



# Governing Board

## SUMMARY MINUTES

Wednesday, January 26, 2011  
12:00 p.m. to 2:00 p.m.

Meeting Location:  
Joseph Bort MetroCenter  
101 8<sup>th</sup> Street, Conference Room 171  
Oakland, California 94607

For additional information, please contact:  
Clerk of the Governing Board, (510) 464 7913

Agenda and attachments available at:  
[www.sfbayrestore.org](http://www.sfbayrestore.org)

### 1. Call to Order

Sam Schuchat, Chair, called the meeting to order at about 12:05 p.m.

### 2. Roll Call

Frederick Castro, Clerk, reported that five of seven members were present. A quorum of the Governing Board was present. Dave Cortese arrived later.

Present were Sam Schuchat, Dave Cortese, Rosanne Foust, John Gioia, John Sutter, Phil Ting. Absent was Charles McGlashan.

Staff members present were Ezra Rapport, ABAG Executive Director; Kenneth Moy, ABAG Legal Counsel; and Herb Pike, ABAG Finance Director.

### 3. Public Comment

Duane DeWitt spoke about the Petaluma River and issues related to an asphalt plant project near downtown Petaluma. Members referred him to individuals and organizations that might be helpful to him.

There was no other public comment.

**4. Announcements**

There were no announcements.

**5. Approval of Summary Minutes of October 27, 2010**

A motion to approve the summary minutes of the Governing Board meeting on October 27, 2010, was made by Foust and seconded by Sutter. The motion passed unanimously.

**6. Organizational Matters**

**A. Report on Phase II Polling—Update**

Schuchat reported that staff is working on a draft request for proposals for Phase II polling. The draft RFP will be reviewed by the Polling Committee comprised of Schuchat, Foust, McGlashan, with Cortese as an alternate. The RFP is expected to be released by the end of February and the polling conducted in the Spring. A report on findings is planned for the next Governing Board meeting in July.

**B. Report on Staff Support for Proposed Ballot Measure**

Kenneth Moy, ABAG Legal Counsel, reported on guidance for members and staff related to state laws prohibiting the use of public resources on campaign activities for ballot measures. He described activities that are permitted and not permitted, including those related to developing a ballot measure. He indicated that counsel for the State Coastal Conservancy concurred in the advice.

Members discussed activities that can be taken by the Governing Board and staff and those that can be taken separate from the Governing Board and Authority.

**C. Authorization to Retain Counsel for Proposed Ballot Measure**

Moy reported on the need for expertise in special taxes in structuring a proposed ballot measure. Costs related to retaining legal counsel to assist in developing a proposed ballot measure is \$5,000 to \$10,000. ABAG staff will assist in identifying potential candidates.

A motion to authorize the retention of counsel for proposed ballot measure was made by Ting and seconded by Gioia. The motion passed unanimously.

**7. Discussion on Funding Proposed Ballot Measure—Costs to Counties of Placing Measure on County Ballots**

John Gioia, Supervisor, County of Contra Costa, reported on the costs of placing a measure on county ballots. The cost for placing a measure on a county ballot is dependent on the

number of measures in the ballot, the number of registered voters in the county, the length of the ballot inserts, and postage. He noted that the cost is less if the proposed measure is included in the November 2012 election. The cost will likely double for a special election. Counties are not likely to waive costs for placing a measure on a county ballot. A strategy for funding placing measures on county ballots is needed.

Members discussed costs to counties of placing measure on county ballots, including differing county ballot dimensions, county pamphlet requirements, identifying reliable funding source for placing measure on county ballots, relying on accurate voter registration data, feasibility of a special election, building the funding of placing ballots in the proposed measure, costs related to a measure for benefit assessment districts.

#### **8. Discussion on Next Phase of Public Opinion Polling—Ballot Measure Concepts to be Tested**

Sam Schuchat introduced Mary Selkirk, Center for Collaborative Policy, who facilitated a discussion of ballot measure concepts to be tested in the next phase of public opinion polling. Discussion focused on parcel tax amounts, geographic scope, description of projects to be funded, and other key language. The outcome of the discussion is to be given to the polling contractor to be incorporated in the next polling questionnaire.

Members and staff discussed parcel tax rate types, adjustments for inflation, possible exemptions, geographic limits, counsel review, inflationary and other caps, legal implications of geographic breakdown; range of tax amounts to be polled, prioritizing projects; residential and commercial parcels, discounts and exemptions; polling all nine counties, cities along the bay, specific counties; level of specificity regarding projects, regional equity, use of focus groups, sea level rise and climate change, water quality, SB 375; sunset provision, local labor, oversight committee.

Schuchat noted that the items raised during the discussion would be forwarded to the Polling Committee which will review the RFP for the next phase of polling.

#### **9. Adjournment**

The Governing Board meeting adjourned at about 1:57 p.m.

The next Governing Board meeting is on April 27, 2011.

Submitted by the Clerk of the Governing Board:  
February 22, 2011

Approved by the Governing Board:  
May 26, 2011