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August 20, 2015

Hon. Dave Cortese
Chair, Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Dear Chair Cortese,

I write to you in regards to the Metropolitan Transportation Commission's (MTC's) recent proposal to transfer some of the land use components of Plan Bay Area, and the associated planning and research staff and funding from the Association of Bay Area Government (ABAG) to MTC.

As you know, all fifteen cities in our county are members of ABAG and rely on the agency to varying degrees for a multitude of services in addition to planning and land use, such as insurance pool, green business program, energy efficiency, Bay and Water Trail program, and economic research on population, jobs and housing. After reviewing communication exchanged between MTC and ABAG and considering a presentation delivered by Executive Director Ezra Rapoport of ABAG at the August 13th Cities Association Board of Directors Meeting, we have questions and concerns.

We understand an evaluation and discussion is scheduled for the upcoming September 23rd MTC meeting. Our most immediate concern is that evaluating a proposal affecting two major regional agencies and the entire San Francisco Bay Area region next month is simply too short of a time period for us to get informed about this important decision.

As representatives of the 15 Cities of Santa Clara County, we respectfully request that you delay the evaluation and discussion by several months so that MTC can educate cities on the impact of this change and cities can better understand how their services will be affected. Providing more time will allow a more deliberate and transparent process, and potentially a thorough evaluation by an objective consultant so all affected parties understand the desired results of such a proposal.

As a trusted and longtime public official of Santa Clara County at both the local and regional level, your leadership is greatly appreciated. On behalf of Cities Association Board of

Directors, I kindly invite you and/or MTC staff to come and discuss the proposal at a future Board Meeting with our Members.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Jason T. Baker".

Jason T. Baker
President, Cities Association of Santa Clara County

cc: Steve Heminger, Executive Director, MTC
Ezra Rapport, Executive Director, ABAG
Board of Directors, Cities Association of Santa Clara County



August 21, 2015

Chairperson Dave Cortese and Members
Metropolitan Transportation Commission
101 Eighth Street
Oakland CA 94607

Via info@mtc.ca.gov

Re: MTC & ABAG Relationship

Dear Chair Cortese and Members:

The Sierra Club and Communities for a Better Environment have entered into a settlement agreement with the Metropolitan Transportation Commission and the Association of Bay Area Governments over legal issues pertaining to Plan Bay Area, the joint 2013 Regional Transportation Plan.

We understand from agency memos and reports in the press that MTC is considering significant changes in its relationship with ABAG. We encourage you to abandon this disruptive effort and provide adequate funding to ABAG for the customary period.

Our settlement agreement calls for quite a bit of work to be accomplished in the near future. To cite just one example, there is to be an extensive "Analysis of PDA Performance" with details of *each* Priority Development Area, with the report to be available prior to the issuance of the Notice of Preparation of the 2017 DEIR. PDAs are one of the cornerstones of the \$292 billion Plan Bay Area's efforts to have a Sustainable Communities Strategy to cut Greenhouse Gas emissions.

Going beyond our settlement agreement, we think the expertise of ABAG and its relationships with local municipalities are needed as the 2017 Plan Bay Area is prepared. In addition, ABAG's wealth of experience needs to be applied to the vexing issues of risks from sea level rise and seismic dangers in PDAs. ABAG also can be instrumental in addressing the huge and troublesome problem affecting the Sustainable Communities Strategy—displacement of low income residents from PDAs.

Representing the Loma Prieta, Redwood and San Francisco Bay Chapters in the 9-county Bay Area

If you have any questions about our letter, please contact Matt Williams at mwillia@mac.com.

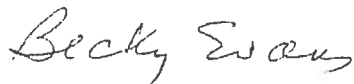
Sincerely,



Bruce Rienzo
Loma Prieta Chapter Chair



Victoria Brandon
Redwood Chapter Chair



Rebecca Evans
San Francisco Bay Chapter Chair

cc: Jim Beall, Chair, Senate Committee on Transportation and Housing
Jim Frazier, Chair, Assembly Committee on Transportation
Ed Chau, Chair, Assembly Committee on Housing and Community Development
Brian P. Kelly, Secretary, California State Transportation Agency
Julie Pierce, President, ABAG

Chair Cortese, S. Haminger, A. Ibarra, A. Beckelma
August 30, 2015 J. Pierce

Mr. David Cortese, Commission Chair
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Ms. Julie Pierce, Executive Board President
Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

RECEIVED

SEP 12 2015

BAY AREA TOILET AUTHORITY

RE: Proposed Incorporation of ABAG's Planning and Research Functions into MTC

Dear Chair Cortese and President Pierce:

As a long-time Planning/Community Development Director in the North Bay (now retired), as well as the Chair of the Bay Area Planning Directors (BAPDA) Steering Committee for many years, I would like to respectfully request that the proposed incorporation of ABAG's Planning and Research division into the planning function of MTC be postponed until there can be a full and complete public discussion of that proposal by the respective agency boards, as well as an opportunity for other voices to be heard on the efficacy and ultimate benefits of such a move. This is much too important a decision to be handled as an administrative budget or organizational change.

As a professional planner who has actively participated in and supported many regional planning initiatives, there is no doubt in my mind that the most ideal circumstance would be a full merger of all four Bay Area regional agencies into a single metropolitan planning organization. Absent that as an ultimate goal, the apparent reorganization of planning functions as proposed only serves to further fracture and confuse the existing system. As others have already pointed out, each of the four regional agencies have their own planning staffs with a role, responsibility and perspective that is specific to that agency. Local government elected officials and staff members know which agency staff to contact when they have a question or issue pertinent to that agency. This is not to say that nothing should be changed in the current organizational structure to make regional planning and implementation better and more effective, but the nature of this specific change requires more explanation of why it is better and more reassurance to local planning professionals that their needs and concerns will continue to be satisfactorily addressed by this change.

Many have already spoken about the inherent differences in approach and methodology between land use and transportation planning and implementation. While Plan Bay Area is a good start to making that planning process more seamless, inherent and long-standing differences do exist: not because of any lack of professionalism or commitment on the part of the respective planners or agencies, but as a direct result of the historic regional planning environment in the Bay Area. The constituents of MTC and ABAG will not be well-served by a piecemeal, budget driven decision,

August 30, 2015

like the one before your respective Board and Commission. We have had 50+ years of planning by the four separate regional agencies, and in light of that, it would seem in the best interests of the professional planners and elected officials in the region to have at least some more time and additional opportunities to discuss and consider this proposal than the current December 2015 deadline.

As you both well know, one of the on-going critiques of the Plan Bay Area process was that local staff and elected representatives, including members of the public, were given very short lead times to consider, understand and accept many of the recommendations in the plan and the context for those recommendations. That eventually affected local decisions to participate in the process and support for the final plan. I'm certain that ABAG and MTC staff and Board/Commission members learned those lessons well and they will be incorporated into succeeding updates. I think those same lessons should be applied in this situation, as well. I urge you and the members of your respective Board and Commission to postpone the stated decision deadline; provide more time, context and information for your constituent local agencies and their respective staff members to understand and consider why this proposal will be more beneficial and effective than the current organizational structure; and create opportunities for more public dialogue to hear, address and resolve potential concerns. I don't think the professional planners in the Bay Area who deal with land use and transportation issues on a daily basis and their communities will stand in the way of any effort to make regional planning process and organization even better. But we do need to know just what "better" means and how it will work for all of us.

Thank you very much for your attention and consideration of these comments.

Sincerely,



Mike Moore
Former Planning/Community Development Director,
Cities of Mill Valley, Petaluma, Sonoma
Former Chair, Bay Area Planning Directors Association Steering Committee
E-mail: mikemoore1178@gmail.com
Phone: 707-364-8889

M. Moore
49 Astoria Circle
Petaluma, CA 94954



September 11, 2015

Dear MTC Chair Cortese and ABAG President Pierce:

The Bay Area Planning Directors Association (BAPDA) Steering Committee is concerned about the proposal to move the Planning and Research function from the Association of Bay Area Governments (ABAG) to the Metropolitan Transportation Commission (MTC). The BAPDA Steering Committee provides professional development opportunities for Planning Directors throughout the Bay Region and participates in implementing sound regional planning principles at the local level. We urge you to carefully evaluate the implications and consequences of this proposal, and provide an opportunity for the ABAG General Assembly to comment and participate in this important decision.

ABAG's governance as a Council of Governments facilitates the participation and involvement of all 109 jurisdictions within the Bay Region. With a General Assembly that includes a representative from every jurisdiction, ABAG is accountable to each of our communities. ABAG's Planning and Research staff demonstrates this accountability by meeting with local planning officials to listen and understand the local context before creating land use recommendations that integrate local objectives into a regional vision. This direct approach supports local control, which is a critical issue for the update of *Plan Bay Area*.

MTC has unique strengths related primarily to transportation planning. A consolidated planning function within MTC is likely to distance local jurisdictions due to its historic reliance on Congestion Management Agencies, as an intermediary for input regarding cities and counties. This distance will challenge the ABAG General Assembly and Executive Board to support the land use recommendations coming from MTC. In addition, the distance will also impede localities from participating in essential regional planning and implementation of housing, economic development, disaster preparedness, and other topics.

On a related note, we are concerned that a rushed merger would not create a government structure that is conducive to a healthy dialog between land use and transportation. Specifically, we are concerned that the land use component of *Plan Bay Area* will not be based on local information and instead be driven by desired top-down transportation investments. While it may not occur in this Sustainable Communities Strategy cycle, the likelihood is high over time. This will render the land use component of *Plan Bay Area* meaningless and move it further from the objectives of state law, exacerbating the land use-transportation disconnect in the Bay Region.

Finally, we are also concerned about the loss of valuable technical services beyond the land use component to *Plan Bay Area*. Specifically, local governments rely on the ABAG Planning and Research Department's forecasting for local general plan and housing element updates, and research regarding hazard mitigation planning and best practices. The Department's current economic research is foundational to the potential creation of Priority Industrial Areas to complement the successful Priority Development/Priority Conservation Areas framework for wise land use planning in the Bay Region. The ABAG Planning and Research Department also implements programs to enhance the quality of life through its Bay Trail and Farmland Preservation programs. It is unclear how a planning function within a transportation agency will continue to provide such services.

While some are urging quick action, we would caution that speedy action without thorough deliberation and involvement of the ABAG General Assembly may result in more costs overruns in the long-term. From a purely logistical standpoint, merging and hiring staff takes time and causes disruption—this alone may delay the update to *Plan Bay Area*. Further, we

can likely all agree that the concept of integrated regional planning is laudable; however, as we are well aware the structuring of agencies can greatly affect its success. Any merger should be well thought out so that not only government efficiency is valued; but also so that public involvement and government effectiveness are achieved. For these reasons, we urge both agencies to proceed thoughtfully and for MTC to continue funding for ABAG beyond the December timeline so that any planned merger may proceed in a purposeful manner and with benefit of input from the public and local jurisdictions.

Thank you for your consideration of these comments. We ask that you provide this letter to your Board and Commission members. We welcome the opportunity to engage in further discussion.

Sincerely,



Brent A. Butler, AICP, CFM
Planning and Housing Manager
City of East Palo Alto



Christina Ratcliffe, AICP
Community Development Director
City of Benicia



Charlie Knox, AICP
Former Planning Director



Michele Rodriguez, AICP
Development Services Manager
City of San Pablo



Casey McCann
Community Development Director
City of Brentwood



Al Savay, AICP
Community & Economic Development Director
City of San Carlos



Colette Meunier, AICP
Former Planning Director



Larry Tong
Chief of Planning/GIS
East Bay Regional Park District



IMPROVING REGIONAL PLANNING IN THE BAY AREA

Recommendations for integrating
ABAG and MTC

SPUR WHITE PAPER

September 11, 2015

Primary author: Egon Terplan

Adopted by the SPUR Executive Committee and reviewed by the SPUR Regional Policy Board.
Special thanks to the staff, board members and commissioners of ABAG and MTC.

www.spur.org

INTRODUCTION

There is a long history of attempts at better collaboration between the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC).¹ An MTC proposal this summer to establish a merged planning department within MTC has again opened up the discussion about the future of regional planning in the Bay Area.

This white paper offers SPUR's thoughts on the proposal and the broader opportunity for improved regional planning. We begin with some background and context, describe our findings and conclude with four recommendations.

To develop this paper, we spoke with dozens of stakeholders, including ABAG and MTC staff and board members, to explore the implications of the proposal for a merged planning department, as well as other steps that could be taken to improve regional planning in the Bay Area.

BACKGROUND

ABAG is California's oldest council of governments and held its first meeting in 1961.² It is the official comprehensive planning agency for the Bay Area and is governed by a 38-member executive board.³ MTC was formed in 1970 and began operating in 1972. MTC is the Bay Area's designated metropolitan planning organization (MPO) and manages federal and state transportation planning and funding. MTC is governed by a 21-member commission.⁴

Had it not been for some personnel challenges at ABAG in the 1960s, ABAG would have likely become the region's metropolitan planning organization and MTC would never have existed.⁵ Since the 1970s, many have called for the merger of the two agencies — or at least for closer collaboration on regional planning.

Today, MTC and ABAG are jointly responsible for producing and adopting Plan Bay Area, the region's Sustainable Communities Strategy. Plan Bay Area is a combined land use and transportation plan that must meet specific state targets for housing and reduced greenhouse gas emissions from driving cars and light trucks. The plan achieves these emissions reductions through a set of transportation policies and investments that are aligned with a more compact land use pattern.

In other metropolitan regions in California, there is one agency — a combined council of governments and metropolitan planning organization — that is responsible for producing and adopting the Sustainable Communities Strategy/Regional Transportation Plan (SCS/RTP). Los Angeles has SCAG, San Diego has SANDAG and Sacramento has SACOG. In the Bay Area, there are two regional agencies: ABAG and MTC.

The Bay Area is also different from other regions in the amount of bridge toll funds available for regional projects, as well as the extent to which programmatic funds generally remain at the regional level. For example, in the six-county, 18-million-person Southern California region (all Southern California

¹ See <http://www.spur.org/publications/article/2003-09-01/bay-area-regionalism-can-we-get-there>

² Wong, Hing. "Regional Governance in the San Francisco Bay Area: The History of the Association of Bay Area Governments." 2013. <http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1252&context=focus>

³ See http://www.abag.ca.gov/overview/ABAG_Roster.pdf

⁴ Three of the 21 commissioners are non-voting members. See http://mtc.ca.gov/about_mtc/commissioners/

⁵ See <http://www.abag.ca.gov/overview/concise-history.pdf>

counties except San Diego), much of the regional planning funding flows directly to the counties, thereby diminishing the ability for the regional planning agency to do regional work.

In recent years, MTC has passed through approximately \$4 million to ABAG annually, pursuant to a longer term funding agreement for planning services and to support operations. Typically, MTC provides 12 months of funding at a time. At an MTC meeting in late June, MTC voted to provide ABAG with only six months of funding. At the same meeting some commissioners acknowledged that it might be desirable for the ABAG planning staff to be folded in with MTC's planning staff to establish a single regional planning staff.

In July, ABAG held its own executive board meeting to discuss the proposal and called on MTC to provide the full year of funding and have a larger conversation about how the two planning staffs might be merged. Some even called for a full merger of the two agencies. Subsequent memos from MTC Chair Dave Cortese included greater detail about the original proposal, including an offer to hire all 20 ABAG planners at MTC.

Eliminating the \$4 million in funding for ABAG planning would have a major financial impact on ABAG's operations, including its ability to continue meeting its pension obligations. ABAG uses some \$1.2 million of the \$4 million in funding to pay for overhead and additional staff. As a result, the loss of \$4 million would likely lead to the loss of 20 planning staff plus about seven or more additional staff people from ABAG.

MTC must now decide whether or not to establish a single merged planning department and over what time period.

OUR FINDINGS

SB 375 requires the integration of land use and transportation, but the Bay Area hasn't adjusted its governance to meet that goal.

While professional planners have long understood and studied the relationship between land use and transportation, California and Bay Area planning have historically treated them separately. Sustainable Communities Strategies, mandated by SB 375, require metropolitan areas to align their transportation spending with their region's housing targets and in support of a land use pattern that leads to reduced driving. While ABAG and MTC have been working together on producing the Sustainable Communities Strategies, the Bay Area has not adapted its regional governance to meet the full mandate of SB 375. The Bay Area even has an exception drafted into SB 375 to accommodate the distinct division of labor between ABAG and MTC.⁶

The status quo is broken and untenable.

Having two separate planning staffs creates inefficiencies in the delivery and production of major reports such as Plan Bay Area. Having a unified planning department would more fully allow for regional planning to analyze the interrelationship between land use patterns and transportation investments and policies, while also increasing staff's collective capacity to support and engage with local jurisdictions and transportation agencies.

⁶ See http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0351-0400/sb_375_bill_20080930_chaptered.html

Some of the challenges associated with the first Plan Bay Area resulted from having two separate staff and governance structures. Two agencies drafting, managing and adopting Plan Bay Area is unworkable. In addition to the inefficiencies of coordinating among multiple staff in two agencies, there are challenges associated with different agencies overseeing a merged product where feedback, timelines and priorities differ. For each step of the process, staff members have to coordinate between two agencies. Instead of having one set of staff members working on the development of scenarios, there are two.

The current process also results in some duplication of activities across the agencies. For example, ABAG recently produced a State of the Region report while MTC produced a Vital Signs website. Both are great products. But a combined and unified product with data on the economy, transportation, land use and other important variables would be more useful for the region. Having two separate efforts is wasteful.

There are also many overlapping committees and advisory bodies. By our count, there are 12 different committees or boards at ABAG and MTC that have roles in the approval and discussion of Plan Bay Area:

Joint ABAG/MTC bodies: Joint MTC Planning and ABAG Administrative Committee, Regional Advisory Working Group (RAWG), Regional Equity Working Group (REWG)

MTC bodies: Commission, Planning Committee, Partnership Technical Advisory Committee (PTAC), Policy Advisory Council (PAC)

ABAG bodies: Executive Board, Administrative Committee, Regional Planning Committee (RPC), Housing Methodology Committee for RHNA (as needed), and Bay Area Planning Directors Association (BAPDA)⁷

Many of these committees could be combined and strengthened. In addition to the inefficiencies and costs associated with sending staff to so many committees, there are challenges for outside stakeholders and advocates. There are simply too many committees to attend and track, and it is difficult to know when and where it is most effective to plug in.

The current structure results in missed opportunities for the Bay Area.

The first Plan Bay Area took over three years of full time work for dozens of staffers to complete. This process should have taken less than two years. While it was the region's first attempt and may be more efficiently run in future efforts, from a regional perspective the Bay Area missed out on a full year of other major planning activities not related to Plan Bay Area.

One example is economic development activity, which has no formal home at either regional agency. The Bay Area's Regional Prosperity Plan, a \$5-million, three-year grant from HUD, raised significant policy issues for both agencies but lacks any institutional place to fully address these issues together.⁸ For example, both ABAG and MTC are working on issues related to the region's industrial preservation development. One project is mostly focused on goods movement and the other on industrial land use. Ultimately, having a single project and program would be more effective and could more likely result in policy reform such as establishing a Priority Industrial Area designation.

⁷ BAPDA is an independent organization that ABAG supports through providing administrative and logistical support. See [http://abag.ca.gov/bapda/pdfs/BAPDA ByLaws Amended and Approved 4-5-2013.pdf](http://abag.ca.gov/bapda/pdfs/BAPDA%20ByLaws%20Amended%20and%20Approved%204-5-2013.pdf)

⁸ See <http://planbayarea.org/regional-initiatives/Bay-Area-Prosperity-Plan.html>

As another example, the region was forced to delay major transit planning efforts due to the length of time it took to complete the first Plan Bay Area. For example, the region could have begun planning work around core capacity and core connectivity a year earlier. Given transit capacity concerns, a one-year delay is significant. Many other issues related to improving transportation in the Bay Area need the external attention of MTC planning staff. Instead, staff time is too often spent on internal process.

There are also many missed opportunities to provide more direct technical assistance to local governments. The Priority Development Area Planning Grant and Technical Assistance Programs could be more meaningful if fully merged.

Another activity that has no formal home in the current MTC/ABAG structure is work that cross-cuts sustainability and climate issues, such as how sea level rise will affect transportation investments and Priority Development Areas. These activities are being taken up by both the Bay Conservation and Development Commission (BCDC) and the Bay Area Regional Collaborative (BARC), a body with limited staff that was formed to coordinate among the four single-purpose regional agencies, ABAG, MTC, BCDC and the Bay Area Air Quality Management District (BAAQMD).

Finally, a core land use policy lever — the Regional Housing Needs Allocation (RHNA) process — is currently adopted by ABAG and treated separately from the Regional Transportation Plan (RTP), which is adopted by MTC. Given that planning for housing is an essential part of SB 375 and the development of Plan Bay Area, a regional board that combines land use and transportation should ultimately adopt RHNA.

The Bay Area deserves better.

There are valuable and unique aspects to ABAG's role as a council of governments.

ABAG provides several key values to regionalism that are not present at MTC. ABAG is a place for local governments to engage with each other and with regional land use issues. This is particularly important as many new elected officials are increasingly reflecting the region's diversity. Engaging a wide range of elected officials in regional planning is an important function that ABAG provides.

ABAG also provides a forum, via the Regional Planning Committee, where regional leaders in the private and public sector, city and Congestion Management Agency staff, elected officials, ABAG/MTC board members and others come together as equals to discuss regional policy. MTC offers no similar venue for regional discussion where board members and outsiders sit as equals.

ABAG also provides a set of unique services to local jurisdictions including liability and property insurance for 35 cities; a natural gas buying club for 39 cities and local districts; over \$1 billion in tax-exempt financing for affordable housing, schools, city halls, libraries and equipment; a regional energy efficiency program; conference and training services; and a resilience program that helps prepare local jurisdictions for earthquakes, flooding, sea level rise and climate change. These are valuable programs that do not exist elsewhere in the region and should be preserved.

MTC is already involved in land use planning activities.

Although land use is not in MTC's name, mandate or mission, MTC is very active in land use. It was one of the first metropolitan planning organizations in the United States to use its transportation funds on land use planning and implementation via the Transportation for Livable Communities grant program, in 1998. It has also conditioned transportation money for transit extensions based on local planning and zoning. In addition to \$20 million for affordable housing (in the Transit Oriented Affordable Housing fund), MTC

administers parts of the One Bay Area Grant program and has long provided technical assistance to local governments. These efforts are done in partnership with ABAG staff and with local governments

Land use should not be entirely subsumed within transportation planning.

Transportation investments should serve a land use vision, not the other way around. As such, land use must be not only be fully integrated within transportation — it must in some ways lead transportation in the planning process. Whatever joint planning system that is established must acknowledge this. In the short run, this may mean that a merged planning department specifically acknowledges that it is responsible for combining land use and transportation.

Dual reporting to both MTC and ABAG is unworkable in the long run.

Currently, staff from ABAG report to the ABAG board; staff from MTC report to MTC and its committees; and both staffs report to numerous joint committees.

Under MTC's proposal, even if the two planning departments were merged into one, the merged department would still report to two separate boards (MTC and ABAG). This exemplifies the challenging fragmentation of governance in Bay Area planning. A merged department would expand MTC's staff capacity without making any other adjustments, such as incorporating land use into the agency's mission. As proposed, the merged planning department would maintain ABAG's board and legislative authority without any dedicated planning staff to implement such authority. This would create a mismatch between a unified staff and a fragmented governance system. Given this, we believe that the period when the merged planning department reports to both MTC and ABAG must be time limited. Once there is a unified governance and reporting structure, the dual reporting should end.

Successfully merging staffs, agencies or governing boards requires careful attention to distinct internal cultures.

There is a long history of government mergers in which two merged departments remain functionally independent even though they are under the same roof and within the same reporting structure.⁹ In order to achieve fuller integration, we believe any merger of MTC and ABAG will require the creation of a new organizational culture, not just the combining of staff and reporting structures.

Any model for the future must *not* be based on the individuals in leadership positions today.

It is tempting to design a governance system based on how an agency currently operates or who is in charge. Both ABAG and MTC have changed over the years. Several decades ago, ABAG would provide input on EIRs for regionally significant development projects, something that is inconceivable today.¹⁰ MTC previously was a much more narrowly-focused transportation funding agency. The agencies have changed as their leadership has shifted and the expectations of the region have changed.

⁹ Frumkin, Peter. "Making Public Sector Mergers Work: Lessons Learned." August 2003. <http://www.businessofgovernment.org/sites/default/files/PublicSectorMergers.pdf>

¹⁰ ABAG previously used their ability to comment on State EIRs to identify development projects that they viewed as encouraging sprawl and would lobby the involved cities and counties to try to modify or stop them.

RECOMMENDATIONS

Based on these findings, we offer the following recommendations:

1. Move deliberately and carefully toward establishing a unified planning department that combines land use and transportation planning functions.

We fully support the idea of creating a single regional planning department. A merged department could more efficiently produce the needed products for Plan Bay Area while also working on other important regional issues, such as economic development and climate change. A merged department could also more effectively deliver planning grants and technical assistance to local governments, in coordination with the other regional agencies, BCDC and BAAQMD.

We see some complications with moving forward too quickly on the merger and urge staff and leadership to take the time necessary to get this right. We believe that MTC should provide a full year of funding as part of ABAG's FY 15-16 budget to ensure proper time to manage the merger and transition. MTC should also provide additional support for ABAG's ongoing operations beyond those 12 months. The question of ABAG's budget and funding needs should be separated from exploring the benefits of a merged department.

A merged department will not be effective if the agencies don't work to establish trust and a strong working relationship among all staff members. In particular, MTC and ABAG should bring in outside experts in public sector mergers and organizational culture to make sure the approach taken is respectful of the needs of people throughout both organizations. Additionally, it may be necessary to involve a third party to lead the specific merger discussion as well.

The merged planning department, however, is not an end in itself since it leaves open the question of governance. We think ABAG and MTC also need to take a series of deliberate steps toward establishing an integrated regional planning agency. Our following three recommendations address these steps.

2. Elevate the Joint MTC Planning Committee/ABAG Administrative Committee as the core decision-making body for the evaluation and approval of the 2017 Plan Bay Area update.

To meet the Plan Bay Area 2017 deadline, it will be necessary to make use of the existing boards and committees for plan approval. During the production of the Plan Bay Area update, MTC and ABAG should jointly establish a single merged committee (such as the current Joint MTC Planning Committee/ABAG Administrative Committee) as the formal adoption and review committee for Plan Bay Area. This committee should have its own formal name (e.g., Plan Bay Area Review Committee) and should be deputized with the authority to oversee and authorize the plan. Such a step would be a reflection of good faith to move toward the integration of governance.

While this committee would not have additional statutory authority, we propose that the ABAG Board and the MTC Commission make a commitment to hold the major policy discussions and votes about Plan Bay Area at this merged committee and to respect the positions taken there. This would suggest that the full boards of the two respective organizations would be in the position of approving the decisions of the merged committee rather than revising them. This is comparable to the way the MTC Planning Committee currently functions and is why some commissioners who do not have voting seats on the MTC Planning Committee attend the meetings anyway, in order to participate in the policy dialogue.

3. Make a commitment that the 2017 Plan Bay Area update will be the last one produced with joint reporting to two separate boards.

Maintaining joint reporting and approval is not a long-term solution and should only take place until there is a newly formed agency. We urge the boards of MTC and ABAG to make a commitment that the current update should be the last one with a joint reporting structure to two separate boards. The subsequent Plan Bay Area (2021) should be completed with a single staff and governance system.

We think both MTC and ABAG should make this commitment now as a demonstration of their intentions toward a more integrated regional planning agency.

Recommendations 1 and 2 focus on how the agencies can begin moving toward greater integration of staff and governance. Recommendation 4 (below) focuses on how to arrive at a new governance structure for the future.

4. Form a study commission with a range of regional stakeholders to develop options for a single regional planning agency that combines the functions of ABAG and MTC.

SPUR supports a long-term strategy to establish the highest functioning process for regional planning in the Bay Area. Since transportation and land use are wholly intertwined, the Bay Area should organize itself to deliver integrated planning. We believe that this will only be possible with a single regional planning agency.

Many of our region's challenges result from our system of fragmented governance. Our single-purpose regional agencies are not equipped to respond to the complexity and interrelatedness of the region's challenges.

There is an opportunity to begin sketching out a new regional agency right now.

As a first step, the region should immediately form a study commission that is empowered to develop alternatives for a single regional planning agency for the Bay Area. Unlike Bay Vision 2020, elected officials should not be excluded from the commission. Staff to the commission should come from the civic world, not current regional agency personnel.

The study commission could propose a merger of ABAG and MTC or the creation of a wholly new agency that subsumes both MTC and ABAG and has functions in addition to land use and transportation. Either option would require reform and modification of today's Association of Bay Area Governments in its role as the region's council of governments and today's Metropolitan Transportation Commission in its role as the region's metropolitan planning organization. Any option should take the best of what is currently within ABAG and combine it with the best of what is currently within MTC. Under either approach, the new agency must acknowledge that its mission and responsibilities include the integration of land use and transportation, with transportation investments serving a larger land use vision for the region.

The study commission should address and answer issues such as the following:

- What are the most important regional planning issues affecting the Bay Area in the 21st Century? How can the region best organize its land use and transportation functions to help address those issues?

- What are some of the inefficiencies and challenges associated with having two separate single-purpose regional planning agencies?
- What are the pros and cons of different governance models in other regions in California?
- How should local governments, transit operators, Congestion Management Agencies and civic, nonprofit and private sector voices best engage on regional planning activities?
- How effective are the current sets of committees at ABAG and MTC and which ones could be consolidated or adapted to more effectively provide input?
- What new planning activities and issues could a merged or new agency take on that are not currently being addressed?

Any recommendations from the study commission will require state legislative action. However, the goal should be to move toward a consensus vision for a single regional planning agency for the Bay Area. The study commission's work should be completed by 2017.

CONCLUSION

In recent decades, there have been numerous attempts to merge ABAG and MTC. None have succeeded. We believe the current opportunity provides a chance to make a meaningful change and improve the delivery of regional planning for the Bay Area. We urge ABAG board members and MTC commissioners to move deliberately and thoughtfully forward on a process that leads to more integrated regional planning.

The status quo is broken. Our transit systems are strained, our roadways are congested, too many communities block the construction of new housing, job growth provides too few middle-income opportunities and rising costs are bringing the affordability crisis to nearly every neighborhood. We need a system of regional governance that can rise to the challenges of the 21st century.

Now is a chance to move out of our operational silos and act in a way that will best support the future of our region. The communities of the Bay Area have had many successes in working together across city boundaries to improve the region. Decades ago, we connected many of our cities and towns on a regional transit system by building BART. We saved valuable open space in perpetuity when we established the Golden Gate National Recreation Area. We saved the bay from fill and preserved it as a treasured resource across all nine counties by establishing the Bay Conservation and Development Commission. Now is this generation's opportunity to do our part in improving regional planning. Let's not squander it.



Executive Director
Tim Paulson

President
Mike Casey
Unite Here 2
Secretary Treasurer
Olga Miranda
SEIU 87

VP for Affiliate Support
Larry Mazzola, Sr.
Plumbers 38

VP for Community Activities
Conny Ford
OPEIU 3

VP for Political Activities
Alisa Messer
AFT 2121

Executive Committee
Alan Benjamin
OPEIU 3

Danny Campbell
Sheet Metal Workers 104

Vince Courtney
Laborers 261

F X. Crowley
IATSE 16

Tim Donovan
IBEW 6

Maureen Dugan
CNA

Mark Gleason
IBT 665

Art Gonzalez
IAM 1414

Rudy Gonzalez
IBT 856

Maria Guillen
SEIU 1021

Dennis Kelly
UESF

Gunnar Lundberg
SUP

Frank Martin del Campo
LCLAA

Larry Mazzola, Jr.
Plumbers 38

Bob Muscat
IFPTE 21

Thomas O'Connor
IAFF 798

Fred Pecker
ILWU 6

Denise Solis
SEIUUSWW

Michael Theriault
SF Building Trades Council

Joe Toback
Sign & Display 510

Sergeant at Arms
Hene Kelly
CARA

Trustees
Ron Lewis, IBEW 6
David Williams, SEIU 1021
Claire Zvanski, IFPTE 21

September 15, 2015

Metropolitan Transportation Commissioners
Sent Via Email

Dear MTC Commissioners,

On behalf of the 100,000 members of the San Francisco Labor Council, I write to urge you vote against the proposed MTC takeover of ABAG's Plan Bay Area planners. The San Francisco Labor Council is concerned that this takeover could result in the loss of up to 60 union jobs and have negative effects on the community.

The planning department of ABAG consists of approximately 20 unionized employees. This one department accounts for 15% of ABAG's overall budget, and removing it could leave ABAG without the necessary funding to support the remaining departments in the agency which may impact another 10 unionized employees in support positions.

In addition to losing the current ABAG employees, there are currently 51 retirees, who could see their pensions and health benefits adversely affected.

ABAG funds and/or administers several grants that support community organizations and projects. Defunding ABAG, and the resulting possible dissolution of the agency, would put many, if not all of these programs and projects in serious jeopardy. This would be a disservice to the communities that benefit from these projects and programs.

There are many legal, ethical and financial reasons for board members to oppose this takeover. The Council asks that the MTC board take some time to consider all aspects and repercussions of this proposed action, and work with SEIU 1021 as the representative for these workers on any proposed future changes to the agency.

Thank you for your consideration.

Respectfully,

Tim Paulson
Executive Director

CC: Gabriel Haaland, SEIU 1021

OPEIU 3 AFL-CIO 11





34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA 94587
(510) 471-3232

September 15, 2015

Steve Heminger, Executive Director
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607-4700

RE: Regional Land Use Planning Staff and Associated FY 2015-2016 Planning Budget

Dear Mr. Heminger:

The Leadership of the Bay Area has a tremendous opportunity to evaluate and identify the best policy options for administering regional land use planning, regional fair share of affordable housing allocation, and transportation planning.

A potential merger of the Association of Bay Area Governments and the Metropolitan Transportation Commission may be one of the options that should be evaluated. The collaborative efforts of ABAG, MTC, Bay Conservation and Development Commission, and the Bay Area Air Quality Management District successfully created Priority Development Areas, Priority Conservation Areas, and the One Bay Area Plan.

As the cities and counties of the Bay Area work together to prepare for the future, it is critical that scarce financial resources be expended in a cost-effective manner; and that cities and counties jointly prepare, administer, and implement the regional plan.

ABAG's and MTC's resources are best expended engaging a consultant to identify the best alternatives for planning and administering the future of the Bay Area. It is not appropriate to reorganize the administration of regional planning, without evaluating the options for reorganizing the structure of ABAG and MTC.

Sincerely,

Carol Dutra Vernaci

Mayor



SAN FRANCISCO PLANNING DEPARTMENT

September 15, 2015

Steve Heminger, Executive Director of Metropolitan Transportation Commission
Ezra Rapport, Executive Director of The Association of Bay Area Governments
101 Eight Street
Oakland, CA 94607

Re: MTC/ABAG Relationship

Dear Executive Director Heminger and Executive Director Rapport,

As the largest and oldest local Planning agency in the Bay Area, the San Francisco Planning Department has had extensive experience in both successful and non-successful mergers of public functions related to Planning. The Department believes that at its best, Planning is a function that is robustly multi-disciplinary, inclusive and transparent.

Further, this Department believes strongly in the need for and value of regional planning and cooperation. To be clear, I would like to state unequivocally that SF Planning is a major advocate for regional collaboration on planning, land use and transportation concerns. Further, we believe that regional planning is in fact essential for us to address the major land use and transportation issues facing all the counties in the Bay Area today.

In that light, the current discussions about the possibility of a single regional planning agency for the Bay Area may be an historic opportunity. Since the Bay Area Council of Governments created ABAG in 1961, true regional planning has been both valued and feared. Legislators have incrementally identified increasing needs for regional governance and responded by creating new single-issue bureaucracies. After ABAG formed, BCDC was made permanent guardian of the Bay in 1969. MTC was created in 1970 for transportation planning and funding. In 1995, BAAQMD was created to regulate air quality. In 2003, ABAG and MTC formed a "Joint Policy Committee" to coordinate their regional planning efforts. And, subsequent actions by the state legislature included BCDC and BAAQMD in this policy coordination. At each step of the way, planners have discussed, studied, and dreamed about consolidation and unification of Bay Area regional agencies.

SF Planning strongly supports the notion of planning related functions in a combined agency that addresses land use, transportation and all related functions regarding the physical growth of the region. *With that said, we encourage you to do so in a way that results in true multi-disciplinary planning, where transportation serves desired land use patterns, and these programs collectively address environmental and social concerns*

As real momentum for change builds within both MTC and ABAG, planning professionals should be asked to advise on best practices so that our policymakers can achieve integrated planning. It is our regional task to further the goals of SB 375 and pursue planning that

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prioritizes compact growth. From this strong policy grounding, infrastructure funding should flow. This requires more than a shifting of land use planning staff into a transportation agency. Rather, we would advocate for a true merger of the functions of the two agencies that reflects the true need for an integrated approach. To do so would indeed require more time to address policy and logistical issues, but in the end, be worth the effort.

In our experience, successful mergers require the commitment of time and resources for two : key functions:

1. An adopted statement of the purpose for the merger, and the mission of the combined organization. Ultimately the goal should be to establish a comprehensive regional planning process that leads to an optimal use of land in the region, supported by and closely coordinated with transportation improvements and funding.
2. A merger process that is transparent and involves a broad range of stakeholders so that the ultimate organization can succeed.

The San Francisco Example

Functional planning and change work best when that change is grounded in a solid policy framework; has buy-in from the public, policymakers, and staff; and includes metrics for evaluating the effort. Even within this context, new organizational structures often present efficiency challenges for years after the merger. For instance, within San Francisco, we saw a similar movement in 1999, when our voters passed Proposition E. This proposition mandated the merger of our Department of Parking and Traffic with our Muni public transportation agency into the new San Francisco Municipal Transportation Agency. Strong public advocacy and Political support helped the Charter Amendment pass handily and signaled broad enthusiasm not only for the organizational merger, but also for shifting the new agency's underlying policy framework.

Yet, while this effort seemed to have grounded policy and community support, staff cited collaboration difficulties for years. The entrenched differences can mean that unity is far away even with the best-laid plans. Certainly, a lack of support from the public, policymakers, or staff can hinder unification. Further, a process that appears rushed or has an unclear goal may result in a dysfunctional and inefficient agency.

Articulation of Intent and Development of Buy In

I would strongly urge you consider the two steps noted above as a prerequisite to any formal action by the Board to establish a combined regional entity. To reassure the public and underscore your commitment to a thoughtful process, we urge you to extend ABAG funding through at least June of 2016. The goal should not be a merger merely for efficiency's sake, as surely efficiencies will be lost for some time and will be lost entirely, if not properly planned. Instead, care should be taken to clearly articulate the goals of the merger and to develop support for this important change. A deliberate, collaborative process and the public accountability it demands will take time and should not be rushed.

In summary, I

- 1) applaud the opportunity to achieve consolidated planning;
- 2) encourage agreement on the intent of the merger prior to any action;
- 3) ask that an merger be pursued through a deliberate and open process;
- 4) stress that for a merger to be successful, consensus needs to be developed; and
- 5) ask for immediate action to maintain ABAG funding through at least June 2016.

The San Francisco Planning Department stands ready to assist in these important efforts. Please do not hesitate to contact me if you would like to discuss this further and enlist our assistance to develop a new model for Bay Area regional governance.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rahaim", with a large, stylized initial "J" and "R".

John Rahaim
Director of Planning

Cc: Director of Planning Miriam Chion, ABAG
Planning Director Ken Kirkey, MTC
Senior Policy Advisor AnMarie Rodgers, SF Planning
Director of Citywide Planning Gil Kelley, SF Planning



Housing Leadership Council of San Mateo County

139 Mitchell Avenue, Suite 108
South San Francisco, CA 94080
(650) 872-4444 / F: (650) 872-4411
www.hlcsmc.org

September 16, 2015

Metropolitan Transportation Commission
Association of Bay Area Governments
101 Eighth Street
Oakland, California 94607

Re: MTC/ABAG Relationship

Dear MTC Commissioners and ABAG Board Members:

We hope discussions around a potential merger will be undertaken in a spirit of goodwill and cooperation and always maintain in mind the greater good of our region and the fundamental mission of the agencies. We value highly the professional staff at both agencies and depend upon their ability to function in a cooperative and effective way and produce high quality work. Our regional agencies are in charge of momentous decisions and critical activities that profoundly shape the social, economic, and environmental well-being of the residents of the Bay Area. We need a stable and sustainable COG/MPO structure for the long-term that can adapt to new challenges and deliver results.

While we agree that a single regional planning department could have great potential and achieve greater efficiencies and even closer collaboration and cohesiveness, we want to make sure that the absolutely essential land use, affordable housing and anti-displacement work currently being conducted by ABAG planning staff continues to have the prominence and priority that it deserves and the resources and staffing it demands in any scenario that is ultimately adopted. This should not be seen as an opportunity to demote or marginalize these duties and obligations.

Regardless of which approach is ultimately pursued, we must also have an efficient and fully functioning staff of professional planners committed to achieving the goals of Plan Bay Area to fully integrate transportation and land use planning in order to inform major investment decisions and to ensure a diverse and equitable region with an outstanding quality of life and full socio-economic and racial integration of our neighborhoods and communities.

This is a major undertaking that is being proposed and, if you choose to move forward, you should take the time to do it right. In fact, since ABAG's planning staff represents one-third of ABAG's budget and employees, this would also be the time to consider moving forward in

phases toward a full merger of our COG and MPO as the other regions in California have. It doesn't make much fiscal or policy sense to have a depleted ABAG with fewer employees and duties continue as a separate entity without resources and the necessary staff to even seek its own grant funding.

If you do decide to move forward with a merger, the MTC contribution to ABAG's FY15-16 budget should be approved for an entire year at a minimum to ensure there are sufficient time and resources to manage the transition and to create some stability and assurances for current employees. This will allow you to retain your highly-qualified and experienced staff.

Finally, in order to meet the Plan Bay Area 2017 deadline, we recommend utilizing the Joint MTC Planning Committee/ABAG Administrative Committee as the designated body for final review and adoption.

Thank you for the opportunity to comment on this important subject.

Sincerely,

A handwritten signature in dark ink, appearing to read 'E. Stivers', with a stylized, flowing script.

Evelyn Stivers
Interim Executive Director
Housing Leadership Council of San Mateo County

September 16, 2015

Metropolitan Transportation Commission
Association of Bay Area Governments
101 Eighth Street
Oakland, California 94607

Dear MTC Commissioners and ABAG Board Members,

Over the years, the City of San Jose's Department of Planning, Building and Code Enforcement has enjoyed working as a partner, along with the Bay Area region's cities, counties and various stakeholders, in shaping strategies to manage growth and development in our region.

Serving as the Council of Governments for the Bay Area, the Association of Bay Area Governments (ABAG), has worked hard to connect people across borders and subject areas, realizing our success depends in large part on our ability to work together collaboratively to strengthen both our local communities and region as a whole. Likewise, the Metropolitan Transportation Commission (MTC) has served as the region's designated metropolitan planning organization and has managed federal and state transportation planning and funding.

Regarding the initial proposal by the Metropolitan Transportation Commission (MTC) to establish a single planning department within MTC, as well as subsequent recommendations and options proposed by ABAG and other entities, we believe that there would be great value and efficiencies realized in either a merger of the two planning functions or closer collaboration on regional land use and transportation planning.

While we understand the desire to complete the analyses to improve planning integration between ABAG and MTC or to establish a single regional planning agency in advance of the update to Plan Bay Area, it seems unrealistic that a comprehensive analysis could be considered and options properly vetted with all stakeholders prior to June 2016 when policy makers of MTC and ABAG expect to adopt a Preferred Scenario for the Plan Bay Area update.

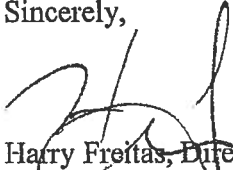
We encourage consideration of a comprehensive process to fully evaluate options that have already been proposed, as well as new approaches that may arise through a meaningful, transparent process that includes the region's cities, counties and other stakeholders.

The Department has enjoyed a respectful, healthy relationship in coordinating with ABAG on

Metropolitan Transportation Commission
September 16, 2015
Page 2

land use planning projects and initiatives. We would advocate that under any new organizational structure that this same level of productivity and coordination be maintained and enhanced.

Sincerely,

A handwritten signature in black ink, appearing to be 'H. Freitas', written over the printed name.

~~Harry Freitas, Director~~
Planning, Building, and Code Enforcement

San Mateo County
Central Labor Council



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Foster City, California 94404
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Fax (650) 572-2481
www.sanmateolaborcouncil.org



September 16, 2015

Metropolitan Transportation Commissioners

Sent Via Email

Dear MTC Commissioners,

I write to urge you vote against the proposed MTC budget reduction for ABAG's land use planning department.

The San Mateo County Central Labor Council is concerned that this budget reduction could result in the loss of up to 60 union jobs. Even if the affected planners are rehired by MTC, they will lose their collective bargaining rights and the benefits of their contract. There is likely to be very significant withdrawal liability if they are taken out of their pension plan. The ABAG planner have critical expertise and experience with land use planning—skills that are not duplicated by the MTC transportation planners. This move to deny ABAG its planning budget will not save money or create efficiency.

In addition to our concern for the workers in the planning department, we believe that this budget reduction would have very significant impacts on ABAG's functioning. This one department accounts for 15% of ABAG's overall budget, and removing it could leave ABAG without the necessary administrative or overhead funding to support the remaining departments in the agency. Without a planning department, ABAG also likely lose federal and other grants that support community organizations and projects. This would be a disservice to the communities that benefit from these projects and programs.

Finally, as we move into the next revision of Plan Bay Area, we believe that the combined efforts of ABAG and MTC are necessary and complementary. ABAG brings into the planning process the local voices—cities and the communities who make up those cities. As Plan Bay Area seeks to address economic disparities, the housing crisis, the ongoing challenges of gridlock and underfunded public transportation in the Bay Area, we must work together with the regional transportation agencies to create an environmentally sustainable and prosperous region. Underfunding one half of this partnership would limit the local voices in the process and could significantly impact our policy work.

I urge you to vote against the budget reduction and move affirmatively to reinstate the full ABAG budget, and set a timeline and process in place to structurally improve collaboration and conflict resolution between the two agencies.

Thank you for your consideration.

Respectfully,

Shelley Kessler
Executive Secretary Treasurer



LEAGUE OF WOMEN VOTERS OF THE BAY AREA
An Inter-League Organization of the San Francisco Bay Area



September 16, 2015

Julie Pierce, President
Association of Bay Area Governments
101 Eighth Street
Oakland CA 94607

RE: Executive Board agenda – Response to MTC Proposal

Dear President Pierce and Members of the Board,

LWVBA has been an advocate of a consolidated regional planning agency in the San Francisco Bay Area for more than 50 years.

We have followed various proposals including: legislatively creating such an agency in the 1970s; in more recent events, creation of the Joint Policy Committee (now the Bay Area Regional Collaborative); and the JPCs evaluation of a potential merger of staff. These did not result in any movement to combine or consolidate into one agency, so things have remained separate.

Over the past few years, the two agencies have undertaken joint or cooperative planning efforts. Plan Bay Area was one of these MTC-ABAG joint efforts. While we support such joint efforts, we are concerned that the recent move by MTC to announce it will withhold 6 months of contracted funds to ABAG to force a discussion of a consolidated planning staff is the wrong way to move ahead. (Of course, we do not know what is really going on; only what we can observe from public meeting records.)

We favor developing a plan for the consolidation of planning efforts that will be shared with the public prior to action and a process that will allow the public to understand the plan and share its comments with MTC and ABAG. Such a plan should describe how the mutual and separate planning needs of the different agencies will be achieved. We believe that the development of this plan will help to build understanding and trust within the regional community. Also, we note that some solutions would require state legislative action.

Therefore we suggest that, at the very least, MTC should honor the existing contract and provide ABAG full funding for its planning efforts, until a mutual solution is reached.

We look forward to working with the regional agencies in developing a plan and participating in a public process of discussion.

Sincerely,

Linda Craig

Linda Craig, President, LWVBA



East Bay Housing Organizations

September 17, 2015

Dear MTC Commissioners and ABAG Board Members:

Re: Discussions on proposed MTC and ABAG Merger

As an organization and as a member of the 6 Wins for Social Equity Network, East Bay Housing Organizations has been a long-term participant in Bay Area regional planning and policy-making. We believe what our work on the Equity, Environment and Jobs scenario in Plan Bay Area 1.0 has proven: that when regional decision making leads with the most equitable policies, programs and investments the whole Bay Area benefits. We also know the powerful role that regional agencies such as MTC and ABAG play in determining how communities are shaped by your respective decisions on land use, housing and transportation policies, programs and investments and job creation and access.

As an affordable housing advocacy organization, we are particularly concerned with the issues raised by the proposed consolidation of planning functions under MTC, and how housing planning, including preparation of the Regional Housing Needs Allocation (RHNA) would be handled.

It is for these reasons that we write to your respective boards and leadership with the following recommendations:

- 1) Extend funding for ABAG's Planning department through FY 2015-2016
- 2) Initiate a transparent, thoughtful and deliberate process with the public and relevant agency leadership for identifying opportunities for improved collaboration or full agency merger, starting with the regional governance needs the Bay Area has and what the proper institutions are to meet those needs
- 3) Shifting land use to MTC without a full agency merger is not a viable option and should not be explored. The goal should be truly integrated land use, transportation and housing planning and creating the regional governance necessary to meet this goal. This should include:
 - a new mission statement and clearly identified bodies of work that encompass comprehensive planning for the region, including housing, displacement, economic opportunity and equity, in addition to transportation;
 - clarity about how existing responsibilities, functions and programs of both agencies would continue;

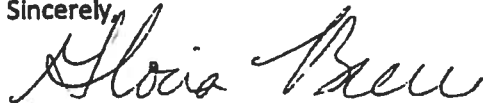
- a new staffing structure; and
- a new governance structure that provides fair representation and voting power for all residents of the region, regardless of what county or city they live in.

Finally, given the importance of strong and equitable regional governance to the Bay Area's future, any discussion about the future of a merged regional agency should be the subject of a robust and inclusive public discussion.

We look forward to working with your respective agencies to create the kind of regional governance that will create a better Bay Area for all of its residents.

Thank you.

Sincerely,



Gloria Bruce,
Executive Director

cc: Steve Hemminger
Ezra Rapport
Miriam Chion
Ken Kirkey



The Voice of
Affordable Housing

nonprofithousing.org

Executive Director
Amie Fishman

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Gail Gilman
Community Housing
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Matt Huerta
Neighborhood Housing
Services Silicon Valley

Andrea Papanastassiou
Northern California
Community Loan Fund

Cynthia Parker
BRIDGE Housing

Dan Wu
Charities Housing

Malcolm Yeung
Chinatown Community
Development Center

September 17, 2015

Metropolitan Transportation Commission
Association of Bay Area Governments
101 8th St.
Oakland, CA 94607

Dear MTC Commissioners and ABAG Board Members:

On behalf of The Non-Profit Housing Association of Northern California (NPH), I write to share our perspective on the question of the relationship between ABAG and MTC and the proposal to establish a single planning department within MTC.

Founded in 1979, NPH is the collective voice of those who support, build and finance affordable housing. We promote the proven methods of the non-profit sector and focus government policy on housing solutions for lower-income people who suffer disproportionately from the housing affordability crisis. We are 750 affordable housing developers, advocates, community leaders and businesses, working to secure resources, promote good policy, educate the public and support affordable homes as the foundation for thriving individuals, families and neighborhoods.

This is a critical juncture in the implementation and update of Plan Bay Area. Planning for and investing in affordable housing in our region are essential for Plan Bay Area to achieve its important goals.

While we agree that a single regional planning department has great potential and could achieve greater efficiencies and even closer collaboration and cohesiveness, we want to make sure that the vitally critical land use, affordable housing and anti-displacement work currently being conducted by ABAG planning staff continues to have the prominence and priority that it deserves and the resources and staffing it demands in any scenario that is ultimately adopted.

This discussion should be seen as an opportunity to lift up affordable housing production, preservation and anti-displacement strategies and redouble our efforts to make sure we are creating and preserving an adequate supply of affordable housing across the region.

We hope these discussions around a potential merger will be undertaken in a spirit of goodwill and cooperation and always maintain in mind the greater good of our region and the fundamental mission of the agencies. We value highly our partnership with the professional staff at both agencies and depend upon their ability to function in a cooperative, collaborative and effective way and produce high quality work. Our regional agencies are in charge of momentous decisions and critical activities that



**The Voice of
Affordable Housing**

nonproflthousing.org

Executive Director
Amie Fishman

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Services Silicon Valley

Andrea Papanastassiou
Northern California
Community Loan Fund

Cynthia Parker
BRIDGE Housing

Dan Wu
Charities Housing

Malcolm Yeung
Chinatown Community
Development Center

profoundly shape the social, economic and environmental well-being of the residents of the Bay Area. We need an efficient COG/MPO structure for the long-term that can adapt to new challenges and deliver results.

We must have an effective and fully functioning staff of professional planners committed to achieving the goals of Plan Bay Area: to fully integrate transportation and land use planning in order to inform major investment decisions and to ensure a diverse and equitable region with an outstanding quality of life and full socio-economic and racial integration of our neighborhoods and communities. We pledge our strong and consistent partnership – as NPH and our members – dedicated to those visionary and necessary goals.

Thank you for the opportunity to comment on this important subject.

Sincerely,

Amie Fishman
Executive Director
Non Profit Housing Association of Northern California (NPH)

CITY OF CLAYTON

Founded 1857... Incorporated 1964

RECEIVED

SEP 21 2015

City Council

DAVID T. SHUEY, MAYOR

MTC

HOWARD GELLER, VICE MAYOR

JIM DIAZ

KEITH HAYDON

JULIE K. PIERCE

COMMUNITY
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ENGINEERING (925) 363-7433

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TELEPHONE (925) 673-7300 FAX (925) 672-4917

September 17, 2015

SENT VIA EMAIL AND U.S. MAIL DELIVERY

Honorable Dave Cortese, Chair
Metropolitan Transportation Commission
101 8th Street
Oakland, CA 94607

Honorable Julie Pierce, President
Association of Bay Area Governments
101 8th Street
Oakland, CA 94607

Re: Opposition to MTC Proposal to Transfer ABAG Regional Land Use Planning Staff and Associated FY 2015-16 Planning Budget to MTC

Dear MTC Chair Cortese and ABAG President Pierce:

The City of Clayton strongly urges restraint and expresses its grave concern over the recent ploy by the Metropolitan Transportation Commission (MTC) to jerk the Planning and Research function from the Association of Bay Area Governments (ABAG) to the MTC, effective January 2016. The proposal has not been a collaborative effort between both agencies, numerous stakeholders have not been afforded the opportunity to evaluate the proposal or provide reflective communication regarding its merits or alternatives, and the carnivorous MTC scheme to terminate ABAG's \$3.7 million in funds for this long-held regional land use planning function is government at its worst display.

ABAG's governance as a Council of Governments in the Bay Area since 1961 has been thoughtfully dedicated to the well-being of cities, towns, and counties it serves and represents. It meets the regional planning and research needs related to land use, environmental and water resources protection, disaster resilience, energy efficiencies and hazardous waste mitigation, and provides risk management, financial services and staff training to numerous local governments and employees. Frankly, we are puzzled in a negative way as to why MTC now wishes to siphon the regional land use planning function from ABAG, and by doing so cleverly cause ABAG to wither due to lack of funds. This apparent implication requires careful and inclusive conversation among all public entities represented and impacted by this questionable MTC plan, and our City joins others in requesting this MTC-proposed public policy action be deferred.

The City of Clayton urges MTC to restore ABAG's budget for FY 2015-16 and simultaneously concur its objective necessitates the retention of a third-party neutral consultant to evaluate existing conditions and offer proposals. We should be searching for actions that assist the Bay Area regional planning process to become stronger and more vibrant, not to weaken sister public agencies in the hunt for supremacy. We support a recommendation to constitute a subcommittee of ABAG and MTC governing board members to guide this effort and provide regular progress reports to each entity and stakeholder agency. What has suddenly changed to alter the status quo and cause this unilateral ploy?

Sincerely,



David T. Shuey
Mayor



TRANSMITTED VIA EMAIL

September 21, 2015

Metropolitan Transportation Commission
101 8th Street
Oakland, CA 90607

Dear Chair Cortese, Vice-Chair MacKenzie, and MTC Commissioners.

**Re: Functional Consolidation of Planning Departments; MTC
Commission Meeting, September 23, 2015**

Silicon Valley at Home (SV@Home) is the voice of affordable housing for Silicon Valley communities. Our founding members include Google, LinkedIn, Applied Materials, MidPen Housing Corporation, EAH Housing, the Knight Foundation, and many more. Our members are among those that drive the Bay Area economy and also include nonprofit entities that provide housing and services to those most in need. SV@Home was created to lead efforts to secure funding sources, support stronger land use policies, and to change the conversation around housing across Silicon Valley communities.

On behalf of our members, I write to share our perspective on the proposal to blend the MTC and ABAG planning departments into a single planning department as outlined in Mr. Heminger's memo dated September 18, 2015.

The lack of affordable housing is a significant regional issue. The lack of adequate affordable housing exacerbates our traffic patterns and reinforces the pattern of social inequity affecting the entire region. Addressing our affordable housing problem is central to maintaining our region's competitive advantage. Case in point-- transit-oriented affordable housing was a central component of the recently completed Regional Prosperity Plan cited as an example under the Economic Development unit of the proposed Integrated Planning Section (page 5 of the Heminger memo).

SV@Home supports efforts to create a more efficient, meaningful, and equitable regional planning process whether through the integrated planning department being proposed or via the merger of both regional agencies into a single entity.

Blending planning departments is a step in the right direction. However, addressing the region's housing needs effectively within a regional transportation agency requires thoughtful consideration of how the agency's mission, organizational structure, and policy priorities need to change to

Executive Director

Chair, Board of Directors
Metropolitan Transportation Commission

Vice-Chair
Metropolitan Transportation Commission

Member
Metropolitan Transportation Commission

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Staff

Executive Director
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reflect its expanded role. To that end, we offer the following recommendations for the Commission's consideration.

1. Formally acknowledge MTC's role and commitment to addressing the lack of affordable housing, displacement, and transportation issues as part of its stated mission and name.
2. Integrate affordable housing priorities throughout all five units: Regional Planning and Policy; Local Planning and Implementation; Equity and Sustainability; Data and Analytical Services; and Economic Development.
3. Direct MTC and ABAG staff to jointly develop a set of recommendations for how to effectively prioritize and address affordable housing issues through a blended planning department within MTC.
4. Restore MTC's full contribution to the ABAG budget for 2015/2016.
5. Form a Study Commission that includes regional nonprofit stakeholders to develop options for a single regional planning entity that is tasked with addressing our regional housing, displacement, and transportation goals.

SV@Home is committed to working with both regional agencies to improve our regional planning functions in a way that respects the work and commitment demonstrated by staff from both agencies.

Thank you for the opportunity to provide feedback.

Sincerely,

A handwritten signature in black ink, appearing to read "Pilar", with a long horizontal stroke extending to the right.

Pilar Lorenzana-Campo
Policy Director
pilar@siliconvalleyathome.org
(408) 215-8925

Cc

Steve Heminger, MTC Executive Director
Julie Pierce, ABAG Chair
Ezra Rapport, ABAG Executive Director



RECEIVED
SEP 22 2015
MTC

September 21, 2015

Supervisor Dave Cortese
Chair MTC
70 West Hedding Street, 10th Floor
San Jose, CA 95110

RE: Merger of ABAG and MTC under Discussion

Supervisor Cortese:

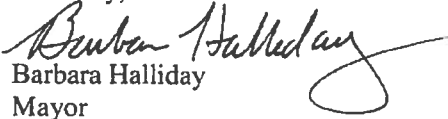
I am aware of the various discussions going on about the possible merger of ABAG and MTC. This is an action consistent with efficient and consolidated government; and, on the surface, could lead to improved regional planning. I am aware that over the past few years, the two agencies have undertaken joint or cooperative planning efforts, Plan Bay Area being one of those. However, I am concerned about the current process, or, more appropriately, lack of process being applied to this current merger discussion.

I am extremely concerned about the announcement from MTC that it intends to withhold six months of contracted and agreed upon funding from ABAG in what appears to be an attempt to force the consolidation of planning staff. I strongly encourage all parties to take a more positive, thoughtful, transparent, and inclusive approach to the potential merger as opposed to what is currently happening. Forcing this merger, which would only be a partial consolidation, leaves ABAG financially strapped and likely unable to continue on in any meaningful way over the long run.

I encourage you to consider a much more constructive approach that builds on an independent, third-party analysis of the best way to merge the two agencies so as to build on the strengths of each. The process should be transparent to member agencies and allow for an inclusionary process that considers the best interests of all parties. The draft plan for consolidation should be shared with the public prior to action and provide a process that will allow the public to understand the plan. Such a plan should describe how the mutual and separate planning responsibilities of the different agencies will be achieved. As this process is implemented, MTC should honor its funding commitment to ABAG and allow ABAG to remain strong and healthy through the merger analysis process.

As a member of ABAG and a partner with MTC, the City of Hayward looks forward to participating in the merger analysis and assisting in any way we can to assure that our community and our region has the strongest possible regional planning agency working in our favor.

Sincerely,


Barbara Halliday
Mayor

cc: Ms. Julie Pierce, President, ABAG
Steve Heminger, Executive Director, MTC
Ezra Rapport, Executive Director, ABAG
Mayors of Alameda County Cities
Alameda County Board of Supervisors
Fran David, Hayward City Manager

OFFICE OF MAYOR BARBARA HALLIDAY

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September 21, 2015

Supervisor Dave Cortese
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

RE: MTC-ABAG Merger Conversations

Dear Chair Cortese and MTC Commissioners:

Greenbelt Alliance is the San Francisco Bay Area's leading organization working to protect natural and agricultural landscapes from development and help our cities and towns grow in smart ways to create great neighborhoods for everyone across the income spectrum. We are the champions of the places that make the Bay Area special, with more than 10,000 supporters and a 57-year history of local and regional success.

We write to share our perspectives on the current discussions regarding the merger of the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG).

The issues of land use, land conservation, transportation, and social equity are inextricably linked. The Bay Area needs a highly functional regional governance structure that effectively integrates these multiple issues to ensure the best outcomes for the region.

For years, Greenbelt Alliance has believed that the region would benefit from better integration of MTC and ABAG—including a full merger of the two agencies—to more effectively address these multiple issues. We strongly appreciate the recent attention to the topic of regional agency integration and believe it provides a unique opportunity to advance this long-sought goal.

With so much at stake, it's essential that it's done right.

We are concerned that the current proposal to simply move the ABAG planning department under MTC's authority would, especially given the short timeline that has been proposed, be unlikely to achieve the outcome of integration across issues that many of us desire. In fact, this approach could, intentionally or not, overly emphasize transportation issues and de-prioritize housing, conservation, and land-use issues as the ABAG staff and functions that have historically focused on land use, conservation, and housing would be within an institution that, by its very name, is transportation-oriented.

We strongly encourage a defined, transparent public process to achieve a highly functional regional governance structure that effectively integrates the multiple issues outlined above. This process should include a clear timeline with milestones and benchmarks to achieve the best outcome in an efficient manner. We encourage MTC and ABAG to jointly produce a plan for this goal-driven public process as soon as is feasible. To support these activities, MTC should commit to a full year of funding for ABAG's planning budget allocation.

We would welcome the opportunity to contribute to such an endeavor and we suspect other stakeholders would as well. Working together, we can harness the best ideas from across our nine counties to design a workable regional structure that creates a better Bay Area for all.

Sincerely,



Matt Vander Sluis
Program Director
mvandersluis@greenbelt.org

CC:

Julie Pierce, ABAG Chair
Ezra Rapport, ABAG Executive Director
Miriam Chion, ABAG Planning & Research Director
Steve Heminger, MTC Executive Director
Ken Kirkey, MTC Planning Director



LEAGUE OF WOMEN VOTERS OF THE BAY AREA
An Inter-League Organization of the San Francisco Bay Area



September 22, 2015

Dave Cortese, Chairman
Metropolitan Transportation Commission
101 Eighth Street
Oakland CA 94607

RECEIVED

SEP 22 2015

MTC

RE: Commission Agenda September 23, 2015 – Functional Consolidation of Planning

Dear Chair Cortese and Commission Members,

The League of Women Voters of the Bay Area has been an advocate of a consolidated regional planning agency in the San Francisco Bay Area for more than 50 years.

We have followed various proposals including: legislatively creating such an agency in the 1970s; in more recent events, creation of the Joint Policy Committee (now the Bay Area Regional Collaborative); and the JPCs evaluation of a potential merger of staff. These did not result in any movement to combine or consolidate into one agency, so things have remained separate.

Over the past few years, the two agencies have undertaken joint or cooperative planning efforts. Plan Bay Area was one of these MTC-ABAG joint efforts.

While we support such joint efforts, we are concerned that the recent move by MTC to announce it will withhold 6 months of contracted funds to ABAG to force a discussion of a consolidated planning staff is the wrong way to move ahead. (Of course, we do not know what is really going on; only what we can observe from public meeting records.)

MTC suggests that the differences between agency planning staff were the reason that Plan Bay Area was late, and subject to legal action, and therefore, this consolidation is necessary. We would note that the organized opposition to regional agencies and regional planning in general was unanticipated and disruptive to the process. That there has been legal action challenging the outcome is not unanticipated, and has occurred in at least one other region. This is the nature of political decisions of importance. So, the basis for the current proposal is not entirely clear, other than there are some economies, and that there may be a way to make it work. We are still searching for a larger issue or solution.

We favor developing a plan for the consolidation of regional planning efforts. There should be a process that will allow the public to understand the plan and share its comments with MTC and ABAG. Such a plan should describe how the mutual and separate planning needs of the different agencies will be achieved. The scope of this plan should include not only land use, transportation and housing but also social equity, conservation, resilience and other emerging regional concerns. We believe that the development of this plan will help to build understanding and trust within the regional community. Also, we note that some solutions would require state legislative action.

Therefore we suggest that, at the very least, MTC should honor the existing contract and provide ABAG full funding for its planning efforts, until a mutual solution is reached.

We look forward to working with the regional agencies in developing a plan and participating in a public process of discussion.

Sincerely,

Linda Craig

Linda Craig, President, LWVBA



September 22, 2015

Dave Cortese, Chair, and Members, Metropolitan Transportation Commission
Julie Pierce, President, and Members, Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

Dear MTC Chair Cortese, ABAG President Pierce, and Commissioners/Members,

RE: Discussions on MTC/ABAG Consolidation

I am writing to express TransForm's perspective and provide comments on the question of the ABAG/MTC relationship and MTC's proposal to establish a single planning department between the two agencies. These comments are based in part by our conversations with a number of key stakeholders, including ABAG and MTC staff and board members, local elected officials as well as non-profit and private leaders.

Since 1997, TransForm has worked to create world-class public transportation and walkable communities in the Bay Area and beyond. We have been deeply involved in numerous state, regional, county, and local transportation decisions, including the past six regional transportation plans (RTPs). We frequently help shape funding decisions and groundbreaking policies to support public transportation, smart growth, affordable housing, and bicycle/pedestrian safety.

TransForm strongly supports moving towards a unified regional planning department. Better integrated regional planning efforts can lead to improved quality of life for all Bay Area residents and protect our most vulnerable neighbors. The last Plan Bay Area saw increased collaboration between the agencies, so we can only anticipate that future rounds of Plan Bay Area will require even closer coordination of agency efforts.

TransForm encourages MTC and ABAG to consider the following recommendations as the agencies work out the details towards better regional planning:

- I. Integrating any of the functions of MTC and ABAG should come as a result of a clear process laid out to determine the best organizational structure for regional planning, one that considers multiple alternatives and examines best practices/models for regional governance.**

We fully support the move towards a more integrated, single regional planning department that will make for a smoother regional planning process, help reduce redundancies between the organizations, and encourage the most efficient use of public resources. The region should come up with a structure for regional planning that exemplifies the importance of making interconnected decisions on transportation, housing, land use, open space, resiliency and equity. However, the ABAG budget decision should not be the determining factor for how the region plans for better integration. While staffing and budgetary conversations have percolated up as the trigger to consolidate agency functions, they cannot define the process towards better integration in regional planning. We urge MTC to provide additional funding to ABAG as needed (perhaps even beyond 12 months) while this crucial transition takes place.

The process should determine a new mission statement, identify clear bodies of work, a new staffing structure, and a new governance structure with proportional representation.

2. The consolidated planning department should build on the strengths and expertise of each existing agency.

For example, consolidation of the respective planning departments should result in future iterations of Plan Bay Area that successively demonstrate stronger ability to tackle the complex and important issues of housing production, affordability, and displacement as they relate to and are influenced by transportation investments and programming.

3. Plan Bay Area 2040 should be the final RTP/SCS with joint reporting and a separate MTC and ABAG staff and approval processes.

MTC and ABAG should make a commitment to the swift streamlining of the Plan Bay Area process between the two organizations so that future Plan Bay Areas are produced by a one staff and one board approving a final plan.

4. A Taskforce, Working Group or Committee should be assembled with the specific task to inform MTC and ABAG on how to evolve towards fully integrated regional planning that moves us to plan for equity in transportation, housing, land use, open space and resiliency.

Countless studies have explored the pros and cons of various metropolitan planning organization structures. We support the idea of retaining an outside consultant team to advise and support a merger process **BUT** only as long as the consultant gleans from the wealth of information we already have, **AND** there is a process/body set up for key regional stakeholders to provide input including community leaders and local academic experts.

We look forward to working with you to help encourage the best possible organizational structure that leads to the most resilient outcomes for Bay Area residents, particularly the most vulnerable among us.

Thank you for your continued commitment to creating a better Bay Area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clarrissa', followed by a small horizontal line.

Clarrissa Cabansagan
Community Planner

cc: Steve Heminger
Ezra Rapport
Ken Kirkey
Miriam Chion



Roxanne Sanchez
President

Crawford Johnson
Region A

Tom Popenuck
Region B

Gary Jimenez
Region C

Larry Bradshaw
Region D

Marcus Williams
Region E

Pamela Holmes-Morton
Secretary

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Vice President of Politics

Ramses Teon-Nichols
Vice President of Organizing

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Mercedes Riggelman
Valoria Russell-Benson
Eric Stern
Renita Terry
Denis Villanueva
Erika Watkins
Jim Wise

SEIU 1021 Brief of MTC proposed takeover of ABAG Plan Bay Area

- SB 375 requires that ABAG is the agency which performs land use, housing, and economic planning for the region's sustainable community's strategy. (Government Code sec. 65080(b) and (c)(i).)
- MTC is trying to execute a takeover of the Plan Bay Area department of Association of Bay Area Governments (ABAG).
- The planning department of ABAG is approximately 20 unionized employees. This one department accounts for 15% of ABAG's overall budget, and removing it could leave ABAG without the necessary funding to support the remaining departments in the agency which may impact another 10 unionized employees in support positions.

The following are points that should be given serious consideration when voting on an agenda item regarding a MTC takeover of ABAG's Plan Bay Area department:

Job Loss

Displacing 20 unionized planners at ABAG, would account for 15% of ABAG's budget and could result in impacts on 10 additional unionized support staff. The loss of that funding would create a financial burden that the agency would likely not be able to overcome, and may result in the dissolution of ABAG. In addition to losing the current ABAG employees, there are currently 51 retirees, who could see their pensions and health benefits adversely affected.

Pensions and Retiree Health Benefits

- MTC would pay into CalPERS going forward; it is unclear which party would be responsible for the unfunded liability, but it would most likely end up in front of the courts. If MTC defunds ABAG, which then results in the agency dissolving, the 51 current and 138 vested future retirees may see their pension benefits reduced as a result.
- This takeover could result in the loss of Retiree Health Benefits.
- Currently, the ABAG planning department accounts for \$12 million of their unfunded liability for pensions and \$4.7 million in unfunded retiree medical benefits. The takeover would cause many complications, which would likely result in litigation, translating into added costs.

Executive Board Budget & Finance Committee

Theresa Breakfield Kathryn Cavness Tina Diep Richard Greenwood
Doug Marr Julie Meyers Peggy La Rossa Paul Little Nadeen Roach

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Page 2: SEIU 1021 Brief of MTC proposed takeover of ABAG Plan Bay Area

Effect on the Community

ABAG funds and/or administers several grants that support community organizations and projects. These organizations and projects include San Francisco Bay Trail, Bay Area Regional Energy Network, The San Francisco Estuary Partnership, Finance Authority for Non-Profit Corporations, San Francisco Bay Water Trail and Pooled Liability Assurance Network. Defunding ABAG, and the resulting possible dissolution of the agency would put many, if not all of these programs and projects in serious jeopardy. This would be a disservice to the communities that benefit from these projects and programs.

Anti-Union Activities

By defunding ABAG, and moving ABAG's planning employees to become employees of MTC, a non-union agency, MTC is conducting anti-union activities. This takeover could result in the loss of up to 60 union jobs, this would not be taken lightly by SEIU. The organization would engage all of its resources, politically and legally to defend against such actions.

Legal Aspect

See attached document.

Summary

SEIU 1021 is asking MTC board members to vote against MTC taking over ABAG's Plan Bay Area planners. There are many legal, ethical and financial reasons for board members to oppose this takeover, as outlined above. SEIU asks that the MTC board take some time to consider all aspects and repercussions of this proposed action. If there is a notion that MTC and ABAG become a merged agency in the future, SEIU 1021 should be an active participant in those discussions.

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DAVID A. ROSENFELD
WILLIAM A. SOKOL
BLYTHE MICKELSON
BARRY E. HINKLE
JAMES J. WESSER
ANTONIO RUIZ
MATTHEW J. GAUGER
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LINDA BALDWIN JONES
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ALAN G. CROWLEY
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EMILY P. RICH
BRUCE A. HARLAND
CONCEPCIÓN E. LOZANO-BATISTA
CAREN P. SENCER
ANNE I. YEN
KRISTINA M. ZINNEN
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SANDRA RAE BENSON, Of Counsel
THEODORE FRANKLIN, Of Counsel

• Admitted in Hawaii
•• Also admitted in Nevada
••• Also admitted in Illinois
•••• Also admitted in New York and Alaska
••••• Also admitted in New York and Michigan

Legal Problems That Would Arise From a Transfer of ABAG's Planning and Research Department to MTC

- SB 375 (2008) requires, as a matter of law, that ABAG is the agency which performs the land use, housing and economic planning for the region's sustainable communities strategy. (Government Code section 65080(b)(2)(B) and (C)(i).) In other words, MTC does not have jurisdiction to take over these functions under the law.
- MTC committed to a long-term funding agreement that allows the parties to fulfill their respective responsibilities under SB 375. MTC unanimously adopted a funding formula in September 2012 and unanimously affirmed it each fiscal year since, which provides a multiple year budget for ABAG to do its work, including fiscal years 2015-16 and 2016-17.
- In addition, the Metropolitan Transportation Commission Act requires the MTC to consider ABAG's regional land use planning when MTC develops regional transportation plans. (Government Code section 66509(c).) As a matter of law, the MTC is not permitted to displace ABAG's regional land use planning role.
- Due to the express provisions of the Government Code requiring that ABAG perform the region's land use, housing and economic planning functions, MTC would not be able to take over those planning activities without an act of the California Legislature amending the law. SEIU is active in legislative campaigns and could oppose any such legislation.
- Since current law requires that ABAG perform the region's land use, housing and economic planning functions, ABAG would need to maintain direction and review of the planning staff performing such functions even if the planners were employed by MTC. That could give rise to a host of other legal issues regarding the identity of the employer and the responsibilities of each agency under the collective bargaining agreement with the Union.

1/829411

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