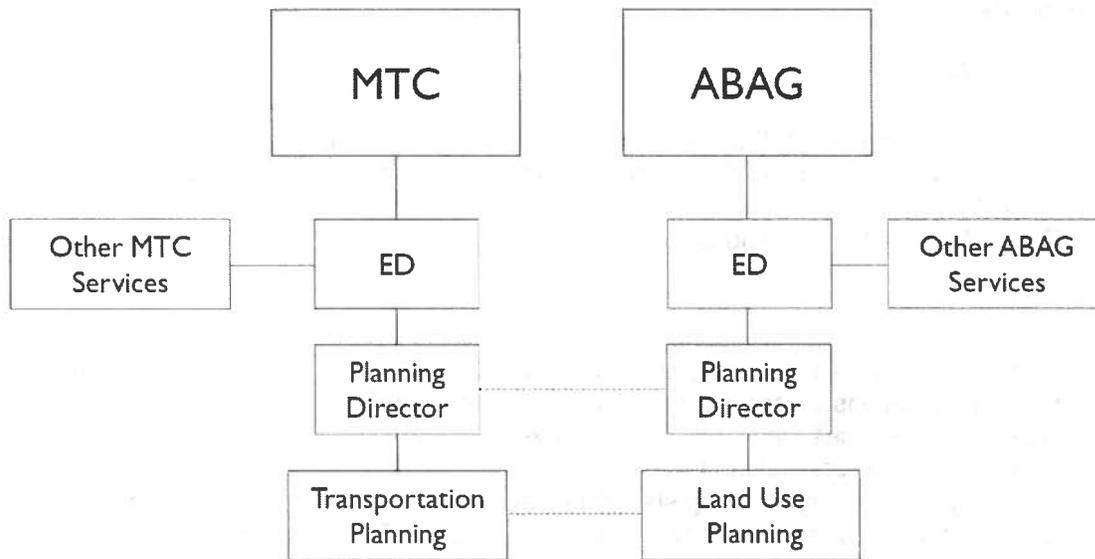
- Strong local engagement
- Integration of land use with related ABAG functions
- Retains ABAG's institutional experience
- Timely completion of Plan Bay Area
- Retains unique expertise and diverse perspectives of MTC and ABAG
- Ensures local input into Plan Bay Area, RHNA and other land use and housing policies
- Continues integration of land use planning with related regional functions within ABAG such as natural disaster preparation, resilience, energy efficiency, and water quality
- ABAG financial and organizational structure retained without harm.

Current Structure: Challenges

While the current organization of regional planning in the Bay Area has many advantages, several challenges have emerged, including:

- Complexity of public involvement process. Depending upon one's perspective, the current scope of public involvement in regional planning can be perceived as too limited or too extensive. Combining the RTP with a land use plan has expanded the level of public attention on ABAG and MTC joint activities and increased the deliberation required to complete joint tasks. ABAG is directly accountable to the region's local jurisdictions, while MTC maintains a close relationship with the Congestion Management Agencies. Substantial engagement needs to be designed that is consistent within each agency's sphere.
- Perceived Inefficiency. Plan Bay Area is recognized as among the most innovative regional plans nationwide and one of the state's most successful sustainable communities strategies. However, some members of the Commission and MTC staff have argued that the current planning process is time consuming and financially inefficient, leads to suboptimal external communications, and interferes with internal work flow.

Option One: Strengthen Collaboration Organizational Structure



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Option Two: Transfer Land Use Planning to MTC

In this option, a single planning unit covering both land use and transportation is housed within MTC, with MTC taking on the current responsibilities of ABAG's planning department. The MTC Planning Director oversees the consolidated planning department, reporting to the MTC Executive Director. The funding currently awarded from MTC to ABAG is retained by MTC. MTC offers employment opportunities to ABAG planning staff. Approval of the work product is made by the joint MTC/ABAG Administrative Committee and approval of the SCS is made by MTC and ABAG Boards.

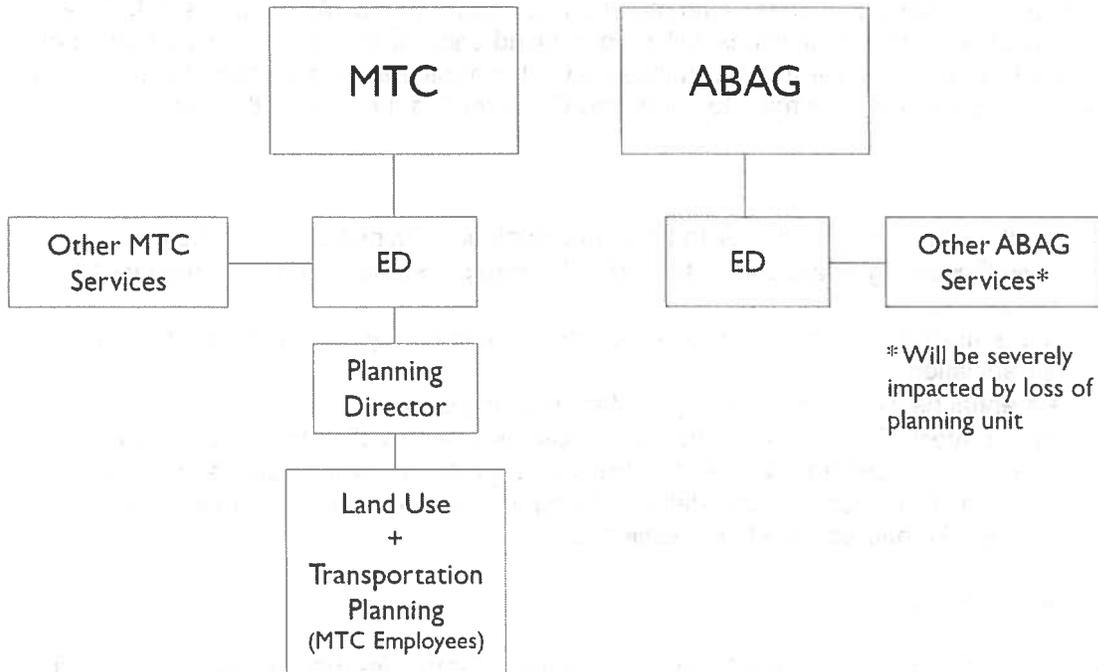
Potential Benefits

- All internal Planning staff within MTC and under its Commission streamlines decision-making process; eliminates potential for inter-agency policy disagreements or split vote on SCS
- Eliminates need for funding pass through to ABAG

Potential Challenges

- Reduces local jurisdiction input into Plan Bay Area, RHNA and other regional land use planning decisions compared to Council of Governments (ABAG); in practice, significantly reduces the participation by Executive Board—which would have little or no staff to evaluate regional land use policies
- Unclear cost savings; planning staff at two agencies do not currently perform duplicate tasks and administrative staff are scaled to support staff; MTC planning staff salaries typically higher than ABAG planning staff salaries
- Potential delays in completing Plan Bay Area and friction as a result of organizational restructuring without a collaborative process
- Inconsistency with state statutes assigning ABAG the responsibility for land use planning elements of the SCS and for the RHNA
- Reduced integration between land use and regional functions within ABAG such as natural disaster preparation, resilience, energy efficiency, and water quality
- Risk of future ABAG dissolution, caused by the rapid loss of funding for ABAG planning and related overhead, and diminution of membership dues, with resulting losses of grants from state and federal sources.

Option Two: Transfer Land Use Planning to MTC Organizational Structure



Option Three: Full Merger to Create New Regional Governance Model in the Bay Area

The full merger option creates a larger, more representative Governing Board which has jurisdiction over MPO and COG function. The State Legislature would have to create one regional Governing Board for the Bay Area, eliminating ABAG and MTC independent governance. The Governing Board will represent local jurisdictions, stakeholders, and members concerned with an efficient systems approach for the Bay Area for land use, transportation, environmental issues, economic development, and equity issues. All functions of MTC and ABAG, plus new strategic functions, will be organized under one Governing Board and one Executive Director. A system of committee and subcommittees will be organized to govern all tasks. The organization is similar to combined COGs/MPOs throughout the State and nation.

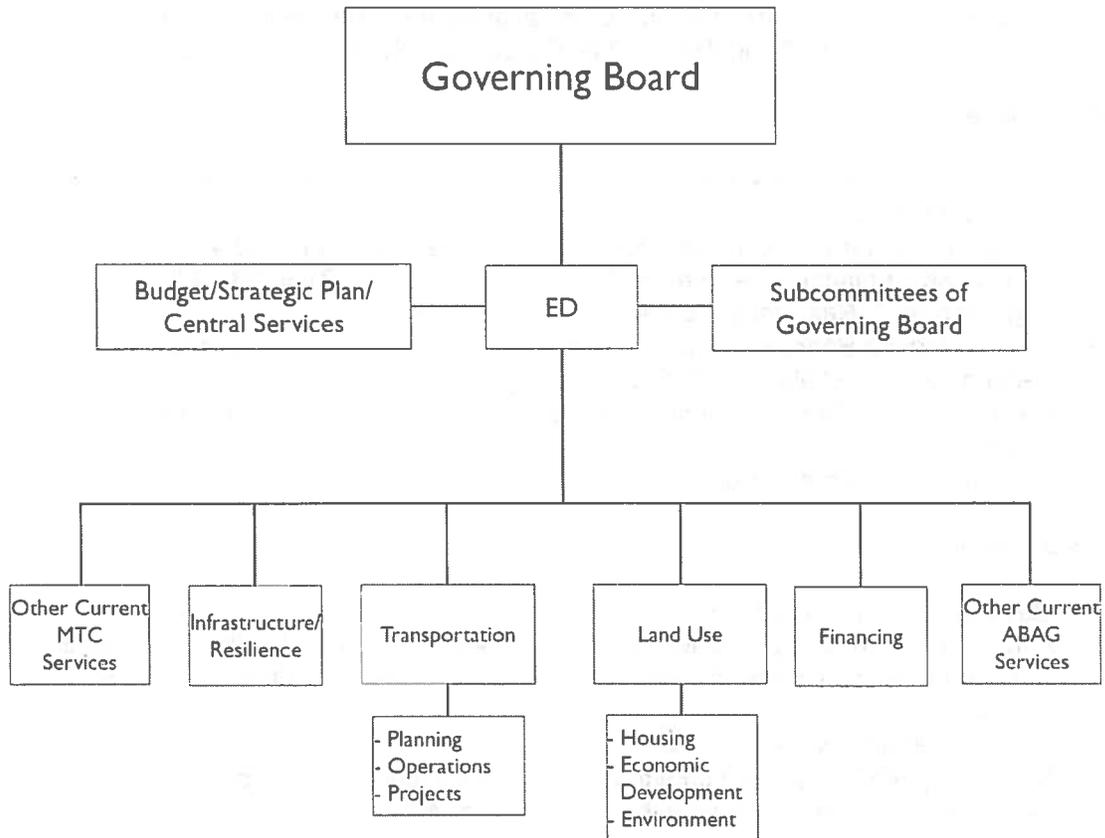
Potential Benefits

- Cost savings may be achieved through combined administrative services
- New Governing Board will be tasked with Strategic Planning for the region using a systemic approach
- More integration of environmental, economic, and equity issues across the entire organization
- Potential new regional authority conferred by the state
- Better integration of 21st century policy issues, such as climate mitigation and adaptation, reconstruction of infrastructure, regional financing options, increased housing production and affordable housing, income disparity and other equity issues, earthquake and sea level rise resilience.

Potential Challenges

- Difficult and complex negotiations to assemble Governing Board, may be impossible to achieve consensus
- Significant involvement of Legislature
- Time consuming effort to integrate current employees
- Possible loss of city and county control over membership organization
- Need to retain streamlined process for transportation project approvals
- Breadth of issues to be managed by one Executive Director
- Internal conflicts over governance of committee structure.

Option Three:
Full Merger to Create New Regional Governance Model
Organizational Structure



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Option Four: Transitional ABAG/MTC Merger

In this proposal, ABAG and MTC voluntarily create a merger that retains the benefits of the two organizations within a new organization that acts as the region's COG/MPO. The Governing Board will control the budget and central overhead services and strategic planning of the new organization. This proposal consolidates the planning units and consists of existing ABAG and MTC employees who report to a single Planning Director, who reports to the Executive Director of the new Governing Board. The Joint Planning Department provides technical planning services to both MTC and ABAG. Employees of all other MTC and ABAG departments are retained, reporting to an MTC and ABAG Chief Operating Officer (COO), respectively.

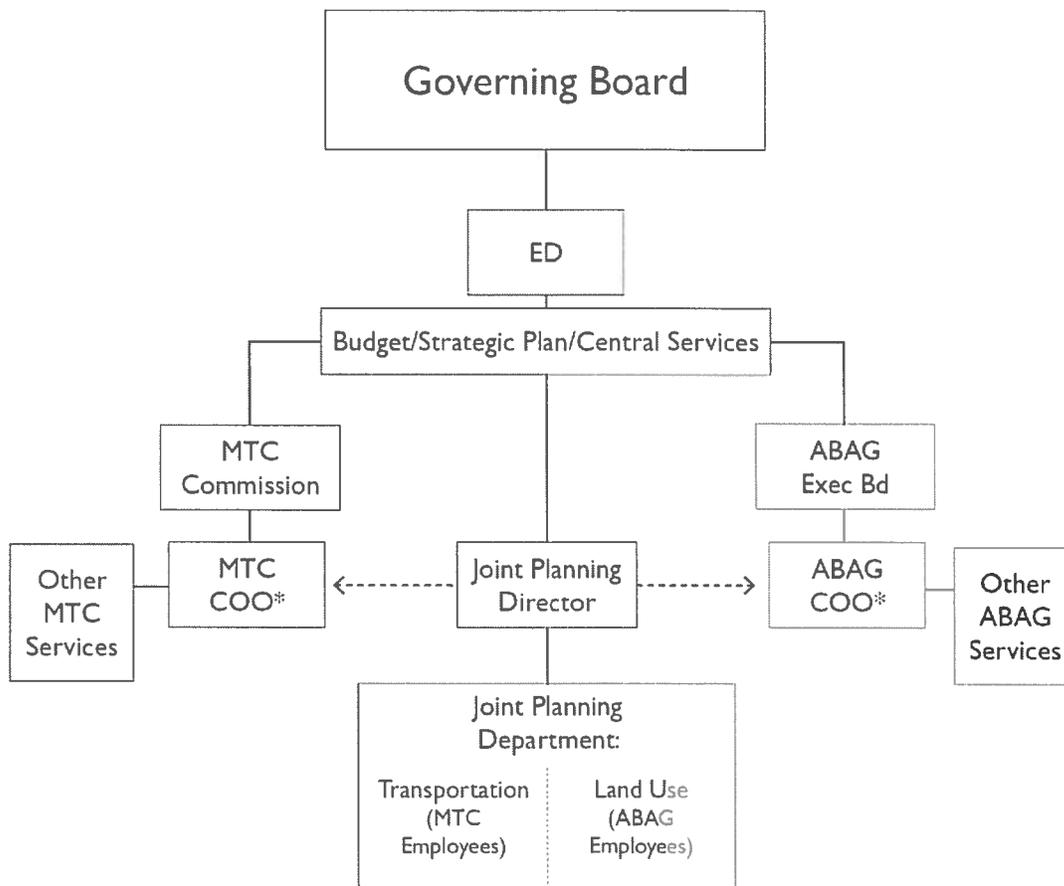
Potential Benefits

- Cost savings are achieved by consolidating agency-wide administrative services for both MTC and ABAG
- Planning Director working in line authority to new Governing Board and will be tasked with providing planning services to either MTC (e.g. for RTP) or ABAG Executive Board (e.g. for RHNA, Resilience programs) for Plan Bay Area
- New Governing Board will develop a regional Strategic Plan for integrating land use, transportation, and planning activities
- ABAG and MTC financial structures remains intact, should result in no loss of grants or membership dues
- Efficient decision-making process.

Potential Challenges

- May require state legislation
- Additional cost of one Executive Director for the governing Body, plus one Planning Director for the consolidated Land Use and Transportation functions offset partially by other savings
- Larger bureaucracy; less nimble
- Not a complete Merger; will take time to establish a complete merger under the Governing Board that eliminates both ABAG and MTC.

Option Four: Transitional ABAG/MTC Merger Transitional Organizational Structure



*Chief Operating Officer



MAYORS CONFERENCE

October 12, 2015

ABAG Governing Board
MTC Board of Commissioners
101 Eighth Street
Oakland, CA 94607

Re: Relationship between the Association of Bay Area Governments and the Metropolitan Transportation Commission

Dear ABAG Governing Board Members and MTC Board of Commissioners:

As Chair of the Contra Costa Mayors Conference, I am writing to inform you that, at our October 8, 2015 meeting, our membership considered the proposal by the Metropolitan Transportation Commission (MTC) to eliminate financial support to the Association of Bay Area Governments (ABAG) for ABAG's planning and research activities from January 1, 2016 forward and, instead, to absorb ABAG's planning responsibilities and staff into MTC.

Enclosed is a resolution passed by our members on October 8, 2015 that outlines our thinking on this important matter of regional planning and our opposition to this MTC proposal.

While we firmly understand the merits of consolidating and unifying the Bay Area's regional agencies, **we do not support the current proposal by MTC.** Not only would this proposal remove a core function from ABAG, it would also place the regional planning agency on a path towards insolvency, which would jeopardize the success of several high priority efforts, including the San Francisco Bay Trail Project, the San Francisco Estuary Project, and ABAG's water quality, earthquake and disaster resiliency, wetlands restoration, green business, pooled power purchasing, hazmat training, risk management/insurance pool, and pooled financing authority activities.

Instead of proceeding with this plan, **we strongly urge MTC and ABAG to consider openly studying a merger that delivers a comprehensive and multi-disciplinary regional approach for**

all planning related functions. This process should recognize local control while still promoting optimal land use, transportation, and all related functions in the region. Additionally, this merger must be transparent and involve input from a broad set of stakeholders – including municipal governments.

We urge MTC to continue fully funding ABAG until the two agencies enact a cooperative agreement – perhaps a new JPA - that leads to an orderly and successful transition of all planning functions and the development of a new model which promotes participative Bay Area regional governance.

Thank you for your consideration.

Sincerely,

Debbie Long,
Chair, Contra Costa Mayors Conference,
Council Member, City of Pinole

Cc: Mayors of Contra Costa Cities
Executive Director, Mayors Conference



RESOLUTION ADOPTED OCTOBER 8, 2015

Whereas, the cities and counties of the Bay Area created the Association of Bay Area Governments (ABAG) as a joint powers agency with regional planning powers, including regional land use planning; and

Whereas, all the cities in the county of Contra Costa are members of ABAG; and

Whereas, the State Legislature has also conferred specific regional land use planning powers on ABAG through the enactment of statutes such as SB 375, and

Whereas, the statute creating the Metropolitan Transportation Commission (MTC):

A) Requires it to provide comprehensive regional transportation planning for the Bay Area, and

B) Does not grant MTC any land use planning powers, and

C) Explicitly states that MTC shall consider plans prepared and adopted by ABAG; and

Whereas, SB 375 allocates to ABAG the power to prepare all land use planning elements of the sustainable communities strategy (SCS) and its quadrennial updates; and

Whereas, SB 375 allocates to MTC the power to prepare all transportation planning elements of SCS and its quadrennial updates; and

Whereas, SB 375 requires that the regional transportation plan (RTP) for the Bay Area include the SCS and the quadrennial updates prepared by both ABAG and MTC in accordance with the statutory scheme described above; and

Whereas, ABAG and MTC staff have been working on the current quadrennial update to the SCS, Plan Bay Area 2040 (PBA 2040); and

Whereas, MTC has been using pass-through State and Federal public monies to fund both its and ABAG's work on PBA 2040; and

Whereas, the MTC Commission has adopted the Revised Funding Agreement Framework which specifically states that MTC will provide access to such pass-through funds through fiscal year 2021-'21, including funding for ABAG's work on PBA 2040; and

Whereas, so long as ABAG is able and willing to carry out its work on PBA 2040, MTC should not defund ABAG because by doing so, MTC makes it impossible for ABAG to provide the long term regional land use plan, which will impact MTC's ability to adopt a legally compliant RTP and puts at risk the region's State and Federal transportation funding; and

Whereas, for decades ABAG has been successfully collaborating with cities in a transparent way; and

Whereas, in ABAG's discussions throughout the region, and from the body of correspondence and testimony at the MTC meeting on September 23, 2015, it should be clear that the region's cities and counties, city managers, and city planning managers are not supportive of MTC's unilateral proposal to transfer regional land use planning authority and land use planning staff from ABAG to MTC; and

Whereas, ABAG has regional land use planning and research staff capable of carrying out all the responsibilities assigned to ABAG under SB 375; and

Whereas, ABAG staff has been directed to carry out the responsibilities assigned to ABAG under SB 375, including preparation of Plan Bay Area 2040, and

Whereas, ABAG's planning and research staff belongs with the Council of Governments, which is ABAG.

Now, therefore be it resolved; the Contra Costa Mayors Conference states to the Metropolitan Transportation Commission:

A. MTC should restore funding to ABAG for fiscal year 2015-'16 in the full amount set forth in the Revised Funding Agreement Framework approved by MTC at its June 25, 2014 meeting, through June 2016 without qualification; and

B. So long as ABAG is able and willing to carry out its responsibilities under SB 375, MTC should continue funding ABAG for such work provided there are available State and Federal pass-through funds, and provide ABAG with sufficient assurances that such funding will not be unilaterally terminated in the future; and

C. MTC and ABAG staff should be instructed, by their respective boards, to immediately begin open and transparent discussions regarding restructuring their relationship including consideration of a possible merger of the two organizations; and

D. MTC and ABAG should retain a third party organizational consultant acceptable to both organizations to facilitate conversations on better collaboration and possible merger options.

The foregoing resolution was adopted on the 8th day of October 2015 by the voting delegates of the Contra Costa Mayors Conference at a meeting held in Walnut Creek California.

Attested by: Gary F. Pokorny, Executive Director, Contra Costa Mayors Conference.