



**REVISED** AGENDA AND NOTICE OF THE REGULAR MEETING OF THE  
SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS GOVERNING BOARD

**JANUARY 19, 2017 - 6:00 P.M.**

**Upper San Gabriel Valley Municipal Water District Office  
602 E. Huntington Drive, Suite B, Monrovia, California 91016**

**SGVCOG Officers**

President  
**Gene Murabito**

1<sup>st</sup> Vice President  
**Kevin Stapleton**

2<sup>nd</sup> Vice President  
**Cynthia Sternquist**

3<sup>rd</sup> Vice President  
**Margaret Clark**

**Members**

*Alhambra  
Arcadia  
Azusa  
Baldwin Park  
Bradbury  
Claremont  
Covina  
Diamond Bar  
Duarte  
El Monte  
Glendora  
Industry  
Irwindale  
La Cañada Flintridge  
La Puente  
La Verne  
Monrovia  
Montebello  
Monterey Park  
Pasadena  
Pomona  
Rosemead  
San Dimas  
San Gabriel  
San Marino  
Sierra Madre  
South El Monte  
South Pasadena  
Temple City  
Walnut  
West Covina  
First District, LA County  
Unincorporated Communities  
Fourth District, LA County  
Unincorporated Communities  
Fifth District, LA County  
Unincorporated Communities  
SGV Water Districts*

Thank you for participating in tonight's meeting. The Governing Board encourages public participation and invites you to share your views on agenda items.

**MEETINGS:** *Regular Meetings of the Governing Board are held on the third Thursday of each month at 6:00 PM at the Upper San Gabriel Valley Municipal Water District Office (602 E. Huntington Drive, Suite B, Monrovia, California 91016).* The Governing Board agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, [www.sgvkog.org](http://www.sgvkog.org). Copies are available via email upon request ([sgv@sgvcog.org](mailto:sgv@sgvcog.org)). Documents distributed to a majority of the Board after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

**CITIZEN PARTICIPATION:** Your participation is welcomed and invited at all Governing Board meetings. Time is reserved at each regular meeting for those who wish to address the Board. SGVCOG requests that persons addressing the meeting refrain from making personal, slanderous, profane or disruptive remarks.

**TO ADDRESS THE GOVERNING BOARD:** At a regular meeting, the public may comment on any matter within the jurisdiction of the Board during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. There is a three minute limit on all public comments. Proxies are not permitted and individuals may not cede their comment time to other members of the public. **The Governing Board may not discuss or vote on items not on the agenda.**

**AGENDA ITEMS:** The Agenda contains the regular order of business of the Governing Board. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Governing Board can be fully informed about a matter before making its decision.

**CONSENT CALENDAR:** Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Board member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Governing Board.

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In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



**PRELIMINARY BUSINESS**

**5 MINUTES**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment (*If necessary, the President may place reasonable time limits on all comments*)
5. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting

**CONSENT CALENDAR**

**10 MINUTES**

*(It is anticipated that the SGVCOG Governing Board may take action on the following matters)*

6. Governing Board Meeting Minutes  
*Recommended Action: Adopt Governing Board minutes.*
7. Monthly Cash Disbursements/Balances/Transfers  
*Recommended Action: Approve Monthly Cash Disbursements/Balances/Transfers.*
8. ACE Board of Directors Minutes  
*Recommended Action: Receive and file.*
9. ACE Monthly Report  
*Recommended Action: Receive and file.*
10. Committee Attendance  
*Recommended Action: Receive and file.*
11. Los Angeles Regional Homeless Advisory Council (RHAC)  
*Recommended Action: Appoint Benita DeFrank (City of Pomona) to serve as the SGVCOG representative on the RHAC, and appoint Rachael Barbosa (LA County District #1) to serve as the alternate.*
12. Los Angeles County Drought Resiliency Committee Appointment  
*Recommended Action: Appoint Judy Nelson (City of Glendora) and James Carlson (City of Sierra Madre) to serve as the SGVCOG representative on the Los Angeles County Drought Resiliency Committee.*

**ACTION ITEMS**

**30 MINUTES**

*(It is anticipated that the SGVCOG Governing Board may take action on the following matters)*

13. San Gabriel Valley Energy Wise Partnership (SGVEWP) Staffing  
*Recommended Action: Authorize the Executive Director to recruit a full-time Management Analyst to manage the San Gabriel Valley Energy Wise Partnership (SGVEWP). This position would be limited-term position dependent upon grant funding. The full cost of the position would be reimbursed by the SGVEWP.*
14. Homeless Committee Policy and Workplan  
*Recommended Action: Adopt Resolution 16-30 affirming the SGVCOG Homeless Policy and Workplan.*
15. Ad Hoc Legislative Committee  
*Recommended Action: Authorize creation of an Ad Hoc Legislative Committee for a one year period and call for nominees to participate on committee with appointments to be made at the February 2017 Governing Board.*
16. Stormwater Legislative Priorities for 2017  
*Recommended Action: Adopt Resolution 16-31 identifying stormwater legislative priorities for 2017 and direct Water Committee to engage with State and Federal legislators to support these priorities.*

17. Los Angeles Community Choice Energy (LACCCE) Joint Powers Authority (JPA)  
*Recommended Action: Authorize SGVCOG representatives to participate in the LACCCE JPA negotiations on behalf of member agencies, pending further direction and discussion with interested cities.*

**PRESIDENT'S REPORT** **45 MINUTES**

*(It is anticipated that the SGVCOG Governing Board may take action on the following matters)*

18. Oral Report  
*Recommended Action: For information.*
19. ACE / Large Capital Projects Ad Hoc Committee Report  
*Recommended Action: Discuss and provide direction to staff.*

**EXECUTIVE DIRECTOR'S REPORT** **5 MINUTES**

20. Oral Report  
*Recommended Action: For information.*
21. Measure M – Next Steps  
*Recommended Action: For information.*

**GENERAL COUNSEL'S REPORT**

**COMMITTEE REPORTS** **20 MINUTES**

Transportation Committee  
Homelessness Committee  
Energy, Environment and Natural Resources Committee  
Water Committee  
Ad Hoc Legislative Committee

**PROJECT REPORTS** **10 MINUTES**

The ACE Project  
San Gabriel Valley Energy Wise Partnership

**LIAISON REPORTS** **10 MINUTES**

Gold Line Foothill Extension Construction Authority  
San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy  
Southern California Association of Governments  
San Gabriel Valley Economic Partnership  
South Coast Air Quality Management District

**BOARD MEMBER ITEMS**

**ANNOUNCEMENTS**

**ADJOURN**





**SGVCOG Governing Board Unapproved Minutes**

Date: Nov 17, 2016

Time: 6:00 PM

Location: USGVMWD (602 E. Huntington Drive, Monrovia)

**PRELIMINARY BUSINESS**

1. Call to Order  
President Gene Murabito called the meeting to order at 6:11 p.m.

2. Pledge of Allegiance  
J. Toma led the Pledge of Allegiance.

3. Roll Call  
**A quorum was in attendance.**

**Governing Board Members Present**

Arcadia	Sho Tay
Claremont	Sam Pedroza, Joe Lyons
Covina	Kevin Stapleton
Duarte	John Fasana
El Monte	Jerry Velasco
Glendora	Gene Murabito
La Verne	Tim Hepburn
Monrovia	Becky Shevlin
Monterey Park	Michelle Ing
Pasadena	Terry Tornek
Rosemead	Margaret Clark
San Dimas	Denis Bertone
San Gabriel	Juli Costanzo
San Marino	Alan Yung
Sierra Madre	John Capoccia
South El Monte	Joseph Gonzales
South Pasadena	Diana Mahmud
West Covina	James Toma
LA County District 1	Javier Hernandez
LA County District 4	Mike Hughes
LA County District 5	Brian Mejia
San Gabriel Water Districts	Carlos Goytia

**Absent**

Alhambra
Azusa
Baldwin Park
Bradbury
Diamond Bar
Industry
Irwindale
La Canada Flintridge
La Puente
Montebello
Pomona
Temple City
Walnut

**SGVCOG Staff**

Phil Hawkey, Executive Director
Marisa Creter, Assistant Executive Director
Dick Jones, General Counsel
Christian Cruz, Staff
Stefanie Hernandez, Staff
Eric Wolf, Staff

4. Public Comment  
T. Real Sebastian (Monterey Park) requested that the SGVCOG coordinate a presentation for SGV cities on the LAX Metroplex.

5. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting  
There were no changes to the Agenda

**PRESENTATIONS**

- 6. Recognition of Outgoing Representatives  
This presentation was carried over to a future meeting.

**CONSENT CALENDAR**

- 7. Governing Board Meeting Minutes  
*Recommended Action: Adopt Governing Board minutes.*
- 8. Monthly Cash Disbursements/Balances/Transfers  
*Recommended Action: Approve Monthly Cash Disbursements/Balances/Transfers.*
- 9. ACE Board of Directors Minutes  
*Recommended Action: Receive and file.*
- 10. ACE Monthly Report  
*Recommended Action: Receive and file.*
- 11. Committee Attendance  
*Recommended Action: Receive and file.*
- 12. Draft Program EIR for Emerald Necklace Implementation Plan Phase 1  
*Recommended Action: Direct staff to submit a comment letter.*
- 13. Amendment to ACE’s Phase 2 Program  
*Recommended Action: Amend ACE's Phase II Program by adding the San Antonio Avenue railroad crossing to ACE’s At-Grade Crossing Safety Improvement Project.*
- 14. Cancellation of December Meeting  
*Recommended Action: Adopt Resolution 16-28 cancelling the December 2016 Governing Board meeting.*
- 15. Contract Amendment with Southern California Edison  
*Recommended Action: Authorize the Executive Director to execute Amendment #7 with Southern California Edison to extend the San Gabriel Valley Energy Wise Partnership (SGVEWP) through 2018.*

**There was a motion to approve consent calendar items 7-15 (M/S: D. Bertone/J. Lyons).**

**[Motion Passed]**

<b>AYES:</b>	Arcadia, Claremont, Covina, Duarte, Glendora, La Verne, Monrovia, Monterey Park, Pasadena, Rosemead, San Dimas, San Gabriel, San Marino, Sierra Madre, South El Monte, South Pasadena, West Covina, LA County District 1, LA County District 4, La County District 5
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	Alhambra, Azusa, Baldwin Park, Bradbury, Diamond Bar, El Monte, Industry, Irwindale, La Canada Flintridge, La Puente, Montebello, Pomona, Temple City Walnut, San Gabriel Valley Water Districts

**ACTION ITEMS**

- 16. FY 2016-17 1<sup>st</sup> Quarter Financial Report  
**There was a motion to receive and file (M/S: J. Lyons/D. Mahmoud).**

**[Motion Passed]**

<b>AYES:</b>	Arcadia, Claremont, Covina, Duarte, Glendora, La Verne, Monrovia, Monterey Park, Pasadena, Rosemead, San Dimas, San Gabriel, San Marino, Sierra Madre, South El Monte, South Pasadena, West Covina, LA County District 1, LA County District 4, La County District 5
<b>NOES:</b>	

<b>ABSTAIN:</b>	
<b>ABSENT:</b>	Alhambra, Azusa, Baldwin Park, Bradbury, Diamond Bar, El Monte, Industry, Irwindale, La Canada Flintridge, La Puente, Montebello, Pomona, Temple City Walnut, San Gabriel Valley Water District

17. Stormwater Policy  
**There was a motion to Adopt Resolution 16-29 adopting the SGVCOG Stormwater Policy. (M/S: B. Shevlin/J. Lyons).**

[Motion Passed]

<b>AYES:</b>	Arcadia, Claremont, Covina, Duarte, El Monte, Glendora, La Verne, Monrovia, Monterey Park, Pasadena, Rosemead, San Dimas, San Gabriel, San Marino, Sierra Madre, South El Monte, South Pasadena, West Covina, LA County District 1, LA County District 4, La County District 5, San Gabriel Valley Water Districts
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	Alhambra, Azusa, Baldwin Park, Bradbury, Diamond Bar, Industry, Irwindale, La Canada Flintridge, La Puente, Montebello, Pomona, Temple City Walnut

**PRESIDENT’S REPORT**

18. Oral Report  
G. Murabito reported on this item

**EXECUTIVE DIRECTOR’S REPORT**

19. Oral Report  
P. Hawkey presented on this item.  
20. Measure M – Next Steps  
P. Hawkey presented on this item.

**GENERAL COUNSEL’S REPORT**

No report given.

**COMMITTEE REPORTS**

**Transportation Committee**

J. Fasana reported on this item.

**Homelessness Committee**

J. Lyons reported on this item.

**Energy, Environment and Natural Resources Committee**

D. Bertone Reported on this item.

**Water Committee**

D. Mahmud reported on this item.

**ACE / Large Capital Projects Ad Hoc Committee**

No report given.

**Ad Hoc Legislative Committee**

**PROJECT REPORTS**

**The ACE Project**

No report given.

**San Gabriel Valley Energy Wise Partnership**

M. Creter reported on this item.

**LIAISON REPORTS**

**Gold Line Foothill Extension Construction Authority**

No report given.

**San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy**

D. Bertone reported on this item

**Southern California Association of Governments**

No report given.

**San Gabriel Valley Economic Partnership**

No report given.

**South Coast Air Quality Management District**

Rainbow reported on this item.

**BOARD MEMBER ITEMS**

J. Lyons reported on SGV Community Collaborative.

**ANNOUNCEMENTS**

**CLOSED SESSION**

- 21. Public Employment – Government Code section 54957(b): Executive Director  
**There was a motion to authorize the Executive Committee to negotiate and execute a contract with Phil Hawkey to become an employee of the SGVCOG and serve as Executive Director. The terms and conditions of the contract would be the same as the contract with the prior Executive Director, Andrea Miller. The contract is to be executed no later than December 8<sup>th</sup>. At the same time, direct the President to terminate the contract with Kelly & Associates for Executive Director services.**

**[Motion Passed]**

<b>AYES:</b>	Arcadia, Claremont, Covina, Duarte, Glendora, La Verne, Monrovia, Monterey Park, Pasadena, Rosemead, San Dimas, San Gabriel, San Marino, Sierra Madre, South Pasadena, West Covina, LA County District 4, LA County District 5,
<b>NOES:</b>	San Gabriel Valley Water Districts, South El Monte
<b>ABSTAIN:</b>	El Monte, LA County District 1
<b>ABSENT:</b>	Alhambra, Azusa, Baldwin Park, Bradbury, Diamond Bar, Industry, Irwindale, La Canada Flintridge, La Puente, Montebello, Pomona, Temple City Walnut,

**ADJOURN**

President Gene Murabito adjourned at 8:15 p.m.

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS  
Disbursements Report  
December 2016

Transaction Date	Number/Reference	Vendor Name	Description	Amount
12/6/2016	9316	Community Partners fbo BikeSGV	Big Jump Grant/SCAG Active Transportation	\$ 10,000.00
12/6/2016	9317	Kelly Associates	Executive Director Services Oct16 - Nov16	26,000.00
12/6/2016	9318	Local Govt Sust Energy Coaliti	Annual Membership	2,500.00
12/6/2016	9319	RMR Awards	Awards	751.01
12/6/2016	9320	Kelsey Zurcher	Mileage Reimbursements	104.81
12/6/2016	9321	Christian Cruz	Mileage Reimbursements	81.35
12/6/2016		EFT Paychex	Payroll Period Ended 12/06/2016	15,795.96
12/13/2016	9322	Artin Baghkhanian	Mileage Reimbursements	133.00
12/13/2016	9323	Image IV Systems	Copy Machine Rental Dec'16	664.64
12/13/2016	9324	The 20/20 Network	Media - General Assembly	2,000.00
12/13/2016	9325	The Alhambra Office Community,	Storage Trash Disposal Fee	25.00
12/13/2016	9326	Vantagepoint Transfer Agents 3	ICMA-457 Contributions	79.51
12/13/2016	9327	Kaiser Permanente Health Plan	Medical Plan Jan'17	669.89
12/16/2016		EFT Citi Card	Credit Card Charges	11,693.32
12/20/2016	9328	Alta Planning and Design	SCAG Sustain Grant Plan	10,000.00
12/20/2016	9329	Jones & Mayer	Legal Fees Dec'16	2,083.33
12/20/2016	9330	Philip A. Hawkey	Mileage Reimbursements	354.21
12/20/2016	9331	Stefanie Hernandez	Mileage Reimbursements	60.37
12/20/2016	9332	The Alhambra Office Community,	Rent and Storage Jan'17	5,928.34
12/20/2016	9333	Vicenti, Lloyd & Stutzman	SGVCOG's Treasurer Fees	5,700.00
12/23/2016		EFT Paychex	Payroll Period Ended 12/23/2016	26,315.14
12/31/2016		EFT Paychex	Fees and PR Tax	415.24
12/31/2016		EFT Charter Communications	Internet Provider	125.00
<b>Total December 2016 Disbursements</b>				<b><u>\$ 121,480.12</u></b>

**SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS**  
**Selected Asset Account Balances**  
**As of December 31, 2016**

Description	Balance 11/30/2016	Increase	Decrease	Net Change	Balance 12/31/2016
CBB - Checking	\$ 870,625.69	\$ 47,296.48	\$ 121,480.12	(74,183.64)	\$ 796,442.05
CBB- 242-034-325 CD	55,520.87	13.84	-	13.84	55,534.71
CBB - 2766 Savings	1,586.35	0.40	-	0.40	1,586.75
CBB -242-034-953 CD	54,755.18	13.65	-	13.65	54,768.83
Petty Cash	400.00	-	-	-	400.00
LAIF	229,004.70	-	-	-	229,004.70
LAIF Maket Value	85.55	-	-	-	85.55
Member Receivable	799.99	-	-	-	799.99
Grants/Contracts Receivable	78,843.50	38,596.22	47,271.48	(8,675.26)	70,168.24
Sponsorships Receivable	50.00	-	25.00	(25.00)	25.00
Rental Deposits Receivable	214.80	-	-	-	214.80
Receivables - Other	1,338.84	2,550.00	-	2,550.00	3,888.84
	<u>\$ 1,293,225.47</u>	<u>\$ 88,470.59</u>	<u>\$ 168,776.60</u>	<u>\$ (80,306.01)</u>	<u>\$ 1,212,919.46</u>



# Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

## ACE Construction Authority Board of Directors Special Meeting November 28, 2016 Minutes

Chairman Hadjinian called the meeting of the Board of Directors of the Alameda Corridor-East Construction Authority to order at 1:06PM at the Montebello Council Chambers.

1. **Pledge of Alliance** – Vice Chair Juli Costanzo led the pledge of allegiance.

2. **Roll Call:** In attendance was:

Jack Hadjinian, Chair  
Juli Costanzo, Vice Chair  
Barbara Messina  
Elliott Rothman  
Michael Antonovich

**Staff:**

Mark Christoffels, CEO  
Gregory Murphy, Burke, Williams & Sorensen, legal counsel  
Deanna Stanley  
Amy Hanson  
Cecilia Cardenas  
Genichi Kanow  
Miriam Yemane  
Phil Balmeo  
Rachel Korkos  
Ricky Choi  
Victoria Butler

**Guests:**

Alan Sozio, Burke Williams & Sorenson  
Charlie Nakamoto, Jacobs  
Hank Fung, LA County  
Josh Nelson, CNC/City of Industry  
Pat Somerville, HNTB Corporation  
Phil Hawkey, SGVCOG  
Tanja Brix, HNTB Corporation

3. **Public Comments** – Judy Mooradian addressed the Board on a series of concerns related to alleged promises from ACE regarding relocation of her business, AM Disposal necessary for the Durfee Avenue project. Legal Counsel indicated as this item was to be discussed in closed session the Board and staff would not comment.

4. **Approval of October 24, 2016 Regular Meeting minutes** – A motion was made to approve the October 24, 2016 Regular meeting minutes.

M/S/C/Rothman/Costanzo/Unanimous

5. **Chairman Remarks** – Chairman Hadjinian extended his gratitude to the Board and staff for changing the November meeting date to allow him to attend.
6. **Board Member Comments** – There were no board member comments.
7. **Chief Executive Officer’s Report** – Mr. Christoffels reported that ACE received \$2.7 million in the remaining Proposition 1B funds under the Highway Rail Grade Safety Program that the CTC has allocated to the Durfee Avenue project. He informed the Board that staff is currently preparing applications for the upcoming Fastlane Grant. Mr. Christoffels introduced the ACE Engineering Intern Miriam Yemane to the Board.
8. **Construction Project Progress Reports** – Mark Christoffels reviewed progress photos of the Fairway Drive grade separation project. Victoria Butler reviewed project progress photos of the Fullerton Road grade separation project. Genichi Kanow reviewed project progress photos of the Puente Avenue grade separation project. Phil Balmeo reviewed project progress photos of the San Gabriel Trench project.
9. **Approval of Utility Relocation Work Reconciliation for Rowland Water District for the Nogales Street Grade Separation Project** – Mr. Christoffels reported that this is a final utility payment to the Rowland Water District in closing out the Nogales project. He indicated that this amount is budgeted in the overall project cost.

A motion was made to authorize the execution of the Second and Third Amendments to a Joint Use Agreement for Relocation of Water Lines with the Rowland Water District (RWD) for the completed relocation of affected water lines that were necessary for the Nogales Street project (LA Subdivision) with reimbursement to RWD in an amount of \$65,681.74 to cover the final total relocation costs.

M/S/C/Costanzo/Messina/Unanimous

10. **Approval of Selection of HNTB Corporation for Preliminary Engineering and Final Design Services for the Turnbull Canyon Road Grade Separation Project** – Mr. Christoffels announced the procurement for design services for the Turnbull Canyon Road grade separation project was completed. He indicated technical evaluation committee ranked highest the firm of HNTB with a 43% Small Business Enterprise goal. Mr. Pat Summerville, Project Manager was introduced who informed the Board that he was involved with ACE’s first grade separation project – the Nogales Street grade separation project and he was pleased to be a part of the ACE team once again.

A motion was made to authorize the Chief Executive Officer to negotiate a design and engineering services contract with HNTB Corporation (HNTB) for the Turnbull Canyon Road grade separation project.

M/S/C/Messina/Costanzo/Unanimous

11. **Approval to Change December Board Meeting Date to December 12** – A motion was made to move the upcoming Board of Directors meeting to December 12 at 11:00AM.  
M/S/C/Rothman/Costanzo/Unanimous
  
15. **Closed Session** – Legal counsel announced that the Board would adjourn to closed session in accordance with Government Code Section 54956.9(d) to discuss two cases of existing litigation – Los Angeles Superior Court Case No. BC539599 ACE vs. Leone Mooradian, et al. and LA Superior Court Case No. BC638566 ACE and Walsh Construction vs. Ou Hu, et al.  
  
The Board returned to open session and legal counsel announced that regarding ACE versus Leone Mooradian, staff was given direction to continue negotiations in an attempt to resolve the matter before trial. Regarding ACE and Walsh Construction versus Ou Hu, legal counsel indicated there were no reportable actions taken.
  
16. **Reception for Supervisor Michael Antonovich** – Reception followed.
  
17. **Adjournment** – The meeting was adjourned at 2:16PM.

X 

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Amy Hanson  
Assistant to the Clerk of the Board





## Alameda Corridor-East Construction Authority

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4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

MEMO TO: SGVCOG Governing Board Members & Alternates

FROM: Jack Hadjinian, Chair

DATE: December 7, 2016

SUBJECT: Monthly Report

The following are items of note since the last meeting:

**Federal Grant Program** – Staff are preparing grant applications seeking \$50 million in funding from the federal FASTLANE discretionary freight grant program for the Durfee Avenue and Montebello Corridor projects. DOT advertised on October 28 that it was soliciting project nominations to be awarded in FY 2017, with applications due on December 15. Los Angeles Metro will include the ACE project in a regional rail project application submittal with Caltrans as co-applicant and in partnership with the project implementing agencies: ACE, Port of Los Angeles and Port of Long Beach.

**Community Outreach Update** - Staff conducted the following project outreach activities:

- Distributed construction alert notices regarding construction of the eastbound off-ramp and westbound on-ramp for the Lemon Avenue freeway ramps project;
- Conducted pre-construction surveys of properties located within the Lemon Avenue freeway ramps project area;
- Distributed the ACE Report e-newsletter;
- Staffed an ACE Project information table at the San Gabriel Valley Council of Governments General Assembly;
- Conducted ongoing community outreach and support activities for the San Gabriel Trench, Puente Avenue, Fairway Drive and Fullerton Road grade separation projects.



**Governing Board  
FY 2016-17**

	2016						2017					
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Alhambra	✓											
Arcadia	✓		✓	✓	✓							
Azusa	✓			✓								
Baldwin Park			✓	✓								
Bradbury												
Claremont	✓		✓	✓	✓							
Covina	✓		✓	✓	✓							
Diamond Bar	✓		✓	✓								
Duarte	✓		✓	✓	✓							
El Monte			✓	✓	✓							
Glendora	✓		✓	✓	✓							
Industry												
Irwindale												
La Canada Flintridge			✓	✓								
La Puente												
La Verne	✓			✓	✓							
Monrovia	✓		✓	✓	✓							
Montebello			✓									
Monterey Park	✓				✓							
Pasadena	✓			✓	✓							
Pomona												
Rosemead	✓		✓	✓	✓							
San Dimas	✓		✓	✓	✓							
San Gabriel	✓		✓		✓							
San Marino	✓		✓		✓							
Sierra Madre	✓		✓	✓	✓							
South El Monte	✓		✓		✓							
South Pasadena	✓		✓	✓	✓							
Temple City	✓		✓	✓								
Walnut												
West Covina	✓		✓	✓	✓							
LA County District 1			✓	✓	✓							
LA County District 4	✓			✓	✓							
LA County District 5	✓				✓							
SGV Water Agencies				✓	✓							

**Major Action Items and Presentations**

***July***

- SCE Rolling Blackouts
- Conflict of Interest Code
- WRDA (S 2848 and HR 5303)
- AJR 44

**Governing Board**  
**FY 2016-17**

WOTUS Challenge Amicus Brief  
Metro Measure M

***September***

LA Impact  
SCE Coordination with Cities  
Modification of ACE Phase II Project  
LA County Parks Measure  
4th Quarter Financial Report  
FY 16-17 Budget Amendment #!

***October***

LACCE Letter of Support/Comment  
SG National Monuments Draft EA  
Puente Hills Regional Park LOS  
Financial Policies

***November***

Adopt SGVCOG Stormwater Policy  
Measure M Next Steps  
Closed Session: Executive Director position

**Transportation Committee Attendance  
FY 2015-16**

	2016						2017					
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Alhambra												
Claremont			✓	✓								
Diamond Bar			✓	✓	✓							
Duarte			✓	✓	✓							
El Monte			✓	✓								
Glendora			✓	✓	✓							
La Canada Flintridge			✓									
LA County District 1					✓							
LA County District 5			✓	✓	✓							
Monterey Park				✓	✓							
Rosemead			✓									
San Gabriel					✓							
South El Monte			✓		✓							
South Pasadena			✓	✓	✓							
Walnut					✓							

**Agenda Topics**

***September***

- Highway 39 Completion
- Regional Quiet Zone Development Efforts
- Election of Chair and Vice-Chair

***October***

- SG Mountains National Monument Access Planning Efforts
- Pilot Study of Subsidized Ridesharing at Transit Stations
- BFBD Pilot
- SCAG Sustainability Planning Grants

***November***

- Bike SGV
- Measure M next steps

**Reminder:** If a member agency misses more than three consecutive committee meetings, the agency must request reappointment by the Governing Board.

**EENR Committee Attendance  
2016-2017**

	2016						2017					
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Claremont				✓								
Duarte	✓		✓	✓	✓							
Glendora	✓		✓	✓	✓							
Rosemead	✓			✓								
San Dimas	✓			✓	✓							
Sierra Madre			✓	✓	✓							
South Pasadena	✓		✓	✓	✓							

**Agenda Topics**

*July*

LA County Marks Measure

*September*

SG Mountains National Monument Draft Environmental Assessment

Community Choice Aggregation

*October*

Mandatory Organics

AB 45

Puente Hillss Regional Park

Leg Recap

*November*

Emerald Necklace

Climate Resolve

**Homelessness Committee Attendance  
FY 2016-2017**

	2016						2017					
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Baldwin Park	✓	✓	✓		✓							
Claremont	✓		✓	✓								
Covina	✓	✓	✓									
Monrovia	✓	✓	✓	✓								
Pasadena		✓	✓		✓							
Pomona	✓	✓										
Rosemead	✓		✓	✓								
San Gabriel	✓	✓			✓							
South El Monte		✓	✓									
West Covina	✓	✓	✓	✓								
LA County Dist 1	✓	✓	✓	✓								
Water Districts	✓		✓									
TVMWD	✓		✓									

**Agenda Topics**

**July**

- Urban Harvester
- LA County Homeless Initiative

**August**

- SGV Homeless Fundraiser
- Lions Gate Transitional Living Centers

**September**

- Claremont Homeless Advocacy Program
- Vets Advocacy West LA

**October**

- Azusa PD Homeless Task Force
- LA County Sheriffs COPS unit
- Claremont Human Services

**November**

- Homeless Committee Work Plan
- Tour of Mar Vista Apartments

**Water Policy Committee  
2016-2017 Attendance**

	2016						2017					
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Claremont	✓			✓	✓	✓						
Diamond Bar		✓	✓		✓							
Glendora	✓	✓	✓	✓	✓	✓						
Monrovia	✓	✓	✓	✓	✓	✓						
Rosemead	✓	✓	✓	✓		✓						
Sierra Madre	✓		✓	✓	✓	✓						
South Pasadena	✓	✓	✓	✓	✓	✓						

**Agenda Topics**

***July (Joint Meeting with Water TAC)***

- Elections
- Legislative Update
- RWQCB Update
- Stormwater Subcommittee Update
- Litigation Update

***August (Joint Meeting with Water TAC)***

- SB 1298
- Legislative Update
- RWQCB Update
- Stormwater Subcommittee Update

***September (Joint Meeting with Water TAC)***

- Legislative Update
- Litigation Update
- RWQCB Update
- Stormwater Subcommittee Update

***October (Joint Meeting with Water TAC)***

- Presentation: CA Water Fix
- Legislative Update
- Litigation Update
- RWQCB Update
- Stormwater Policy

***November (Joint Meeting with Water TAC)***

- Presentation: SB 485
- Presentation: SG Basin Groundwater
- RWQCB Update
- Legislative Update

***December (Joint Meeting with Water TAC)***

- Establish Stormwater Outreach Team
- Establish Stormwater Legislative Priorities
- RWQCB Update
- Election 2016 updates
- MSGB Resource Development Fee update

**City Managers' Steering Committee Attendance  
FY 2016-17**

	2016						2017					
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Arcadia	✓		✓	✓	✓	✓	✓					
Baldwin Park	✓		✓	✓	✓	✓	✓					
Claremont	✓			✓	✓		✓					
Diamond Bar				✓		✓	✓					
Duarte	✓		✓	✓	✓							
Glendora	✓		✓	✓	✓	✓	✓					
La Canada Flintridge	✓			✓	✓							
La Verne	✓		✓	✓	✓	✓	✓					
Monrovia												
Monterey Park	✓		✓	✓								
Pomona						✓	✓					
South Pasadena	✓		✓	✓			✓					
Temple City	✓			✓			✓					
West Covina				✓	✓	✓						

**Agenda Topics**

**July**

- SCE Rolling Blackouts
- Metro Measure M
- County Parks Measure

**September**

- SCE Coordination with Cities
- Metrolink Coordination with Cities
- 4th Quarter Financial Report
- SB 1298
- FY 2016-17 Budget Amendment

**October**

- LA Impact
- SGVCOG Financial Policies

**November**

- LAHSA Homeless Count
- Quarterly Financial Report
- Budget Amendment #1
- Stormwater Policy

**December**

- Metro Bike Share
- Performance Benchmark Study
- ACE Ad Hoc Committee Update
- Regional Quiet Zone update

**January**

- ACE Ad Hoc Committee Draft Report
- SGVCOG Office Lease

**Planning TAC Attendance  
FY 2016-17**

	2016						2017					
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Alhambra		✓		✓		✓						
Arcadia		✓		✓		✓						
Azusa												
Baldwin Park			✓									
Claremont		✓	✓	✓								
Covina		✓	✓									
Diamond Bar		✓	✓			✓						
Duarte		✓	✓			✓						
El Monte		✓										
Glendora		✓	✓	✓		✓						
Irwindale												
LaVerne												
Monrovia		✓		✓		✓						
Monterey Park		✓	✓	✓		✓						
Pasadena												
Pomona		✓										
Rosemead			✓	✓		✓						
San Dimas		✓	✓	✓		✓						
San Gabriel		✓	✓	✓								
Sierra Madre		✓	✓									
South Pasadena			✓									
Temple City		✓										
Walnut												
West Covina		✓	✓			✓						

**Agenda Topics**

**August**

- Elections
- Legislative Update
- Wireless Siting

**September**

- SCAG Sustainability Grant presentation
- Duarte Town Center presentation
- Joint PW/Planners PIWG

**October**

- Joint PW/Planners PIWG
- SGVCOG Housing
- Future Visioning

**November**

**December**

- Housing
- Marijuana

**Planning TAC Attendance  
FY 2016-17**

GHG Impact by Transit Mode  
*January*

Wireless Siting  
*February*

**Public Works TAC Attendance  
FY 2016-17**

	2016						2017					
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Alhambra												
Arcadia			✓	✓			✓					
Azusa			✓	✓	✓		✓					
Claremont				✓								
Diamond Bar			✓	✓	✓		✓					
Duarte												
El Monte			✓									
Irwindale			✓	✓	✓		✓					
Monrovia					✓		✓					
Pasadena			✓	✓	✓		✓					
Pomona			✓	✓	✓		✓					
San Dimas			✓	✓	✓		✓					
West Covina				✓	✓		✓					
LA County			✓	✓	✓		✓					

**Agenda Topics**

**September:**

- ITS FIRST presentation
- PW TAC bank account
- ACE Ad Hoc committee update
- Joint PW/Planning PIWG concept

**October**

- METRO Complete Streets
- CCE
- SGVCOG Stormwater Policy
- Joint PW/Planning PIWG concept

**November**

- Aliso Canyon Gas Wells update
- METRO Complete Streets
- Stormwater Policy

**January**

- Envision Sustainability planning tool
- Urban Greening grant program
- Fastlane grant
- ACE Ad Hoc committee update

**Water TAC Attendance  
FY 2016-17**

	2016						2017					
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Alhambra	✓	✓	✓	✓	✓	✓						
Arcadia	✓	✓	✓	✓								
Covina												
Monrovia		✓	✓	✓	✓	✓						
Sierra Madre	✓	✓	✓		✓	✓						
LA County DPW	✓	✓	✓	✓		✓						
Upper San Gabriel Valley Municipal Water District	✓		✓	✓	✓	✓						
<i>Ex-Officio</i>												
Foothill MWD												
LA County Sanitation Districts		✓	✓	✓	✓	✓						
Main San Gabriel Basin Watermaster	✓	✓	✓		✓	✓						

**Agenda Topics**

***July (Joint Meeting with Water TAC)***

- Elections
- Legislative Update
- RWQCB Update
- Stormwater Subcommittee Update
- Litigation Update

***August (Joint Meeting with Water TAC)***

- SB 1298
- Legislative Update
- RWQCB Update
- Stormwater Subcommittee Update

***September (Joint Meeting with Water TAC)***

- Legislative Update
- Litigation Update
- RWQCB Update
- Stormwater Subcommittee Update

***October (Joint Meeting with Water TAC)***

Presentation: CA Water Fix

- Legislative Update
- Litigation Update
- RWQCB Update
- Stormwater Policy

***November (Joint Meeting with Water TAC)***

Presentation: SB 485

- Presentation: SG Basin Groundwater
- RWQCB Update
- Legislative Update

***December (Joint Meeting with Water TAC)***

Establish Stormwater Outreach Team

- Establish Stormwater Legislative Priorities

**Water TAC Attendance  
FY 2016-17**

RWQCB Update  
Election 2016 updates  
MSGB Resource Development Fee update

# REPORT

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DATE: January 19, 2017

TO: SGVCOG Homelessness Committee

FROM: Phil Hawkey, Executive Director

RE: **LOS ANGELES REGIONAL HOMELESS ADVISORY COUNCIL (RHAC)**

## **RECOMMENDED ACTION**

Appoint Benita DeFrank, Neighborhood Services Director (City of Pomona) to serve as the SGVCOG representative on the RHAC, and appoint Rachael Barbosa (LA County District #1) to serve as alternate.

## **BACKGROUND**

The County and City of Los Angeles Homelessness Strategies called for the creation of a public-private Regional Homelessness Advisory Council (RHAC) to ensure broad-based collective strategic leadership (Attachment A). The RHAC will be co-convened by the Los Angeles Homeless Services Authority (LAHSA) and Home for Good Los Angeles a community-driven initiative to end homelessness in LA County. The objectives of the RHAC are as follows:

- Support implementation of best practices and evidence-based approaches to homeless programming and services;
- Promote alignment of funding across all sectors and leverage resources in the most effective manner;
- Coordinate programmatic approaches across all homeless system providers and mainstream systems;
- Support a regional Strategic response to identifying and resolve the primary factors contributing to housing instability and homelessness.
- Identify and articulate artificial barriers across geographic and political spheres, in order to eliminate them; and
- Influence mainstream systems to ensure access and accountability to homeless consumers.

There will be a total of 56 seats on the RHAC, and each of the Council of Governments has one appointee. LAHSA staff has advised SGVCOG staff that the appointee should be either a city or COG staff member with significant experience working in the area of homelessness. On January 5, 2017, the Homelessness Committee nominated Benita DeFrank, Neighborhood Services Director for the City of Pomona, to serve as the SGVCOG representative and Rachel Barbosa, LA County Supervisor District One Director, to serve as the alternate.

Prepared by:   
Christian Cruz  
Management Analyst

Approved by:   
Marisa Creter  
Assistant Executive Director



# REPORT

---

DATE: January 19, 2017

TO: SGVCOG Governing Board

FROM: Phil Hawkey, Executive Director

RE: **SGVCOG APPOINTMENTS TO LA COUNTY DROUGHT RESILIENCY  
WORKING GROUP**

## **RECOMMENDED ACTION**

Appoint Judy Nelson (City of Glendora) and James Carlson (City of Sierra Madre) to serve as the SGVCOG representatives on the Los Angeles County Drought Resiliency Committee.

## **BACKGROUND**

The Los Angeles County Division of the League of California Cities was asked by the Board of Supervisors to assist in convening a working group of city officials and staff to provide input on the development of the County's Water Resilience Plan. In order to gain local perspective, the League asked the regional COGs to provide representatives from their respective cities to participate in this working group.

Los Angeles County Public Works has identified four key elements of the drought resiliency plan. Those are: defining water resiliency, assessing water needs, engaging stakeholders, and conducting analysis. It is anticipated that the Drought Resiliency Committee will convene early this year to consider these elements.

Prepared by: \_\_\_\_\_

  
Eric Wolf  
Senior Management Analyst

Approved by: \_\_\_\_\_

  
Marisa Creter  
Assistant Executive Director



## REPORT

---

DATE: January 19, 2017

TO: SGVCOG Governing Board

FROM: Phil Hawkey, Executive Director

RE: **SAN GABRIEL VALLEY ENERGY WISE PARTNERSHIP STAFFING**

### **RECOMMENDED ACTION**

Authorize the Executive Director to recruit a full-time Management Analyst to manage the San Gabriel Valley Energy Wise Partnership (SGVEWP). This position would be limited-term position dependent upon grant funding. The full cost of the position would be reimbursed by the SGVEWP.

### **BACKGROUND**

Since 2009, the San Gabriel Valley Council of Governments (COG) has served as the local government partner for the San Gabriel Valley Energy Wise Partnership (SGVEWP). This program is funded by the California Public Utilities Commission (CPUC) Local Government Partnerships Program, and is co-managed by Southern California Edison (SCE) and Southern California Gas Company (SCG).

The three primary objectives of SGVEWP have been as follows:

1. Identify opportunities for municipal building energy efficiency retrofits and assist cities in implementing these projects and accessing SCE and SCG financial incentives and technical resources;
2. Leverage the COG's communication infrastructure to inform member agencies about existing SCE and SCG energy efficiency, conservation and demand response programs and encourage participation; and
3. Develop specialized energy efficiency offerings to local governments as well as residential and business customers.

Over the past five years, through participation in the program, San Gabriel Valley cities have received over \$1.2 million in cash incentive payments.<sup>1</sup>

In November 2015, the Governing Board authorized an extension of the SGVEWP contract with SCG through December 2018, and in November 2016, the Governing Board authorized a similar extension with SCE through December 2018. Staff anticipates receiving, at a minimum, an additional one-year extension from SCE later this year that will go through December 2019.

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<sup>1</sup> In 2015, the CPUC issued their decision to move to "rolling" portfolios, which are ten-year program cycles. While the program cycles are longer, the utilities are still determining how to structure long-term agreements with local governments partners. In the interim, SCG has opted to develop three year contracts with their partners and SCE has opted to develop one year contracts with their partners.

Additionally, in December 2016, the SGVCOG received additional funding from both SCE and SCG to undertake activities that support the California Long-Term Energy Efficiency Strategic Plan (CEESP). Specifically, the SGVCOG received an additional \$80,000 in funding to assist the cities of South Pasadena, Monrovia, West Covina and Pomona in developing and implementing benchmarking policies. Using the Energy Star Portfolio Manager, benchmarking allows cities to inventory their facilities and compare them to similar facilities across to the nation to assess energy usage and building performance and to identify opportunities to reduce energy usage. Work related to this effort must be completed by December 31, 2017. Table 1 provides summary of funding that is currently guaranteed through the SGVEWP.

	2017	2018
<b>SCE</b>	\$168,000	\$168,000
<b>SCG</b>	\$108,000	TBD
<b>CEESP</b>	\$80,000	-
<b>Total</b>	<b>\$356,000</b>	<b>\$168,000</b>

**Table 1.**  
**SGVEWP Funding (2017-2018).**

## **STAFFING**

The COG currently manages its SGVEWP programs using 5 part-time interns under the direct supervision of the Assistant Executive Director. The full cost of these positions, as well as overhead, are reimbursed through these grant programs. In order to allow for continued focus on all areas in the SGVCOG’s Strategic Plan as well as continue the high levels of success for the SGVEWP, staff is recommending that a portion of the SGVEWP funding be used to fund a full-time, limited-term position. A similar model is used by other Councils of Governments that manage Local Government Partnerships, including Western Riverside Council of Governments (WRCOG), San Bernardino Association of Governments (SANBAG) and South Bay Cities Council of Governments (SBCCOG). Typically, these positions are classified as program managers or management analysts. Table 2, below, provides a summary of the position titles and salary ranges from each of these agencies.

Agency	Position	Salary	
		Minimum	Maximum
WRCOG	Program Manager	\$ 65,485	\$ 123,427
SANBAG	Management Analyst I	\$ 50,990	\$ 76,485
SBCCOG	Program Manager	\$ 57,000	\$ 78,000
<b>Average</b>		<b>\$ 59,028</b>	<b>\$ 89,401</b>

**Table 2.**  
**Comparative Salary Ranges.**

Based on this information, staff is recommending that this new position be filled under the SGVCOG’s Management Analyst classification, which has a comparable set of requirements and salary range. The salary range for the SGVCOG’s Management Analyst position is \$50,000-\$65,850.<sup>2</sup> The existing five internships would remain in place, and both the full-time and part-time

<sup>2</sup> The full cost of the position, including fringe benefits, is \$62,637 - \$79,719.

positions would be fully funded through the SGVEWP grant agreements.

The responsibilities for the position include assisting the Assistant Executive Director with SGVEWP program activities, supervising the part-time SGVEWP staff and managing SGVEWP projects. For a complete list of responsibilities, please see Attachment A.

**NEXT STEPS**

Pending authorization from the Governing Board, staff would immediately initiate requirement for this position. The intent would be to fill the position by mid-March 2017.

Prepared by: Marisa Creter  
Marisa Creter  
Assistant Executive Director

Approved by: Philip A. Hawkey  
Philip A. Hawkey  
Executive Director

**ATTACHMENTS**

Attachment A – Recruitment Flyer: Management Analyst



**SAN GABRIEL VALLEY  
COUNCIL OF GOVERNMENTS**

1000 S. Fremont Ave., Unit #42  
Suite 10-210  
Alhambra, CA 91803

**INVITES APPLICANTS FOR THE POSITION OF  
MANAGEMENT ANALYST – EXEMPT (LIMITED TERM – 24 MONTHS -  
DEPENDENT UPON GRANT FUNDING)**

**SALARY AND BENEFITS:**

\$50,000 - \$65,850

A standard array of benefits, including public employee retirement pension, will also be provided in an employment contract to the successful candidate.

**OPENING DATE:** 01/23/2017

**CLOSING DATE:** 02/20/2017

**BACKGROUND**

The San Gabriel Valley Council of Governments (SGVCOG) was founded in 1994 as a Joint Powers Authority (JPA). The current membership includes the 31 incorporated cities in the San Gabriel Valley, three Supervisorial Districts representing the unincorporated areas in the San Gabriel Valley, and the Valley's three water agencies. Collectively, those agencies represent the Valley's two million residents living in 31 cities and numerous unincorporated communities. The primary focus of the SGVCOG is to support activities related to Transportation; Energy, Environment and Natural Resources; and Housing, Community, and Economic Development.

***The Mission***

*“The San Gabriel Valley Council of Governments will be recognized as the leader in advocating and achieving sustainable solutions for transportation, housing, economic growth and the environment.”*

More information about the SGVCOG can be viewed at [www.sgvkog.org](http://www.sgvkog.org).

### **THE POSITION:**

Works independently to performs a wide variety of professional, administrative, fiscal and analytical support within assigned program areas, including budget preparation, financial management, and grant coordination; conducts research; supervises assigned functions with emphasis on professional administrative methods; may serve as a project manager working closely with the Assistant Executive Director, and performs other related duties as required.

Responsible for communicating with all levels of government including regional government agencies; assists in the implementation of the San Gabriel Valley Energy Wise Partnership annual workplan. Position reports to the Assistant Executive Director and will be responsible for assigned functions on behalf of the San Gabriel Valley Region for programs and funds benefiting the 29 cities in the San Gabriel Valley Energy Wise Partnership.

The position is funded through the San Gabriel Valley Energy Wise Partnership and the position will terminate if the funding is discontinued.

### **MAJOR DUTIES**

- Plans, develops and coordinates the implementation of programs and projects of a large scope or complexity.
- Prepares, monitors and oversees the grant budgets.
- Negotiates and administers contracts, agreements, leases and services. Develops agreements and contract terms and monitors compliance.
- Researches grant programs, prepare grant applications and monitors compliance with applicable terms.
- Conducts research and analyzes statistical and related data. Reviews and makes recommendations.
- Prepares comprehensive technical reports, and correspondence, as well as maintains records.
- Prepares and presents reports to the San Gabriel Valley Energy Wise Partnership
- Serves as staff liaison to the San Gabriel Valley Energy Wise Partnership including preparation of agendas, minutes, and reports and coordination of presentations.
- Coordinates and presents at community meetings and events as assigned.
- Responsible for day-to-day management of the San Gabriel Valley Energy Wise Partnership, which has an annual budget of over \$356,000 and includes development and implementation of annual workplan, management of staff and consultants, invoicing, budget tracking, and reporting.
- Serves as key point of contact with local government agency staff at various levels and in numerous departments to implement municipal energy efficiency retrofits as well as energy efficiency marketing and education programs.
- Responsible for the day-to-day management, including training, of San Gabriel Valley Energy Wise Partnership part-time staff members.
- Supervises part-time staff.
- Performs related duties, as assigned.

### **MINIMUM QUALIFICATIONS**

- Bachelor's degree in public administration, business administration, economics, or related field.
- One year of professional experience in administrative analysis and research, policy development, fiscal administration and budget and/or management responsibilities.
- A master's degree is desirable and may be substituted for one year of experience.
- At least one year experience managing a local government energy efficiency partnership is highly desirable.

### **KNOWLEDGE SKILLS & ABILITIES**

Knowledge of:

- Principles and practices of public administration.
- Principles and practices of organization, administration and management.
- Program and project development, implementation and evaluation.
- Fiscal analysis and budget preparation and administration.
- Grant application and monitoring.
- Data collection and analysis.
- Report writing techniques and editing.
- Quantitative and management analysis technique.
- Methods and techniques of effective supervision.
- Principles of energy efficiency, water conservation, and sustainability management.

Ability to:

- Develop, implement, and administer projects and programs.
- Develop and implement goals, objectives, policies and procedures.
- Analyze legislation.
- Prepare analytical and financial reports.
- Prepare and deliver effective public presentations.
- Communicate effectively both orally and in writing.
- Analyze and recommend solutions to problems and issues.
- Plan, develop and manage programs and projects.
- Exercise independent judgment and initiative within established guidelines.
- Establish and maintain effective and cooperative working relationships with officials of public and private agencies, City Council, commissions, community groups, and the general public.
- Supervise, train and evaluate staff.

Skill in:

- The use of computers and related word processing and spreadsheet application software.

### **APPLICATION PROCESS**

Send resume and letter of interest to Marisa Creter, e-mail: ([sgv@sgvcog.org](mailto:sgv@sgvcog.org)) by 5:00 p.m.; PST, Monday, February 20, 2017. Additionally, include responses to the following supplemental questions:

1. Please describe the most complex project you have managed from start to finish as it relates to this position.

2. Describe an experience you have on educating or training others on energy efficiency or environmental programs.

Each answer should be included on a separate page and not exceed one-page single-spaced. Applicant's name should be included in the top right-hand corner of each page.

Questions, please call 626-457-1800. Your inquiries and application will be handled with the utmost confidentiality.



# REPORT

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DATE: January 19, 2017

TO: SGVCOG Homelessness Committee

FROM: Phil Hawkey, Executive Director

RE: **HOMELESSNESS COMMITTEE WORK PLAN**

## **RECOMMENDED ACTION**

Adopt Resolution 16-30 affirming the Homelessness Work Plan and Policy.

## **BACKGROUND**

The SGVCOG Homelessness Committee began discussion on a Homelessness Policy and committee work plan in August 2016. This document is intended to outline the priorities for and give direction to the Committee over the coming year.

The Policy and Work Plan are structured as follows:

- **Definition of homelessness:** The Committee included the Housing and Urban Development definition of homelessness in the Policy to provide a common understanding of homelessness.
- **Causes of homelessness:** The Committee identified various causes of homelessness such as domestic violence, substance abuse, mental illness, recent incarceration, economic issues, and social exclusion. Understanding the causes of homelessness was key in the development of the work plan and policy since helps to identify the most practical and urgent resources needed to combat homelessness in the San Gabriel Valley.
- **Challenges to combat homelessness:** The Committee identified three main challenges faced by cities in the San Gabriel Valley in regards to addressing homelessness: accurately collecting data; obtaining and identifying funding; and lack of coordination between agencies.
- **The homeless population in the SGV** The Committee included this section to distinguish the specific characteristics of the homeless population in the San Gabriel Valley that differs from the greater LA region in order to better implement policies that are tailored to the region's homeless demographics.
- **Strategies to combat homelessness in the SGV:** In order to support the efforts of individual cities within the region, the Committee identified strategies such as working with the Los Angeles Housing Services Authority (LAHSA), exploring new fundraising efforts, developing a master list of programs, tracking related legislation; and developing educational materials for city staff and elected officials.

Staff is recommending that the Governing Board adopt Resolution 16-30 (Attachment A), affirming the Homelessness Policy and Work Plan.

Additionally, the Homelessness Committee became aware that the Los Angeles Board of Supervisors recently voted to include Measure H on the on the March 7, 2017, ballot. This measure proposes a quarter-cent sales tax to fund programs and services that support the County's Homeless Initiative. A copy of the County's ordinance is included as Attachment B. Staff is working to obtain additional information regarding how the funds will be distributed.

Prepared by:   
Christian Cruz  
Management Analyst

Approved by:   
Marisa Creter  
Assistant Executive Director

**ATTACHMENTS**

- Attachment A – Resolution 16-30 – Homelessness Policy and Work Plan
- Attachment B – LA County Measure H Motion and Ordinance

**RESOLUTION NO. 16-30**

**RESOLUTION OF THE SAN GABRIEL VALLEY  
COUNCIL OF GOVERNMENTS (SGVCOG) ADOPTING THE HOMELESSNESS  
POLICY AND WORK PLAN**

**WHEREAS**, the SGVCOG identified homelessness as a major priority; and

**WHEREAS**, the SGVCOG seeks in reducing and preventing homelessness by ensuring adequate services for the homeless population; and

**WHEREAS**, the SGVCOG recognizes the urgent need to combat the homeless crisis in the region.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Board does hereby adopt the SGVCOG Homelessness Policy and Work Plan (Exhibit A).

**PASSED AND ADOPTED** by the Governing Board of San Gabriel Valley Council of Governments, County of Los Angeles, in the County of Los Angeles, State of California, on the 19th day of January 2017.

San Gabriel Valley Council of Governments

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Gene Murabito, President

Resolution 16-30  
Page 2 of 2

**Attest:**

I, Philip A. Hawkey, Executive Director and Secretary of the Board of Directors of the San Gabriel Valley Council of Governments, do hereby certify that Resolution 16-30 was adopted at a regular meeting of the Governing Board held on the 19th day of January 2017, by the following roll call vote:

<b>AYES:</b>	
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	

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Philip A. Hawkey, Secretary

## San Gabriel Valley Council of Governments Homelessness Committee Policy

*Adopted (DATE)*

The San Gabriel Valley Council of Governments (SGVCOG) seeks to promote a high quality of life for all of the region's residents, and a critical element of doing this is ensuring that there are adequate homelessness programs and services available for those with the greatest need.

Currently, the County is divided into eight geographic areas designated as Service Planning Areas (SPA's). Each SPA is expected to have an equitable balance of homeless services. In January 2016, the Greater Los Angeles County Homeless Count was completed and the San Gabriel Valley (SGV), which is designated as SPA – 3, had an estimated 3,142 homeless individuals. However, it is important to note that the homeless count may not take into account those who are not easily visible such as homeless that reside in dense foliage areas and washes or those who are sharing the housing of others as temporary shelter due to loss of housing, economic hardship, or a similar reason. Currently, Los Angeles County has an estimated permanent supportive housing gap of 15,341 units to house homeless individuals.

A homeless person is an individual who resides in places not meant for human habitation, emergency shelters, transitional or supportive housing; is being evicted and has no subsequent residence; is being discharged from a mental health facility, substance abuse facility, or jail/prison institution; or is fleeing domestic violence and has no subsequent residence.<sup>1</sup> The homeless population also includes students. Students who meet the following criteria are considered to be homeless or marginally homeless:<sup>2</sup>

- Lack a fixed, regular, and adequate nighttime residence.
- Share the housing of other persons due to loss of housing,
- Live in motels, hotels, trailer parks, or camping grounds and
- Live in emergency or transitional shelters; are abandoned in hospitals, or are awaiting foster care placement.

According to the most recent homeless count snap shot for SPA-3, 68% of homeless individuals are male, 32% female and 0.2% transgender. Of this group, 44% are Hispanic/Latino, 38% White, and 13% African American. More than half, or 55% of the homeless population are between the ages of 25-35, 20% are between the ages of 55-61, and 18% are below the age of 24. Also, 35% are chronically homeless<sup>3</sup>, 19% of the homeless population are families, and 5% are veterans.<sup>4</sup>

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1 Section 330 of the Public Health Service Act (42 U.S.C., 254b)

2 Education Code 48852.7; 42 USC 11434a

3 According to the Housing and Urban Development Department. A person who is "chronically homeless" is an unaccompanied homeless individual with a disabling condition. -who has either been continuously homeless for a year or more, -OR has had at least four (4) episodes of homelessness in the past three (3) years.

4 Note: percentages do not include homeless individuals that fall within one or more categories, and/or categories not included.

An estimated 17% of the SGV homeless population reside in Pasadena and 21% in Pomona. The remaining 62% are located within the remaining cities in the SGV.

It is necessary to approach homelessness in the SGV with the idea that any services, initiatives, and funding must have the ability and flexibility to provide for a diverse homeless population. There are many causes of homelessness and they include but are not limited to:

- Domestic violence
- Substance abuse
- Mental illness
- Recent incarceration
- Chronic health issues
- Economic issues
- Exclusion due to race, sexual orientation, identity, or cultural norms

There remain many challenges to addressing homelessness in the SGV including:

- **Data:** Difficulty in accurately collecting data on the homeless population and lack of consistency across state and federal agencies in defining homelessness; which results in underfunding of programs and lack of programs that meet the demographics of the homeless population.
- **Funding:** Insufficient funding which leads to programs that are limited, variable and restricted as well as programs that are discontinued.
- **Coordination and Best Practices:** Lack of a master list of resources as well as a toolkit of programs that are sensitive to the context of the community. This results in community opposition and difficulty in forming programs. Homeless individual may reside in multiple jurisdictions and makes it difficult to accurately track, follow-up and provide them with appropriate resources.

The homeless population in the SGV includes a myriad of individuals, families, youth/young adults and many more. It is essential to tailor programs and resources to meet the needs of a diverse homeless population; such as:

- 1) Veteran resources
- 2) Substance abuse programs
- 3) Family assistance centers
- 4) Mental health services
- 5) Counseling services
- 6) Job training and placement
- 7) Financial literacy and budget training
- 8) Rapid re-housing programs
- 9) Day and night emergency shelters
- 10) Domestic violence resources
- 11) Health care services
- 12) Housing first programs
- 13) Permanent supportive housing
- 14) Homeless prevention services

This Homelessness Policy is intended to outline the priorities for the Committee to combat homelessness in the SGV region, by supporting and implementing homelessness initiatives and programs. Local engagement and partnerships are necessary to combating homelessness in the SGV. As such, the SGVCOG will pursue strategies to combat homelessness that include, but are not limited to:

- 1) Work with the Los Angeles Homeless Services Authority to increase city participation in annual homeless count and participate in regional forums like the Milken institute to improve data analysis.
- 2) Explore the development of an annual SGV-wide homeless services fundraiser to raise money for homeless services.
- 3) Identify and track programs as well as state legislation for the consideration of the Committee and advocate for programs that meet the following criteria:
  - Provide long-term funding for homelessness programs;
  - Encourage the development of permanent housing facilities,
  - Establish opportunities for job training and placement;
  - Provide resources to local agencies to implement housing and homeless programs;
  - Will empower local governments with additional resources and flexibility to better serve homeless individuals and families, increase access to affordable housing and extend proven programs for the homeless.
- 4) Work with cities to increase participation in programs such as the United Way's Funders Collaborative and LA County's Homeless Initiative.
- 5) Develop a point of contact for each city and a database of current practices and initiatives that each city has undertaken to combat homelessness including priorities and needs for each city and contact information for those services.
- 6) Develop presentations and materials that cities can utilize to address community concerns about permanent supportive housing in order to increase support for this type of program.
- 7) Work with LAHSA and provide a COG representative for their Regional Homelessness Advisory Council to develop joint initiatives related to homelessness, including chronic homelessness and homelessness as a result of substance abuse.

These strategies are intended to guide the actions of the SGVCOG but also inform and influence the short-term actions and long-term goals of the SGVCOG. These strategies are also intended to evolve and be modified as needed.

AGN. NO.

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND AND JANICE HAHN      DECEMBER 6, 2016**

**Securing Ongoing Funding to Address the Homeless Crisis**

On August 17, 2015, the Los Angeles County (County) Board of Supervisors (Board) launched the Homeless Initiative to combat the homeless crisis that pervades its communities. The County Homeless Initiative conducted an inclusive and comprehensive planning process, including 18 policy summits on nine topics from October 1 to December 3, 2015, which brought together 25 County departments, 30 cities and other public agencies, and over 100 community partners and stakeholders.

The Homeless Initiative generated a powerful set of 47 coordinated and integrated strategies divided into the following six areas, which are each key to combating homelessness:

- Prevent Homelessness;
- Subsidize Housing;
- Increase Income;
- Provide Case Management and Services;
- Create a Coordinated System; and
- Increase Affordable/Homeless Housing.

- MORE -

MOTION

SOLIS	_____
KUEHL	_____
HAHN	_____
BARGER	_____
RIDLEY-THOMAS	_____

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND JANICE HAHN  
DECEMBER 6, 2016  
PAGE 2**

On February 9, 2016, after hearing the testimony of elected officials and representatives of over fourteen cities from throughout the County who pledged their support and commitment to working collaboratively with the County, the Board adopted the Chief Executive Officer's Homeless Initiative's 47 strategies (Strategies). The Board also approved new, one-time funding of \$100 million to initiate the implementation of these Strategies; however, the Board will soon need to replenish these one-time funds. The community-based organizations that participated in crafting the Strategies strongly advocated that the Board needed to secure additional, ongoing, annual funds to implement the Strategies in the years to come.

The best budget projections make it very clear that current County resources are not sufficient to fund Countywide initiatives and services to combat homelessness on an ongoing basis at the levels required to address the current crisis within the County.

The passage of Proposition HHH in November 2016 will allow the City of Los Angeles (City) to leverage resources and finance about 8,000-10,000 units of permanent supportive housing over the next 10 years. Furthermore, the State of California's No Place Like Home bond would also leverage resources and finance about 5,700 permanent supportive housing units over four funding cycles across all 88 cities and unincorporated areas of the County. Finally, in addition to other local, state and federal grant solicitations, the County's Community Development Commission also provides capital development funds for construction of permanent housing set aside for special needs and homeless populations. As a leader in the regional strategy to address homelessness, the Board is committed to securing annual, ongoing revenue to fund the essential support services that would complement these permanent supportive housing units and associated rental subsidies. To that end, on October 25, 2016, the Board unanimously approved a motion to craft the framework for a proposed Memorandum of Understanding that would facilitate a coordinated Countywide strategy on construction of permanent housing, allocation of rent subsidies and provision of supportive services.

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND JANICE HAHN  
DECEMBER 6, 2016  
PAGE 3**

To ensure the success of these permanent supportive housing units, and to fully implement the Homeless Initiative and other promising practices, the County has an urgent need to provide prevention, crisis, and support services, including health care, mental health services, and substance abuse treatment for homeless children, families, foster youth, seniors, battered women, disabled individuals, veterans, and other homeless adults.

The Los Angeles Homeless Services Authority (LAHSA) has estimated that \$450 million a year (not counting construction costs) in services funding is required to make serious strides to address homelessness across the County. LAHSA calculates that over 15,000 units of permanent supportive housing are needed to aid persons who are living with disabilities and have had long durations of homelessness; the \$450 million estimate includes, but is not limited to, supportive services and rental subsidies for these proposed permanent supportive housing units.

While the key to ending homelessness is linking individuals and families to permanent housing, not all persons experiencing homelessness need permanent supportive housing. Many families and individuals can be linked to permanent housing and services through rapid rehousing programs. Additionally, the County's Homeless Initiative is implementing prevention, outreach, employment and bridge housing and other critical strategies that will need to be sustained and expanded in the coming years.

The County has diligently examined existing programs and reallocated funds to high-performing, effective programs that have shown the best outcomes. The County has also set aside General Funds to implement innovative programs, such as C3 street engagement teams, rapid rehousing and landlord incentive programs. The County has already taken steps through the Whole Person Care application to secure \$90 million in federal funding for the next five years, a portion of which will help finance supportive service needs for homeless persons eligible for Medicaid. However, an ongoing

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND JANICE HAHN  
DECEMBER 6, 2016  
PAGE 4**

revenue measure is critical if the County is to fully honor any long-term commitments to address the regional homeless crisis consistent with the strategies for combating homelessness developed through the Homeless Initiative adopted by the Board.

The County is authorized to impose a retail transactions and use (sales) tax in the incorporated and unincorporated territory of the County to generate revenue dedicated to preventing and combating the homelessness crisis and to fund the County's Homeless Initiative Plan.

In order to meet the urgent need of the people of this County to combat the homeless crisis, this Board must place a ¼-cent special sales tax on the ballot at the next available election to be held on March 7, 2017.

**WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS**, adopt the attached resolution calling and giving notice of the special election on a countywide sales tax measure, that will be levied for a period of ten (10) years, to generate ongoing revenue dedicated to preventing and combating the homeless crisis and to fund the County's Homeless Initiative Plan, to be held in Los Angeles County on March 7, 2017, and consolidating the special election with other elections to be held on March 7, 2017.

YV/DW

**###**

RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF LOS ANGELES CALLING AND GIVING  
NOTICE OF A SPECIAL TAX ELECTION ON A  
COUNTYWIDE TRANSACTIONS AND USE (SALES) TAX  
TO PREVENT AND COMBAT HOMELESSNESS TO BE  
HELD IN THE COUNTY OF LOS ANGELES ON MARCH 7,  
2017, AND CONSOLIDATING THE SPECIAL TAX  
ELECTION WITH OTHER ELECTIONS TO BE HELD ON  
MARCH 7, 2017

**WHEREAS**, the County of Los Angeles (“County”) is facing a pervasive and deepening homeless crisis, which currently endangers the health and safety of tens of thousands of residents, including veterans, women, children, LGBTQ youth, persons with disabilities, and seniors; and

**WHEREAS**, the tremendous scale of homelessness in the County threatens the economic stability of the region by burdening emergency medical services and the social services infrastructure; and

**WHEREAS**, according to the 2016 Homeless Count released by the Los Angeles Homeless Services Authority (LAHSA), the number of homeless persons in the County on any given night is roughly 47,000, including over 6,000 parents and their children; and

**WHEREAS**, over 3,000 of the homeless in the County are veterans; and

**WHEREAS**, since 2013, the number of homeless women has risen 55 percent; and

**WHEREAS**, the number of homeless persons living in encampments, tents and vehicles increased by a staggering 123 percent from 2013 to 2016, from 5,153 persons to 11,472; and

**WHEREAS**, homelessness is also increasing in the suburbs of the County. The homeless population has grown by 35 percent in the San Fernando Valley from 2015 to 2016, from 5,424 to 7,334, and in the South Bay, homelessness increased by 10 percent, from 5,351 to 5,913 during the same period; and

**WHEREAS**, many homeless people are facing severe threats to their health and safety on a daily basis; recent research has demonstrated that homeless persons are 3 to 4 times more likely to die than members of the general population, and studies

indicate that premature death most often results from acute and chronic medical conditions aggravated by homeless life; and

**WHEREAS**, on August 17, 2015, the County Board of Supervisors launched the Homeless Initiative to combat the homeless crisis that pervades our communities; and

**WHEREAS**, the County Chief Executive Officer's ("CEO") Homeless Initiative conducted an inclusive and comprehensive planning process, including 18 policy summits on nine topics from October 1 to December 3, 2015, which brought together 25 County departments, 30 cities and other public agencies, and over 100 community partners and stakeholders; and

**WHEREAS**, the Homeless Initiative generated a powerful set of 47 coordinated and integrated strategies divided into the following six areas, which are each key to combating homelessness:

- Prevent Homelessness;
- Subsidize Housing;
- Increase Income;
- Provide Case Management and Services;
- Create a Coordinated System; and
- Increase Affordable/Homeless Housing; and

**WHEREAS**, the recommended strategies of the Homeless Initiative reflect the following key principles:

- Homelessness is an extraordinarily complex problem which necessitates active, sustained countywide collaboration amongst the County, cities and other public agencies, and a wide array of community partners;
- The web of established collaborative relationships in Los Angeles County provides a very strong foundation for the implementation of these strategies;
- These recommended strategies must strengthen and build upon current County efforts by:
  - Directing more resources to proven strategies;
  - Integrating existing programs and services more effectively;
  - Enabling cities to join the County in combating homelessness; and

- Identifying opportunities to leverage mainstream criminal justice, health, and social services; and

**WHEREAS**, on February 9, 2016, after hearing the testimony of elected officials and representatives from over 14 cities from throughout the County who pledged their support and commitment to working collaboratively with the County, the Board of Supervisors adopted the CEO's Homeless Initiative strategies; and

**WHEREAS**, for fiscal year 2016-17, the Board of Supervisors approved new, one-time funding of \$100 million to initiate the implementation of the strategies developed by the Homeless Initiative; however, this funding will not sustain the recommended strategies through 2017. The Board will soon need to replenish the \$100 million dollars in one-time funds allocated to fund the Homeless Initiative strategies. The community-based organizations that participated in crafting the Homeless Initiative strategies strongly advocated that the Board of Supervisors needed to secure additional, ongoing, annual funds to implement the Homeless Initiative strategies in the years to come; and

**WHEREAS**, the best budget projections make it very clear that current County resources are not sufficient to fund countywide initiatives and services to combat homelessness on an ongoing basis at the levels required to address the current crisis within Los Angeles County; and

**WHEREAS**, this past winter, both the County and the City of Los Angeles declared local states of emergency as it relates to the lack of shelter for homeless persons within the County and the City; and

**WHEREAS**, the Board of Supervisors unanimously voted to seek a statewide declaration of emergency for the State's homeless crisis. The County's petition to get the Governor to declare a state of emergency on homelessness has garnered over 27,000 signatures. The State Assembly overwhelmingly passed a resolution urging the Governor to declare a state of emergency for homelessness. The City of Los Angeles, City and County of San Francisco, and the City of Santa Rosa have also passed similar resolutions urging the Governor to declare a state of emergency for homelessness. Thirty-two members of Congress have signed a joint letter urging the Governor to augment annual funding to address the homeless crisis and Congress members Hahn,

Napolitano, Sanchez, and Lowenthal have all also urged the Governor to declare a state of emergency for homelessness. The Governor has refused, however, to declare such an emergency, and therefore, local governments, like the County, must take immediate action to address the homeless crisis in their own jurisdictions; and

**WHEREAS**, the passage of Proposition HHH in November 2016 will allow the City of Los Angeles to leverage resources and finance about 8,000-10,000 units of permanent supportive housing over the next 10 years. Furthermore, the State of California's "No Place Like Home" bond would also leverage resources and finance about 5,700 permanent supportive housing units over four funding cycles across all 88 cities and unincorporated areas of the County. Finally, in addition to other local, state and federal grant solicitations, the County's Community Development Commission (CDC) also provides capital development funds for construction of permanent housing set aside for special needs and homeless populations. As a strong partner in the regional strategy to address homelessness, the Board of Supervisors is committed to securing annual, ongoing revenue to fund the essential support services that would complement these permanent supportive housing units and associated rental subsidies. To that end, on October 25, 2016, the Board of Supervisors unanimously approved a motion to craft the framework for a proposed Memorandum of Understanding that would facilitate a coordinated countywide strategy on construction of permanent housing, allocation of rent subsidies and provision of supportive services. To ensure the success of these permanent supportive housing units, and to fully implement the Homeless Initiative and other promising practices, the County has an urgent need to provide prevention, crisis, and support services, including healthcare, mental health services, and substance abuse treatment for homeless children, families, foster youth, seniors, battered women, disabled individuals, veterans, and other homeless adults; and

**WHEREAS**, LAHSA has estimated that \$450 million a year (not counting construction costs) in services funding is required to make serious strides to address homelessness across the County. LAHSA calculates that over 15,000 units of permanent supportive housing are needed to aid persons who are living with disabilities and have had long durations of homelessness; the \$450 million estimate includes

supportive services and rental subsidies for these proposed permanent supportive housing units; and

**WHEREAS**, while the key to ending homelessness is linking individuals and families to permanent housing, not all persons experiencing homelessness need permanent supportive housing. Many families and individuals can be linked to permanent housing and services through rapid rehousing programs. Additionally, the County's Homeless Initiative is implementing prevention, outreach, employment and bridge housing and other critical strategies that will need to be sustained and expanded in the coming years.

**WHEREAS**, the County has diligently examined existing programs and reallocated funds to high-performing, effective programs that have shown the best outcomes. The County has also set aside general fund money to implement innovative programs, such as C3 street engagement teams, rapid rehousing and landlord incentive programs. The County has already taken steps through the Whole Person Care application to secure \$90 million in federal funding for the next five years, a portion of which will help finance supportive service needs for homeless persons eligible for Medicaid. However, an ongoing revenue measure is critical if the County is to fully honor any long-term commitments to address the regional homeless crisis consistent with the strategies for combating homelessness developed through the Homeless Initiative adopted by the Board of Supervisors; and

**WHEREAS**, pursuant to Parts 1.6 and 1.7 of Division 2 of the Revenue and Taxation Code, the County is authorized to impose a retail transactions and use tax at a rate of 0.125% (or any multiple thereof) in the incorporated and unincorporated territory of the County to generate revenue for specific purposes ("special sales tax"); and

**WHEREAS**, pursuant to Article XIII C, section 2(d) of the Constitution, and California Revenue and Taxation Code section 7285.5, a special sales tax is subject to approval by a two-thirds vote of the Board of Supervisors and by a two-thirds vote of the qualified voters voting in an election on the issue; and

**WHEREAS**, pursuant Government Code section 53724(d), an election for the approval of a special tax may be held at any election date otherwise permitted by law; and

**WHEREAS**, the County desires to impose a special retail sales tax at a rate of one-quarter percent (0.25%) on the sale of tangible personal property and the storage, use, or other consumption of such property to generate revenue for the specific purpose of preventing and combating homelessness in Los Angeles County; and

**WHEREAS**, the Board of Supervisors deems it necessary and essential to submit the question of the special sales tax to the qualified voters within the County at the regular election to be held on March 7, 2017, and to consolidate such election with the other elections to be held on that date.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Supervisors of the County of Los Angeles as follows:

**Section 1. Call of the Election and Purpose.** An election shall be held and the same is hereby called and ordered to be held in the County on the 7th day of March, 2017, for the purpose of submitting to the voters a proposed ordinance regarding a special sales tax in the amounts hereinafter set forth.

**Section 2. Ballot Measure.** The measure for the County to levy a special tax shall appear on the ballot substantially as follows:

<p><b>Los Angeles County Plan to Prevent and Combat Homelessness</b></p> <p>To fund mental health, substance abuse treatment, health care, education, job training, rental subsidies, emergency and affordable housing, transportation, outreach, prevention, and supportive services for homeless children, families, foster youth, veterans, battered women, seniors, disabled individuals, and other homeless adults; shall voters authorize Ordinance No. _____ to levy a ¼ cent sales tax for ten years, with independent annual audits and citizens' oversight?</p>	<p>YES _____</p> <p>NO _____</p>
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**Section 3. Ordinance.** The attached ordinance, Exhibit A, is incorporated by reference ("Ordinance").

**Section 4. Specific Purpose.** The specific purpose of the special sales tax is to generate ongoing funding to prevent and combat homelessness within Los Angeles County, including funding mental health, substance abuse treatment, health care, education, job training, rental subsidies, emergency and affordable housing,

transportation, outreach, prevention, and supportive services for homeless children, families, foster youth, veterans, battered women, seniors, disabled individuals, and other homeless adults, consistent with the strategies developed through the Homeless Initiative adopted by the Board of Supervisors, and as otherwise directed by the Board to address the causes and effects of homelessness, as further described in the Ordinance.

**Section 5. Accountability Measures.** Pursuant to Government Code section 50075.3, if the special sales tax is approved, for so long as any proceeds of the special sales tax remain unexpended, the County Auditor-Controller shall cause a report to be prepared by an independent auditor and to be filed with the Board of Supervisors no later than December 31<sup>st</sup> of each year, commencing December 31, 2018, stating (1) the amount of special sales tax revenues collected and expended in such year; and (2) the status of any project and description of any services or programs funded from proceeds of the special sales tax. The report may relate to the calendar year, fiscal year, or other appropriate annual period, as the Auditor-Controller shall determine, and may be incorporated into or filed with the annual budget, audit, or other appropriate routine report to the Board of Supervisors.

**Section 6. Community Oversight and Accountability.** A Citizens' Oversight Advisory Board shall be created, as provided for in the Ordinance, to review all expenditures from the special sales tax, and submit periodic evaluations of the Homeless Initiative and the County's programs to combat homelessness funded by the special sales tax.

**Section 7. Tax Account.** If the ballot measure authorizing the special sales tax is approved, the proceeds of the special sales tax shall be deposited in a special account, to be created and maintained by the County.

**Section 8. California Environmental Quality Act.** Based upon all of the facts before it on this matter, the Board of Supervisors finds that the submission of this question of a special sales tax to the voters is not subject to, or is exempt from, the California Environmental Quality Act (CEQA). Submission of the special sales tax to the voters is not a project as defined by California Code of Regulations Section 15378(b)(4) because it relates to the creation of government funding mechanisms, which do not

involve commitment to any specific project which may result in a potentially significant physical impact on the environment.

**Section 9. Proclamation.** Pursuant to section 12001 of the Elections Code, the Board of Supervisors of the County of Los Angeles hereby PROCLAIMS that an election shall be held in the County on Tuesday, March 7, 2017, to vote upon the proposed ordinance. The polls shall be open from 7:00 a.m. to 8:00 p.m.

**Section 10. Election Procedure.** All qualified voters residing within the County shall be permitted to vote in the election and in all particulars not recited in this resolution, the elections shall be held as nearly as practicable in conformity with the Elections Code of the State of California. The votes cast for and against the measure shall be separately counted and if the measure receives the required number of votes, two-thirds (2/3) of the votes cast by the qualified electors voting on the measure, the special sales tax in the amounts stated in the Ordinance shall be effective and ratified.

**Section 11. Sample Ballot.** The Registrar-Recorder/County Clerk is instructed to print the entire proposed Ordinance in the sample ballot.

**Section 12. Consolidation.** The election called by this Resolution shall be consolidated with the other elections conducted by the Registrar-Recorder/County Clerk to be held in the County of Los Angeles on March 7, 2017, and the measure shall be placed on the same ballot.

**Section 13. Authority.** This Resolution is adopted pursuant to section 12001 of the Elections Code and section 25201 of the Government Code. The Executive Officer-Clerk of the Board of Supervisors is ordered to file a copy of this Resolution with the Registrar-Recorder/County Clerk at least eighty-eight (88) days prior to the day of the election. The Registrar-Recorder/County Clerk is authorized, instructed and directed to prepare any documents and take any additional actions that may be necessary in order to properly and lawfully conduct the election.

The foregoing Resolution was on the 6th day of December 2016, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

LORI GLASGOW, Executive Officer-  
Clerk of the Board of Supervisors of the  
County of Los Angeles

By: \_\_\_\_\_

APPROVED AS TO FORM:

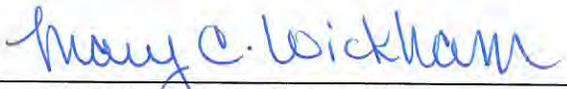
MARY C. WICKHAM  
County Counsel

By: Mary C. Wickham  
Deputy County Counsel

**ANALYSIS**

This ordinance adds Chapter 4.73--Transactions and Use Tax to Prevent and Combat Homelessness, of the Los Angeles County Code to impose a special countywide tax of 0.25% on all retail sales consummated at the retailer's place of business, and on the storage, use or other consumption of tangible personal property for a period of ten (10) years. The sole purpose of the Transactions and Use Tax to Prevent and Combat Homelessness is to generate revenue to address the causes and effects of homelessness within Los Angeles County. The ordinance will become effective only after approval by a two-thirds vote of the County Board of Supervisors and a two-thirds vote of the qualified voters voting in an election on the issue.

MARY C. WICKHAM  
County Counsel

By   
Deputy County Counsel

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 4, Revenue and Finance of the Los Angeles County Code, to add Chapter 4.73—Transactions and Use Tax to Prevent and Combat Homelessness, relating to a special countywide transactions and use tax to prevent and combat homelessness within Los Angeles County.

The people of the County of Los Angeles ordains as follows:

**SECTION 1.** Chapter 4.73 is hereby added to read as follows:

**Chapter 4.73**

**Transactions and Use Tax to Prevent and Combat Homelessness**

**Sections:**

- 4.73.010 Title.
- 4.73.020 Operative Date.
- 4.73.030 Purpose.
- 4.73.040 Expenditure Plan.
- 4.73.050 Special Account.
- 4.73.060 Community Oversight and Accountability.
- 4.73.070 Accountability Measures.
- 4.73.080 Contract with State.
- 4.73.090 Transactions Tax Rate.
- 4.73.100 Place of Sale.
- 4.73.110 Use Tax Rate.
- 4.73.120 Adoption of Provisions of State Law.
- 4.73.130 Limitations on Adoption of State Law and Collection of Use.
- 4.73.140 Permit Not Required.

- 4.73.150 Exemptions and Exclusions.
- 4.73.160 State Law Amendments.
- 4.73.170 Amendment of Ordinance.
- 4.73.180 Enjoining Collection Forbidden.
- 4.73.190 Severability.
- 4.73.200 Effective Date.
- 4.73.201 Execution.
- 4.73.010 Title.**

This Chapter shall be known as the "Transactions and Use Tax to Prevent and Combat Homelessness" ordinance. The County of Los Angeles hereinafter shall be called "County." This ordinance shall be applicable in the incorporated and unincorporated territory of the County.

**4.73.020 Operative Date.**

Except as provided for in Section 4.73.050, the "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

**4.73.030 Purpose.**

This ordinance is adopted to achieve the following and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with section 7251) of Division 2 of the Revenue and Taxation Code and section 7285.5 of Part 1.7 of Division 2 which authorizes the County to adopt this tax ordinance which shall be operative if two thirds of the electors voting on

the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

E. To adopt a retail transactions and use tax ordinance for the specific purpose of preventing and combatting homelessness within Los Angeles County. Revenues generated by the retail transactions and use tax shall be used to sustain the implementation of the County's Homeless Initiative's recommended strategies, adopted by the Board of Supervisors on February 9, 2016, and as otherwise directed by the

Board of Supervisors to address the causes and effects of homelessness, consistent with this Chapter.

**4.73.040 Expenditure Plan.**

A. Consistent with Subsection E of Section 4.73.030, above, the revenues generated by the retail transactions and use tax will be expended by the County pursuant to an expenditure plan approved by the Board of Supervisors prior to June 30<sup>th</sup> of each year. The annual expenditure plan will include, but not be limited to, the following projects:

1. Prevent Homelessness:
  - a. Homeless Prevention Program for Families;
  - b. Homeless Prevention Program for Individuals.
2. Subsidize Housing:
  - a. Expand Rapid Rehousing;
  - b. Provide subsidized housing to homeless disabled individuals pursuing Supplemental Security Income;
  - c. Facilitate utilization of federal housing subsidies;
  - d. Family reunification housing subsidies;
  - e. Interim/bridge housing for those exiting institutions.
3. Provide Case Management and Services:
  - a. Mental health, substance use, and counseling services;
  - b. Regional Integrated Re-entry Network;
  - c. Jail In-reach;
  - d. Criminal Record Clearing Project;
  - e. Provide services for Permanent Supportive Housing.

4. Increase Income:
  - a. Increase employment for homeless adults by supporting social enterprise;
  - b. Subsidized employment for homeless adults;
  - c. Countywide Supplemental Security/Social Security Disability income, and Veterans benefits advocacy.

5. Create a Coordinated System:
  - a. Expand the Countywide Outreach System;
  - b. Strengthen the Coordinated Entry System;
  - c. Enhance the Emergency Shelter System;
  - d. Enhance services for transition age youth.

6. Affordable Housing for the Homeless:
  - a. Preserve current affordable housing;
  - b. Promote the development of affordable housing for homeless families and individuals.

7. Other services to address the causes and effects of homelessness.

B. To the extent feasible, revenues from the retail transactions and use tax shall be used to leverage additional public and private resources to address the causes and effects of homelessness, consistent with this Chapter.

C. Revenues from the retail transactions and use tax may be awarded as grants to public agencies and non-profit organizations to address the causes and effects of homelessness, consistent with this Chapter. The Board of Supervisors shall adopt policies and procedures for the solicitation and award of such grants. Nothing herein precludes the County from using revenue generated by the retail transactions and use

tax for contracting with for-profit contractors and private businesses in compliance with applicable law.

**4.73.050 Special Account.**

Any retail transactions and use tax proceeds shall be deposited in a special account, created and maintained by the County, and used only for the specific purposes identified in Subsection E of Section 4.73.030, above, in accordance with Section 4.73.030, above.

**4.73.060 Community Oversight and Accountability**

A. The Citizens' Homelessness Initiative Oversight Advisory Board ("Advisory Board") is hereby created.

B. The Advisory Board shall be comprised of five members appointed by the Board of Supervisors. Each Supervisorial District shall nominate one member for appointment by the Board of Supervisors. The Advisory Board shall include at least one member that meets each of the following criteria:

1. A professional from the field of municipal/public finance and/or accounting and budgeting with a minimum of ten years of relevant experience in evaluating financial transactions and program cost-effectiveness; and

2. An individual working in the homelessness services, research, or advocacy field in a management position with a minimum of ten years of relevant experience.

The Advisory Board members shall be governed by and comply with State conflict of interest laws (e.g., Government Code section 87000 et seq.; and section 1090 et seq.) and the County's conflict of interest policies. The members shall have no legal action pending against Los Angeles County and are prohibited from acting in any

activity directly or indirectly involving funding provided through this ordinance during their tenure on the Advisory Board. Advisory Board members shall not have direct interest or employment with any public or private entity, which receives funding provided through this ordinance.

C. The Advisory Board shall do all of the following:

1. Semi-annual review of all expenditures from the retail transactions and use tax;
2. Publish a complete accounting of all allocations each year, posting the information on the County's publicly accessible Internet Web site; in a downloadable spreadsheet format, including information about the location and footprint of each funded project, its objectives, status, and outcomes, any matching funds used, and the applicable program from the expenditure plan schedule;
3. Submit periodic evaluations to the County of the retail transactions and use tax expenditures, which may at the Board of Supervisors' direction be undertaken by independent researchers, identifying any changes needed to meet the objectives of the Homeless Initiative.

D. Members of the Advisory Board shall serve a term of four years at the pleasure of the Board of Supervisors, and no member may serve more than two consecutive four-year terms. The Board of Supervisors may, by order, extend this length of service or waive this limit for individuals or the Advisory Board as a whole. A member's position shall become vacant upon his or her death, resignation, or removal by the Board of Supervisors. In the case of such a vacancy, the Supervisorial District from which the vacancy arose shall nominate a successor for appointment by the Board of Supervisors to fill the unexpired term.

E. Members of the Advisory Board shall not be compensated for their service, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

**4.73.070 Accountability Measures.**

For so long as any proceeds of the retail transactions and use tax remain unexpended, the Auditor-Controller shall cause a report to be prepared by an independent auditor and filed with the Board of Supervisors no later than December 31<sup>st</sup> of each year, stating: (i) the amount of retail transactions and use tax proceeds collected and expended in such year; and (ii) the status of any projects or description of any services or programs funded from proceeds of the retail transactions and use tax.

**4.73.080 Contract with State.**

Prior to the operative date, the County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the County shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**4.73.090 Transactions Tax Rate.**

For the privilege of selling tangible personal property at retail, a transaction tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of 0.25% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory for a period of ten (10) years beginning on and after the operative date of this ordinance.

**4.73.100 Place of Sale.**

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

**4.73.110 Use Tax Rate.**

A use tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 0.25% of the sales price of the property for a period of ten (10) years beginning on and after the operative date of this ordinance. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

**4.73.120 Adoption of Provisions of State Law.**

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

**4.73.130 Limitations on Adoption of State Law and Collection of Use**

**Taxes.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. However, the substitution shall not be made:

1. When the word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. Where the result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provision of that code.

4. In sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in section 6203 of the Revenue and Taxation Code, and in the definition of that phrase in section 6203.

**4.73.140 Permit Not Required.**

If a seller's permit has been issued to a retailer under section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

**4.73.150 Exemptions and Exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with section 9840) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease

has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this County of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue and Taxation Code.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs 3 and 4 of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the

unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph 7, a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

7. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

E. When contracting with the State Board of Equalization pursuant to section 4.73.080 to administer the tax imposed by this ordinance, it shall be the County's intent,

and any agreement shall ensure, that the combined rate limit specified in Revenue and Taxation Code section 7251.1 is not exceeded in any district within the County that has imposed a transactions and use tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code in effect on or before the effective date of this ordinance. The agreement shall include that appropriate steps are taken by the Board of Equalization to ensure that the County tax imposed by this ordinance, when aggregated with all other transactions and use taxes imposed pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code within that district, will 1) not cause the rate of the transactions and use tax within the district to exceed the combined rate limit; 2) not cause any person subject to the tax imposed by this ordinance to pay more than the legally permissible combined rate; and 3) have no impact on the revenue received by each district within the County as the result of any transactions and use tax imposed by the district on or prior to the effective date of this ordinance.

**4.73.160 State Law Amendments.**

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

**4.73.170 Amendment of Ordinance.**

Except for amendments that would increase the tax rate, impose the tax on transactions and uses not previously subject to the tax (unless the amendment occurs

pursuant to Section 4.73.160), extend the tax, or be inconsistent with the purposes of this ordinance, the Board of Supervisors may amend this ordinance without submitting the amendment to the voters for approval.

**4.73.180 Enjoining Collection Forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**4.73.190 Severability.**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**4.73.200 Effective Date.**

This ordinance relates to the levying and collecting of the County's Transactions and Use Tax to Prevent and Combat Homelessness and shall take effect immediately upon approval by a majority of the electorate voting in an election on this ordinance.

**4.73.201 Execution.**

The Chair of the Board of Supervisors is authorized to attest to the adoption of this ordinance by the voters of the County.

I hereby certify that the foregoing ordinance was PASSED, APPROVED and ADOPTED by the people of the County of Los Angeles voting on the 7th day of March, 2017.

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Chair of the Board of Supervisors

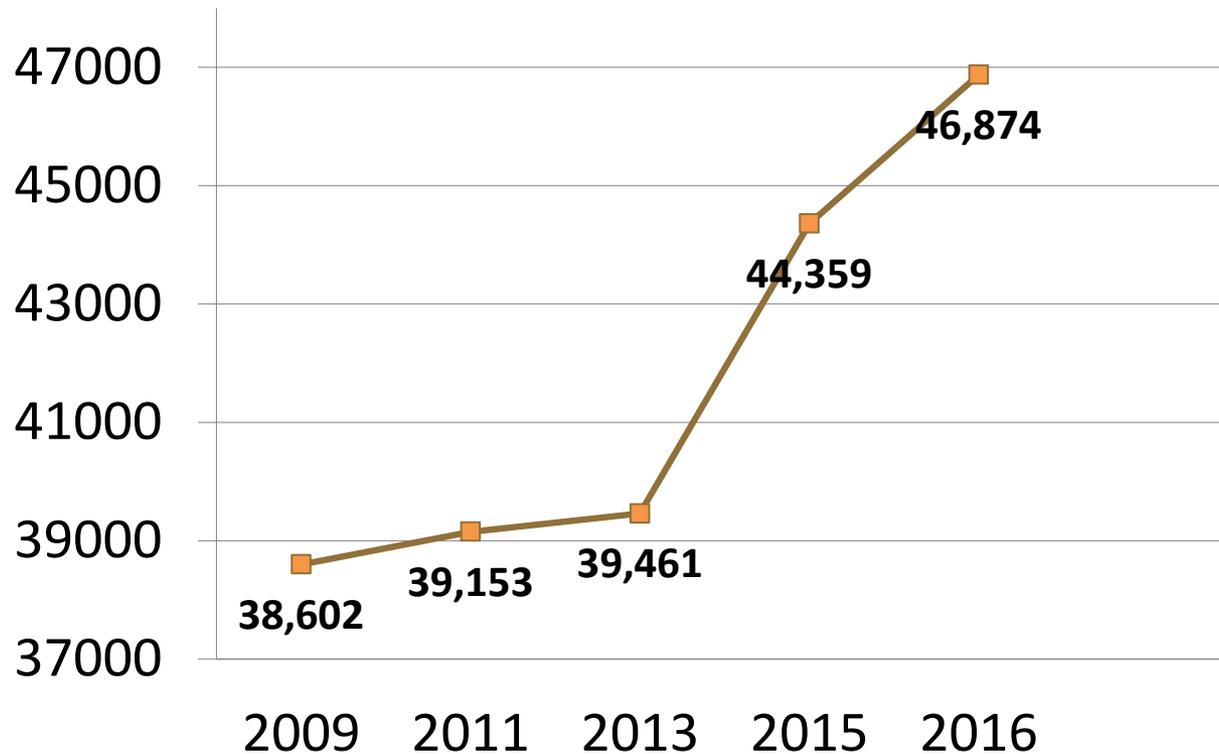


**Ongoing Revenue to  
Combat Homelessness  
Throughout  
Los Angeles County  
Chief Executive Office  
December 6, 2016**



# Homeless Crisis is Worsening

**Homeless Count**  
**Daily Homeless Population\***  
(in Los Angeles County)

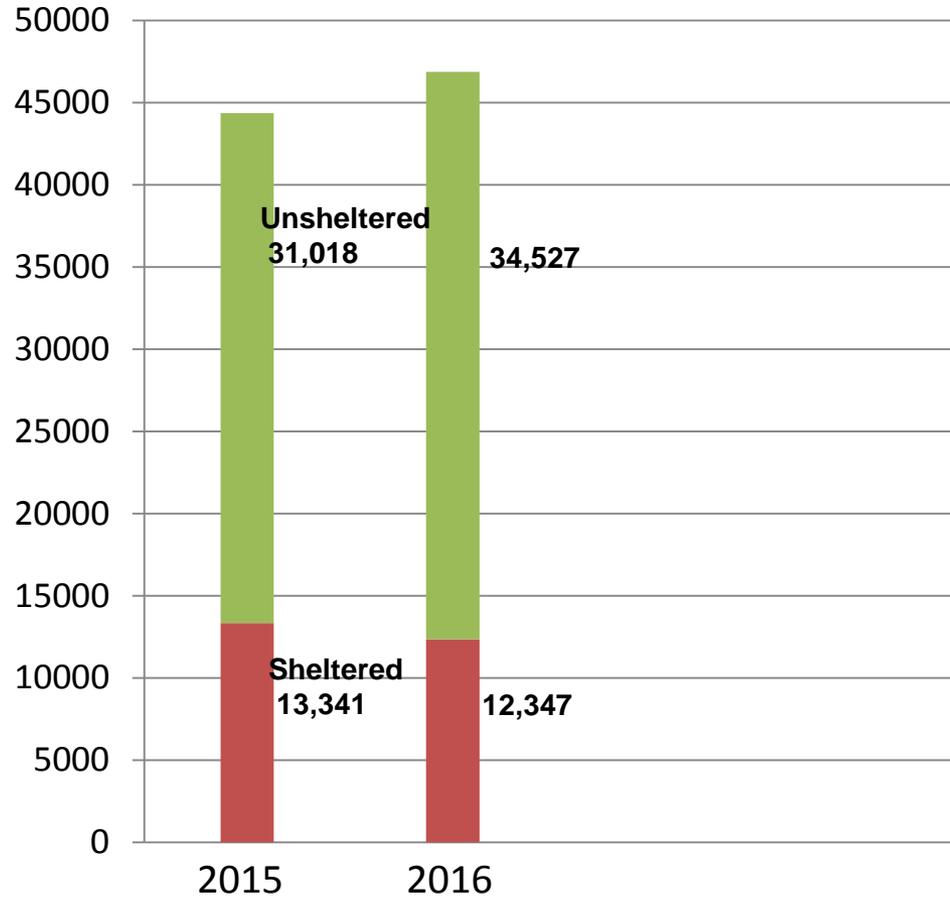


\*Homeless Count Data provided by Los Angeles Homeless Services Authority



# Sheltered vs. Unsheltered

## Total Homeless Population - Sheltered and Unsheltered



Data provided by Los Angeles Homeless Services Authority



# Los Angeles County Homeless Initiative

- In February 2016, Los Angeles County adopted a **coordinated set of 47 strategies** to combat homelessness, including strategies in which cities, businesses and faith leaders can participate.
- Inclusive and collaborative planning process involving over 1100 experts and community members focused on what works.





# What the Plan Does

- 47 strategies covering six areas:
  - Prevent Homelessness
  - Subsidize Housing
  - Increase Income
  - Provide Case Management and Services
  - Create a Coordinated System
  - Increase Affordable/Homeless Housing



# Homeless Housing/Services Gap

<u>Housing Type</u>	<u>Total Gap (units)*</u>	<u>Description</u>
 Permanent Supportive Housing	<b>15,341</b>	Provides intensive support services to chronically homeless persons
 Rapid Re-Housing	<b>8,376</b>	Provides short-term housing assistance. Each unit can potentially house 2 households per year
 Emergency Shelter	<b>2,279</b>	Provides crisis housing to unsheltered persons on the path to permanent housing
 Homeless Prevention	<b>2,555</b>	Provides stabilizing housing assistance that keeps people and families from falling out of housing and into the homeless system

\*Homeless Housing Gaps in the County of Los Angeles, Los Angeles Homeless Services Authority, January 2016  
Item #14



# Ongoing Funding Needed

- Unmet need for homeless housing/services
  - **\$450 million per year\***  
(not counting construction costs)
- Current funding
  - **\$100 million one-time**

\*Homeless Housing Gaps in the County of Los Angeles, Los Angeles Homeless Services Authority, January 2016



# Proposed March Ballot Measure

- **¼ Cent sales tax for services, rental subsidies and housing**
- **Generates \$355 Million annually** for ten years (legally restricted to combating homelessness)
- **Complements “Brick and Mortar” Initiatives to build housing**
- **Strong Oversight** with Citizens Advisory Committee

## REPORT

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DATE: January 19, 2017

TO: Legislative Ad-Hoc Committee

FROM: Phil Hawkey, Executive Director

RE: **AD HOC LEGISLATIVE COMMITTEE**

### **RECOMMENDED ACTION**

Authorize creation of an Ad Hoc Legislative Committee for a one-year period and call for nominees to participate on committee with appointments to be made at the February 2017 Governing Board.

### **BACKGROUND**

The SGVCOG Legislative Ad-Hoc Committee began meeting in October 2016. The goal of this Committee was to develop a recommended scope of work and process to establishing a legislative committee. It included participation from the following agencies: Covina, El Monte, Glendora, Rosemead, Walnut, Water Districts, and West Covina.

The key recommendations are as follows:

- The Legislative Committee would operate as an Ad-Hoc Committee for one Legislative cycle to determine how a permanent Policy Committee could best serve the COG.
- Committee membership will have seven members as follows: four Governing Board delegates or alternates and three outside members including one City Manager.
- The SGVCOG 1<sup>st</sup> Vice President will chair the Committee.
- Policy Committees will continue to identify pertinent legislation and make recommendations directly to the Executive Committee and Governing Board and copy the Legislative Committee.
- The Legislative Committee will be responsible for tracking legislation referred by the Committee members and Policy committees.
- ***Only*** if there is an extreme urgency on legislation will the Legislative Committee recommend legislation directly to the Executive Committee for the consideration of the Governing Board.

Attachment A provides additional information about the Committee's proposed structure and purpose.

Prepared by:



Christian Cruz  
Management Analyst

Approved by:



Marisa Creter  
Assistant Executive Director

**ATTACHMENTS**

Attachment A – Ad-Hoc Legislative Committee Final Draft Proposed Structure.

# Legislative Ad-Hoc Committee

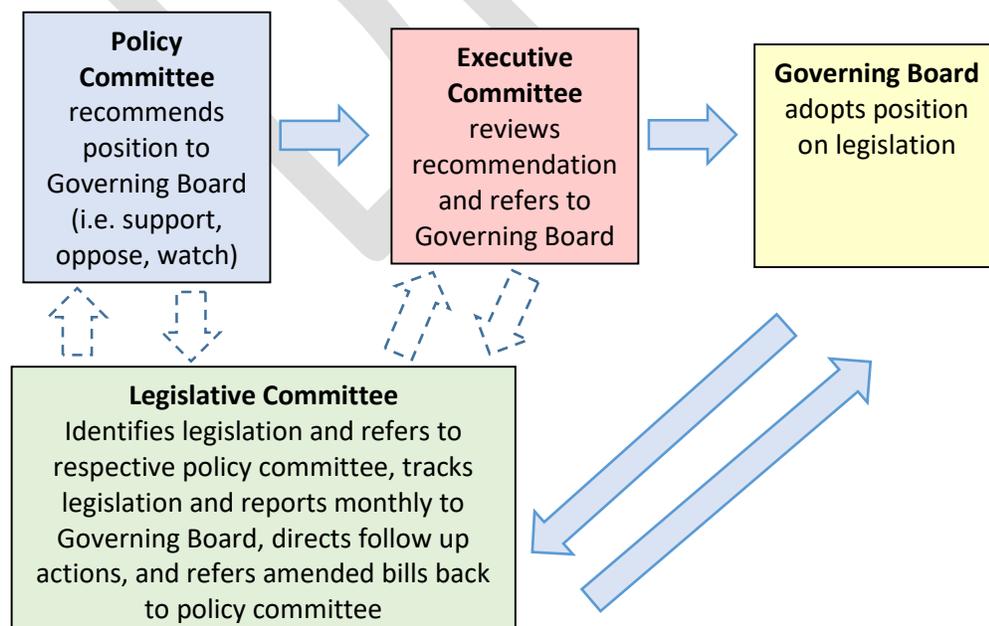
## Scope and Purpose

The Legislative Ad-Hoc Committee will assist policy committees and the Governing Board in identifying and tracking legislation. The Committee’s primary focus will be on legislation that relates to the areas identified in the SGVCOG’s Strategic Plan (i.e. stormwater, transportation, and homelessness). Committee members will rely on analysis conducted by partner organizations (e.g. SCAG, Metro, League of California Cities, SGVEP, and LA County Solid Waste Task Force) to identify legislation to refer to policy committees. The Legislative Ad-Hoc Committee, under special circumstances, may communicate to the Executive Committee and/or Governing Board about critical legislation that does not clearly fall under the purview of the Policy Committees. The Legislative Ad-Hoc committee will not take a position on any issues but will recommend to the Policy Committees a position to consider and make recommendations on legislation to follow or be aware of

Policy Committees will continue to identify legislation and make recommendations directly to the Governing Board but will notify the Legislative Ad-Hoc Committee. The SGVCOG will also reach out to partner agencies such as the League of California Cities, Independent Cities, Supervisorial Offices, San Gabriel Valley Economic Partnership, and Metro to establish a better legislative relationship and obtain regional legislative reports and analysis. In the event the Governing Board elects to pursue a lobbyist the Legislative Ad-Hoc Committee would be involved in the selection process. However, should a lobbyist be needed they may be contracted on a project specific basis

Once the Governing Board adopts a position (i.e. support, oppose or watch), the Legislative Committee will be responsible for tracking that legislation and submitting a monthly report to the Governing Board. The Legislative Committee will be authorized to take additional action to support the Governing Board’s adopted position (i.e. submit additional letters of support/opposition, submit testimony, or meet with legislators). Should the Legislative Committee identify major amendments to legislation for which the Governing Board has adopted a position, the Committee would refer that amended legislation back to the respective Policy Committee.

## Process



## Roles and Responsibilities

### *Committee members:*

- Submit to staff any legislation to be considered by the Committee at least 10 days prior scheduled Legislative Committee meetings.
- Recommend legislation to be referred to policy committees.
- Represent SGVCOG at legislative hearings, briefings, and other functions to represent SGVCOG's adopted positions.
- Nominate the SGVCOG representative on the Legislative Committee of the California Division of the League of California Cities.
- Prepare annual SGVCOG legislative priorities for consideration by the Governing Board.

### *Staff:*

- Based on legislation that is received from Ad-Hoc Legislative Committee members, prepare a monthly committee agenda.
- Compile analysis for each bill identified by Legislative Committee members.
- Once Governing Board adopts a position on legislation, prepare monthly tracking sheet identifying the status of legislation.
- Prepare written testimony, letters of support, or other briefing documents to support SGVCOG's adopted positions and coordinate meetings with legislators and other key stakeholders.
- Staff will *not* independently look for legislation to follow unless the chair or a committee member specifically refers legislation to staff at least 10 days prior to a scheduled Legislative Ad-Hoc Meeting

## Implementation

- This Committee will operate as an Ad-Hoc for one (1) legislative cycle trial period to best determine what functions a permanent Policy Committee will need to best serve the goals of the SGVCOG members.
- As an Ad-Hoc Committee, membership will be capped at (7) members four (4) COG members one of which needs to be from the Executive Committee and three (3) outside members one of which needs to be from the City Manager TAC. The 1<sup>st</sup> Vice President will Chair the Committee and appoint the committee members based on submitted nominations until a regular committee is established.
- The Legislative Ad-Hoc Committee shall meet when legislation is identified and ready for the Ad-Hoc Committee to discuss and refer or there has been a significant change to pending legislation that the Ad-Hoc Committee or Governing Board has taken a position on previously.
- The Legislative Ad-Hoc Committee shall provide support and guidance to the Policy Committees on identified legislation.
- ***Only*** if there is an extreme urgency on legislation will the Legislative Ad-Hoc Committee recommend legislation directly to the Executive Committee for the consideration of the Governing Board.

# REPORT

DATE: January 19, 2017  
TO: SGVCOG Governing Board  
FROM: Phil Hawkey, Executive Director  
RE: **STORMWATER POLICY LEGISLATIVE PRIORITIES FOR 2017**

## **RECOMMENDED ACTION**

Adopt Resolution 16-31 identifying stormwater legislative priorities for 2017 and direct the Water Policy Committee to engage with State and Federal legislators to support these priorities.

## **BACKGROUND**

On November 22, 2016, the Governing Board approved the San Gabriel Valley Stormwater Policy, including a set of regulatory and legislative changes the SGVCOG will pursue in support of our member cities. Several of those changes are only broadly defined in the Stormwater Policy document, requiring further detail as the Water Policy Committee acts to implement them.

In furtherance of the SGVCOG's goal of assisting its communities in complying with their MS4 stormwater permit requirements, the Water Policy Committee has established a legislative agenda for 2017. These legislation priorities address several of the regulatory, funding, and structural challenges faced by cities. Examples include the following:

- Tying the cost of stormwater capture and infiltration to industries that contribute to stormwater pollutants;
- Indemnifying municipalities from potential future liability associated with capture and infiltration of stormwater;
- Clarifying water rights to captured stormwater;
- Ensuring that municipality interests are represented on regional and state water boards; and
- Including stormwater capture infrastructure in state-funded projects, when feasible.

At its January 18<sup>th</sup> Water Policy Committee meeting, members approved one change to the list based on discussions with state legislators suggesting that REDIRECTING tire fees is not as viable as ESTABLISHING A NEW tire fee. Accordingly, the attached resolution has been changed from its original form to include this update.

This resolution clarifies those legislative policies the SGVCOG will pursue in 2017 with the support of our State and Federal legislators. If approved, staff will coordinate with State and Federal representatives to pursue legislation that supports these concepts.

Prepared by:   
Eric Wolf  
Senior Management Analyst

# REPORT

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Approved by: Marisa Creter  
Marisa Creter  
Assistant Executive Director

## **ATTACHMENTS**

Attachment A – Resolution 16-31

**RESOLUTION NO. 16-31**

**RESOLUTION OF THE SAN GABRIEL VALLEY  
COUNCIL OF GOVERNMENTS (SGVCOG) AFFIRMING STORMWATER  
LEGISLATIVE PRIORITY AREAS FOR 2017**

**WHEREAS**, the SGVCOG adopted a Stormwater Policy on November 17, 2016; and

**WHEREAS**, that policy includes a set of regulatory and legislative changes the COG will pursue in support of its member cities; and

**WEREAS**, the SGVCOG seeks to specifically define those legislative priorities for the year 2017;

**NOW THEREFORE, BE IT RESOLVED** that the Governing Board does hereby adopt the following SGVCOG Stormwater Legislative Priorities for 2017 and directs the Water Policy Committee to engage with State and Federal legislators to support these priorities.

- Establish a new tire fee to address stormwater pollution.
- Establish cost recovery from identified sources of stormwater and dry weather runoff pollution.
- Establish either exemption from potential municipal liability or a state indemnity fund for personal injury or property damage caused by pollutants collected in stormwater/dry weather runoff projects undertaken pursuant to an MS4 permit.
- Modify the Porter-Cologne Water Quality Control Act to adopt Financial Capability Assessment guidance issued by United State Environmental Protection Agency, such as economic analysis of the costs and benefits of water quality improvements, in consideration of MS4 permits.
- Clarify that MS4 permittees shall enjoy entitlement to use the stormwater and dry runoff they have captured.
- Modify criteria for appointment of Regional Water Board membership to require more expertise in the field of water supply, water rights and water quality.
- Create a municipal ombudsman position at the State Water Resources Control Board and Los Angeles Regional Water Quality Control Board.
- Allow the use of flood control infrastructure that convey stormwater and urban runoff to transport flows to sites that more cost-effectively and environmentally capture, treat, and infiltrate/reuse stormwater runoff to improve water quality and augment groundwater supplies.
- Direct the State Architect to require new school construction and substantial remodeling of existing school facilities to capture and infiltrate stormwater at the school site.
- Enact legislation that requires capital projects funded with state funds provide for infiltration to capture, to the maximum extent reasonably feasible, stormwater and dry weather runoff.

**PASSED AND ADOPTED** by the Governing Board of San Gabriel Valley Council of Governments, County of Los Angeles, in the County of Los Angeles, State of California, on the 19<sup>th</sup> day of January 2017.

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Gene Murabito, President  
San Gabriel Valley Council of Governments

**Attest:**

I, Philip A. Hawkey, Executive Director and Secretary of the Board of Directors of the San Gabriel Valley Council of Governments, do hereby certify that Resolution 16-31 was adopted at a regular meeting of the Governing Board held on the 19<sup>th</sup> day of January 2017, by the following roll call vote:

<b>AYES:</b>	
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	

---

Philip A. Hawkey, Secretary

# REPORT

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DATE: January 19<sup>th</sup>, 2017

TO: Governing Board Delegates and Alternates

FROM: Phil Hawkey, Executive Director

RE: **LOS ANGELES COMMUNITY CHOICE ENERGY (LACCE) JOINT POWERS AUTHORITY (JPA)**

## **RECOMMENDED ACTION**

Authorize SGVCOG representatives to participate in the LACCE JPA negotiations on behalf of member agencies, pending further direction and discussion with interested cities.

## **EXECUTIVE SUMMARY**

Los Angeles Community Choice Energy (LACCE) is the regional Community Choice Aggregation program in Los Angeles County. Community Choice Energy (CCE) allows local governments to purchase and sell electricity to customers in their jurisdictions as an alternative to traditional investor owned utility (IOU).

The County of Los Angeles, at the direction of the Board of Supervisors, initiated a technical feasibility study to determine if the County can meet the electricity load requirements for 82 eligible cities and County unincorporated areas with rates that are competitive with the local IOU, in this case, Southern California Edison (SCE). The County of Los Angeles Community Choice Energy Business Plan concluded that the formation of a community choice aggregation (CCA) program in Los Angeles County would be financially prudent and would yield considerable benefits to residents and businesses. The County intends to form a CCA with any interested cities by creating a JPA that would govern the CCA. The County has begun the process of working with interested cities to negotiate the JPA.

Staff is seeking direction from the Governing Board in order to assist interested cities in joining the LACCE JPA. Staff is recommending that the Governing Board authorize SGVCOG staff/legal counsel to participate in the LACCE JPA negotiations on behalf of member agencies, pending further direction and discussion with interested cities.

## **BACKGROUND**

CCA programs allow local governments and special districts to pool their electricity needs and purchase and/or develop environmentally sustainable energy on behalf of residents, businesses, and municipal agencies. CCA is an energy supply model that works in partnership with the region's existing IOU. In our region, Southern California Edison (SCE) is the existing IOU. The existing utility continues to deliver electricity to the customers through the existing power grid and continues to provide customer service and billing. The CCA procures the electricity that is delivered through the existing power grid and sets electricity rates for end-use customers. Those

customers that do not desire to switch to the CCA can choose to remain customers of the existing IOU.

CCA programs are being formed in communities throughout the State. There are currently five CCAs operating in California, four of which are operating in northern California. The City of Lancaster is the only CCA operating in Southern California, in SCE territory.

There are a number of reasons that communities have formed and/or joined CCA programs. The creation of a CCA provides residents and businesses with a choice for their electricity provider. When a CCA is created in a City, all businesses and residents in that City become customers of the new CCA. However, all customers have the option to “opt-out” of the CCA and remain customers of the existing utility. Customers must be adequately informed of the opt-out option, and it must be easy for them to do so. In most CCAs, CCA customers can also decide between electricity product options that are generated from more renewable sources. For example, Peninsula Clean Energy (“PCE”) – the State’s most recent CCA that rolled out in San Mateo County in summer 2016 – provides customers with the option of electricity from 50% renewable sources of 100% renewable sources.

Creating choice is intended to create competition to reduce rates and improve services for customers. In fact, most of the CCA programs have been able to offer rates that are lower than those of the existing utility. Sonoma Clean Power (“SCP”), a CCA that has been operating in Sonoma County since 2013, is able to provide rates for its residential customers that are approximately two cents per kilowatt hour lower than those of the existing utility for its base level of electricity (coming from 36% renewable sources).

The creation of a CCA also increases the amount of control for local governments in electric services for their residents. Cities will have more control in things like the deployment of renewable energy resources, setting rates, and developing programs. SCE has historically offered electricity coming from the lowest State-mandated level of renewable resources, and these are offered at rates that are set through a legal rate-setting proceeding at the California Public Utilities Commission (CPUC). SCE has recently begun offering electricity that comes from more renewable sources, and these rates were also set through proceedings at the CPUC. Likewise, any programs that are administered by SCE are developed through proceedings at the CPUC. With a CCA, the governing body of the CCA determines the renewable energy make-up of electricity, as well as customer electricity rates, and programs.

Finally, CCAs allow communities to deploy more renewable energy and reduce greenhouse gas emissions. CCAs can purchase electricity from the power grid that comes from more renewable sources, allowing communities to more easily decrease their reliance on traditional power plants for electricity and meet their overall sustainability goals. Many municipalities that have already formed CCAs have done so with a primary focus on increasing the amount of renewable energy in their communities, reducing their greenhouse gas (GHG) emissions, and making progress on all their sustainability goals. In 2014, electric power was the State’s third-largest GHG-emitting sector – following transportation and the industrial sector – with approximately 20% of emissions coming from electric power.

# REPORT

All but one of the CCAs currently operating in the State is governed by a joint-powers authority made up of several participating cities and counties. A JPA allows the CCA to include multiple jurisdictions, thus increasing the electricity load and making it easier and most cost-effective to purchase power on the open market. The JPA also reduces the liability on individual cities.

## LACCE PROGRAM

As indicated previously, the LACCE Business Plan found that the creation of a Countywide CCA would be financially viable and would yield economic and sustainability benefits for residents and businesses. The Report included a comparison of end-user monthly rates (per kilowatt-hour – kWh) for the proposed CCA versus SCE, which can be found below:

Rate Class	Renewable Portfolio Standard (“RPS”) (33% by 2020)		50% Renewable		100% Renewable	
	SCE	CCA	SCE	CCA	SCE	CCA
Residential	\$0.171	\$0.162	\$0.189	\$0.164	\$0.206	\$0.182
Commercial (GS-1)	\$0.166	\$0.157	\$0.186	\$0.159	\$0.201	\$0.177
Commercial (GS-2)	\$0.158	\$0.150	\$0.176	\$0.152	\$0.193	\$0.169
Commercial (GS-3)	\$0.145	\$0.138	\$0.163	\$0.139	\$0.18	\$0.155

Overall, it is estimated that end-user rates could be at least 4% lower than those of SCE, and the difference would likely be even greater when comparing the rates for 50% and 100% renewable energy. The CCA would deploy approximately twice the amount of renewable resources.

In order to form a Countywide CCA, the County intends to form a LACCE JPA comprised of participating jurisdictions. The first step in the formation of a JPA is to negotiate a joint-powers agreement between all interested parties. At its September 27, 2016, meeting, the County Board of Supervisors directed that the joint-powers agreement should be modeled after the best practices found in the existing CCA JPAs in northern California – including Marin Clean Energy, Sonoma Clean Power, and Peninsula Clean Energy) – and should ensure that the JPA provides “meaningful local representation of participating cities on the LACCE governing board.” The Board also directed that the negotiated agreement should be completed within six months (by the end of March 2017). The agreement will also include the overall goals of the JPA (the recitals), the powers that the JPA can exercise; provisions for the addition and withdrawal of members, withdrawal, and liability of members; the composition of the governing body; and structure for voting.

After a joint-powers agreement is drafted, the document must be adopted by the governing bodies of at least two jurisdictions in order to legally create a CCA JPA. Once the CCA JPA is legally created, the JPA governing body will be responsible for managing the CCA by developing by-laws, policies, and procedures to govern the CCA.

In addition to the formation of the JPA, participating cities must also formally establish a CCA with the CPUC. This involves adopting the CCA-enabling ordinance, which indicates a city’s

intent to form a CCA and formally allows the city to enter into discussions with the CPUC and SCE for the purposes of forming a CCA, and submitting an Implementation Plan to the CPUC. Even if a city participates as a part of the County-wide CCA, it would still need to adopt the CCA-enabling ordinance. However, the Implementation Plan would not need to be submitted by the city. Instead, the entire CCA would submit the Implementation Plan to the CPUC. The CPUC will review the Implementation Plan and, upon its acceptance, a CCA will be formed. The CCA will also need to work with SCE to prepare for the transfer of customer accounts from SCE to the CCA.

## **JPA NEGOTIATIONS**

The County is now seeking participation from interested cities to participate in the JPA negotiation process. County staff has initiated this process, and the first meeting was held on January 10, 2017. The County intends to hold these JPA-negotiating meetings until a reasonable consensus is reached between interested cities and the County.

The joint-powers agreement negotiations will be focused around the following items:

- 1) **Agreement Recitals:** Existing CCA JPA agreements share common language pertaining to State laws that enable local jurisdictions to form CCA programs, State laws that mandate specific sustainability and environmental goals, and the general purpose for forming the CCA Program JPA agreement. Negotiations will likely center around including more robust language related to the JPA's aspirations for local economic benefits and local workforce development.
- 2) **Method of Committee Formation:** Some existing CCA JPA agreements require specific committees to be formed (i.e. Community Advisory Committee; Executive Committee; etc) while others allow the governing board to establish committees at their discretion. Negotiations will likely center around what (if any) specific committees should be required in the JPA agreement and whether there should be language allowing the governing board to establish committees.
- 3) **Special Voting Requirements:** Existing CCA JPAs typically require a majority vote for most actions; however, most also have special voting requirements (i.e. two-thirds vote or three-quarters vote) for items that are deemed to be more controversial or more significant. Negotiations will likely center around what actions (i.e. exercise of eminent domain; amendments to the JPA) should trigger special voting requirements.
- 4) **Appointment of Non-Elected Officials as Board Directors:** Negotiations would likely center around whether participating agencies would be allowed to appoint board directors that were not elected officials.
- 5) **Alternates for Board Directors:** Negotiations will likely center around whether Board directors would be allowed to appoint alternates and if these alternates would be required to be elected officials.
- 6) **Board Structure and Distribution of Voting Shares:** All existing CCA JPA agreements acknowledge differences in electricity loads between the members. Most existing CCAs require simple majority approval for most items, unless one or more members demand that the item require the affirmative vote of a majority of the members with voting shares determined by electricity load. In these cases, an item must be approved both by the majority of the members, in addition to the weighted majority of the members (with voting

shares determined by the electricity load). Negotiations will likely center around the use of weighted voting shares and how a member can call for a weighted vote.

A series of negotiation sessions will occur over the next several months, with negotiations focused on the items listed above.

In addition, the LACCE Business Plan indicated that the estimated start-up costs for a CCA would be approximately \$10 million. The County of Los Angeles has stated that it intends to loan the \$10 million to the CCA, provided that, until the loan is repaid, the County retains sufficient authority on the Board over any matter that affects the ability of the CCA to pay back the County. The logistics of this loan and implementation of this provision have not been identified at this time and will also be discussed as part of the JPA negotiation process.

After a consensus JPA agreement is drafted, the agreement will then be considered by the County of Los Angeles Board of Supervisors, as well as the governing body of any other jurisdiction that desires to do so. After the County and one other governing body have adopted the JPA agreement, the JPA will officially be formed. After that time, the County intends to allow for a six month “open enrollment” period during which any jurisdiction could also adopt the agreement – as well as the CCA-enabling ordinance – and become an initial member at no cost to participating cities.

## TIMELINE

As indicated above, the County intends to conduct negotiation with interested cities over the next several months. Below is an overview of the anticipated schedule at this time:

First JPA negotiation meeting	January 10, 2017
Negotiation meetings	January 2017 – March 2017
Adoption of joint-powers agreement and CCA enabling ordinance by County of Los Angeles	March/April 2017
“Open Enrollment” period to join LA County CCA	April 2017 – October 2017
Phase I launch (County municipal facilities and municipal facilities in other interested cities)	January 2018
Phase II launch (large commercial & industrial facilities)	July 2018
Phase III launch (all customers)	January 2019

This schedule is partially contingent on the CPUC’s acceptance of the LACCE Implementation Plan and on SCE’s preparation to transfer customer accounts to LACCE.

The schedule above also includes a phased approach to rolling-out the CCA, beginning first with County of Los Angeles municipal facilities (as well as those of any cities that want to also include their municipal facilities in Phase 1), followed by large commercial and industrial customers, and, finally all residential customers. This phased approach will allow the CCA to address as many of the transition issues as possible before residential customers join the CCA.

Those cities that adopt the joint-powers agreement during the “open enrollment” period as “initial members” of the CCA JPA will be included as a part of Phase III (unless they opt to include their municipal facilities in the Phase I launch). Cities could also join the CCA JPA at a later date. If it were to join the CCA JPA at a later date, a city could be assessed a fee or be required to meet other enrollment requirements established by the CCA JPA governing body.

## **SGVCOG ROLE**

SGVCOG staff have been attending LACCE Task Force meetings for the past two years and have been providing regular updates to the EENR Committee and Governing Board. In October 2016, the SGVCOG Governing Board approved a letter for submittal to the County of Los Angeles that expressed support for the formation of the LACCE JPA and requested that SGVCOG staff be allowed to attend JPA negotiations on behalf of interested cities (Attachment A). Several cities have expressed at least initial interest in joining the LACCE JPA, and nine cities attended the initial negotiation meeting on January 10<sup>th</sup>. Subsequent to that meeting, County staff indicated that COG staff can attend JPA negotiation sessions, but not participate in them, unless the COG's Governing Board takes formal action to authorize staff to act on behalf of its member cities. Due to the accelerated timeline of the negotiation sessions, staff is recommending that the Governing Board authorize SGVCOG representatives to act in this capacity, and then coordinate with any interested cities to gather more specific policy and legal direction.

## **ATTACHMENTS**

Attachment A- SGVCOG LACCE Comment Letter



October 24, 2016

Supervisor Hilda Solis, Chair  
 County of Los Angeles Board of Supervisors  
 856 Kenneth Hahn Hall of Administration  
 500 West Temple Street  
 Los Angeles, CA 90012

**OFFICERS**

*President*  
**Gene Murabito**  
*1<sup>st</sup> Vice President*  
**Kevin Stapleton**  
*2<sup>nd</sup> Vice President*  
**Cynthia Sternquist**  
*3<sup>rd</sup> Vice President*  
**Margaret Clark**

**RE: LOS ANGELES COUNTY COMMUNITY CHOICE ENERGY  
 (LACCE) PROGRAM**

**MEMBERS**

*Alhambra*  
*Arcadia*  
*Azusa*  
*Baldwin Park*  
*Bradbury*  
*Claremont*  
*Covina*  
*Diamond Bar*  
*Duarte*  
*El Monte*  
*Glendora*  
*Industry*  
*Irwindale*  
*La Cañada Flintridge*  
*La Puente*  
*La Verne*  
*Monrovia*  
*Montebello*  
*Monterey Park*  
*Pasadena*  
*Pomona*  
*Rosemead*  
*San Dimas*  
*San Gabriel*  
*San Marino*  
*Sierra Madre*  
*South El Monte*  
*South Pasadena*  
*Temple City*  
*Walnut*  
*West Covina*  
*First District, LA County*  
*Unincorporated Communities*  
*Fourth District, LA County*  
*Unincorporated Communities*  
*Fifth District, LA County*  
*Unincorporated Communities*  
*SGV Water Districts*

Dear Supervisor Hilda Solis:

I am submitting comments on behalf of the San Gabriel Valley Council of Governments (SGVCOG) regarding the County's efforts to develop a regional Los Angeles Community Choice Energy (LACCE) program that would be available to electrical utility customers in both Los Angeles County unincorporated communities and within cities that opt into a regional Joint Powers Authority. The SGVCOG appreciates the opportunity the County has provided to cities and regional agencies to provide input on the development of the CCE program through the CCE Task Force. The SGVCOG has had two representatives that regularly attend these meetings, Diana Mahmud (Mayor, South Pasadena) and Marisa Creter (Assistant Executive Director, SGVCOG).

The SGVCOG recognizes the immense potential of the regional CCE program to provide lower cost and more sustainable energy choices to residents and other community members. Additionally, we believe that the LACCE program can play an important role in the development of programs that address reliability issues through the advancement of energy efficiency, renewable energy, battery storage and other emerging technologies. We appreciate the County's leadership, specifically from the Board of Supervisors (LACBOS) and staff from the Internal Services Department (ISD). Additionally, we appreciate the ongoing effort of ISD staff to present information on the LACCE program at various SGVCOG committees and to participate in one-on-one briefings with interested cities in our region.

Because of the importance of this opportunity, the SGVCOG seeks to work with Los Angeles County to fully educate and inform our member agencies about the regional CCE effort and to allow those cities that are interested to participate in any future LACCE JPA. To that end, we request clarification and guidance on the following:

- **Next Steps:** When the LACBOS took action on the LACCE Business Plan in September 2016, it did not include approval of an ordinance to officially form the LACCE, which is a first step in gaining approval from the California Public Utilities Commission (CPUC) to operate this new program. Without the ordinance, it is unclear what steps cities should take to engage in the JPA formation and join a County-led CCE. Currently, there are several cities in the SGVCOG region that have expressed initial interest in this effort, and therefore, this direction is critical to their potential participation.

- **JPA Negotiation Process:** The County's approach to negotiating the JPA remains unclear. The CCE Task Force included elected officials, city staff, COG staff, and members of the public. In order to engage in an effective and meaningful negotiation process, the SGVCOG requests that any JPA negotiation sessions be limited to agencies that may ultimately become participating or ex-officio members of the JPA (i.e. cities and COGs). Additionally, the SGVCOG requests that ISD staff work with COG staff to send out formal invitations to cities identifying the types of representatives that should attend (i.e. elected officials, city managers, and/or general counsel).
- **Schedule:** The Business Plan included a Phase 1, which would be limited to County-owned facilities in unincorporated County areas. Recent action by the LACBOS indicates that this phase is being modified to allow participation by interested cities in order to prioritize formation of the JPA. Based on the experience of the City of Lancaster, beginning with a smaller pilot that was limited to municipal facilities identified a high percentage of billing data accuracy issues that needed to be corrected prior to making the program available to businesses and residents. While we believe that the negotiation of the JPA is a critical step to the long-term success of the LACCE program, we believe that Phase 1, as originally proposed, is important to addressing any technical challenges related to billing data accuracy. Therefore, we suggest that Phase 1 be initiated as soon as possible, while the JPA negotiation process is underway, to mitigate potential customer billing issues for participating cities.
- **Rates:** It is our understanding that the LACCE JPA will ultimately design and set rates. We encourage the LACBOS, who may serve on this JPA, to continue to advocate for the inclusion of rates that are cost-competitive with current Southern California Edison (SCE) rates rather than limit options to 100% renewable, which may increase costs for participants.
- **Ongoing SGVCOG Participation:** The San Gabriel Valley represents a microcosm of the County, including cities of various sizes and makeup. The SGVCOG seeks to work with the County as a partner in addressing the interests of cities that may participate in the LACCE program in the future. Therefore, we request that the SGVCOG be invited to participate in the JPA negotiation meetings in an advisory capacity as well as any other planning or implementation working groups.

Thank you again for your leadership on this effort. Should you have any questions, please contact me at (626) 457-1800.

Sincerely,



Philip A. Hawkey  
Executive Director  
San Gabriel Valley Council of Governments

# REPORT

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DATE: January 19, 2017

TO: SGVCOG Governing Board

FROM: Phil Hawkey, Executive Director

**RE: ACE/LARGE CAPITAL PROJECTS AD HOC COMMITTEE DRAFT REPORT**

## **RECOMMENDED ACTION**

Discuss and provide direction to staff.

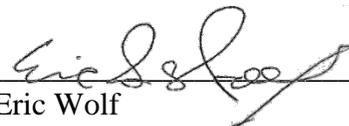
## **BACKGROUND**

As part of its Strategic Planning process in early 2016, the SGVCOG Governing Board identified the need to conduct an assessment about the future of ACE and the role of the SGVCOG in planning, funding, and constructing large capital projects. As a result, the SGVCOG president, Gene Murabito, formed an ad-hoc committee with the purpose of studying and fully exploring these issues. The ACE/ Large Capital Projects Ad Hoc Committee was tasked with assessing the future of the SGVCOG and whether it should be primarily a planning agency or should it also have the internal capacity to implement and build large capital projects. A key issue relates to the future of ACE and whether it should dissolve upon completion of its mission in six years or should ACE be reformed and restructured as a division of the SGVCOG that would be responsible for the construction of large capital projects in the San Gabriel Valley.

With the passage of Measure M, San Gabriel Valley transportation projects and programs will receive more than \$3 billion in local sales tax funds over the coming decades. Significant Measure M funding will be passed through eight programs established by the SGVCOG. Over the course of the ad hoc committee's work, it became apparent that whatever organizational form emerged from the effort, it must include added capacity for the SGVCOG to manage the Measure M funding; possibly as soon as Fall 2017.

This report is being presented initially for information and discussion. The Governing Board will consider taking action to approve the recommendations included in the report at its February 16, 2017 meeting. If approved, actions that have budget impact, including the creation of a new transportation planner position, will be incorporated into the FY 2017-2018 budget, that will be presented to the Governing Board for adoption on May 18th, 2017. The Ad Hoc Committee will continue to meet monthly to monitor the development of the multi-year integration plan. Staff will present an update on the integration plan to the Governing Board by July 2017.

Prepared by: \_\_\_\_\_

  
Eric Wolf

Senior Management Analyst

# REPORT

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Approved by: Marisa Creter  
Marisa Creter  
Assistant Executive Director

## **ATTACHMENTS**

Attachment A – ACE Ad Hoc Committee Draft Report



**OFFICERS**

*President*  
Gene Murabito

*1<sup>st</sup> Vice President*  
Kevin Stapleton

*2<sup>nd</sup> Vice President*  
Cynthia Sternquist

*3<sup>rd</sup> Vice President*  
Margaret Clark

**MEMBERS**

*Alhambra*

*Arcadia*

*Azusa*

*Baldwin Park*

*Bradbury*

*Claremont*

*Covina*

*Diamond Bar*

*Duarte*

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*Irwindale*

*La Cañada Flintridge*

*La Puente*

*La Verne*

*Monrovia*

*Montebello*

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*Pasadena*

*Pomona*

*Rosemead*

*San Dimas*

*San Gabriel*

*San Marino*

*Sierra Madre*

*South El Monte*

*South Pasadena*

*Temple City*

*Walnut*

*West Covina*

*First District, LA County  
Unincorporated Communities*

*Fourth District, LA County  
Unincorporated Communities*

*Fifth District, LA County  
Unincorporated Communities*

*SGV Water Districts*

January 19, 2017

President Gene Murabito, San Gabriel Valley Council of Governments  
Governing Board, San Gabriel Valley Council of Governments

**RE: ACE/LARGE CAPITAL PROJECTS AD HOC COMMITTEE DRAFT  
REPORT**

Dear President Murabito and Governing Board Members:

Based on your desire that the SGVCOG conduct an assessment of the future of the Alameda Corridor-East Construction Authority (ACE) and the role of the SGVCOG in planning, funding, and constructing large capital projects, I am submitting the attached draft report for your consideration, discussion, and potential adoption over the coming months. This report is the culmination of diligent work completed by the ACE/Large Capital Projects Ad Hoc Committee and presents the context, process, and recommendations of their exhaustive work.

The Ad Hoc Committee worked with thoughtfulness and patience, meeting twice a month for more than half a year in order to thoroughly discover and scrutinize all aspects of this important decision. With the passage of Measure M and the knowledge that San Gabriel Valley will receive over \$3 billion in the coming decades, the committee's efforts took on added importance. There was strong consensus for hiring a Transportation Planner to support Measure M planning and programming, and for better integrating the relationship between the ACE staff and the SGVCOG staff. Further study will be devoted to what role ACE should play in transportation construction management and the nuances involved in completing a transition to that role.

I would like to thank the committee for their professionalism and care. They respectfully addressed every point of view and acted at all times with concern for the long term health of the SGVCOG, as well as the reputation and benefit of San Gabriel Valley. I welcome your thoughts and ideas in response to this draft report.

Sincerely,

John Fasana

Chair, ACE/Large Capital Projects Ad Hoc Committee  
San Gabriel Valley Council of Governments

## **Report of the ACE/ Large Capital Projects Ad Hoc Committee**

### **EXECUTIVE SUMMARY:**

The ACE/Large Capital Projects Ad Hoc Committee was appointed in June, 2016 by SGVCOG President Gene Murabito to study the future role of the SGVCOG as a planning agency and possibly modifying the role of ACE (Alameda Corridor-East Construction Authority) in order to give the SCVCOG the ability to implement and construct capital projects. The Ad Hoc Committee undertook the following activities:

- Studied the history of the SGVCOG and ACE;
- Evaluated the issues of risks and liability involved with construction;
- Examined the liabilities of PERS for both ACE and SGVCOG;
- Explored four case studies of major projects that might benefit from a more active role by the SGVCOG in construction;
- Compared how other COGs operate; and
- Developed guiding principles to identify core issues that should influence any decision about the future of the SGVCOG.

With the passage of Measure M in November 2016, the San Gabriel Valley region is now guaranteed to receive over \$3.3 billion in funding over the next 40 years, including hundreds of millions of dollars for transportation programs to be administered through the SGVCOG. It is important to note that the Measure M funds are intended to be leveraged in securing matching state, federal or other funds which will be needed to complete most, if not all, of the SGVCOG's priority projects.

The Ad Hoc Committee is recommending to the Governing Board that the SGVCOG expand its organizational capacity by creating a transportation planning division and hire a transportation planner to manage the implementation of Measure M in the San Gabriel Valley. In addition, the Ad Hoc Committee recommends that the SGVCOG develop a plan for integrating ACE as an integral part of the COG to allow for the potential to construct capital projects throughout the San Gabriel Valley pending specific direction from the Governing Board.

### **RECOMMENDED ACTION:**

1. Approve the report of the ACE/Large Capital Projects Ad Hoc Committee.
2. Direct staff to undertake the necessary actions to develop and staff a new Transportation Planner position (i.e. develop near-term funding plan for position, prepare revisions to SGVCOG salary resolution, develop job description, and initiate recruitment).
3. Develop a multi-year plan to integrate ACE, as an ongoing integral part of the SGVCOG, to allow for potential future capacity to construct capital projects in the San Gabriel Valley pending future specific direction from the Governing Board. Report back within six months.
4. Direct ACE and SGVCOG staff to further integrate administrative functions.
5. Consult with legal counsel of ACE and SGVCOG to identify necessary changes to SGVCOG JPA and Bylaws.

## **BACKGROUND:**

ACE was created by the SGVCOG in 1998 as a subsidiary of the SGVCOG. It was created with a specific narrow mission to address the traffic congestion caused by the expansion of freight rail traffic from the Ports of Los Angeles and Long Beach. For the past 18 years, ACE has had great success in securing more than \$1.6 billion in funding to construct grade separations to facilitate freight railroad movement through the southern portion of the San Gabriel Valley.

The mission of the ACE project is approaching completion in the next few years, and the SGVCOG must determine next steps. The expertise and excellent reputation of the ACE organization presents an opportunity to address an expanded and new scope of projects, but there are inherent risks and costs with this type of new endeavor.

In addition, with the passage of Measure M in Los Angeles County in November 2016, the SGVCOG will be responsible for guiding the allocation and implementation of over \$3.3 billion in capital projects and programs. The SGVCOG will either need to expand its capacity to handle these funds, or allow Metro to manage the funds in a manner guided by the advice of the SGVCOG.

As part of its Strategic Planning process in early 2016, the SGVCOG Governing Board identified the need to conduct an assessment about the future of ACE and the role of the SGVCOG in planning, funding, and constructing large capital projects. As a result, the SGVCOG president, Gene Murabito, formed an ad-hoc committee with the purpose of studying and fully exploring these issues.

### *Existing Structure*

Currently, ACE operates as a subsidiary unit of the SGVCOG, but as a quasi-independent agency reporting to the ACE Board of Directors. ACE has a separate Chief Executive Officer who reports to the ACE Board, and all ACE employees report to the Chief Executive Officer. As specified in the SGVCOG JPA and bylaws, the SGVCOG Governing Board is responsible for approving ACE's scope of projects and annual budget. All other functions, including approving contracts, property acquisition, and hiring of staff, are delegated to the ACE Board of Directors. The ACE Board of Directors is comprised of the following members (all of which have, or did have, at least one ACE project within their jurisdiction):

- LA County
- El Monte
- Industry
- Montebello
- Pomona
- San Gabriel

Additionally, the SGVCOG President or his/her designee serves on the Board as a voting member.

In February 2015, the SGVCOG Governing Board approved a memorandum of understanding (MOU) with ACE to have ACE staff provide technical assistance related to transportation planning. Under this MOU, the CEO of ACE is compensated by SGVCOG to periodically perform the functions of the Transportation Director for the SGVCOG. This role was most active in the

development of the mobility matrix, as well in the communications with Metro and Caltrans on behalf of the SGVCOG. This work by the CEO of ACE as the Transportation Director of SGVCOG entails only a few hours a month and compensation from the SGVCOG is paid to ACE, which offsets the compensation that the CEO receives from ACE.

In February 2016, the SGVCOG Governing Board approved two additional MOUs to allow ACE staff to provide administrative/HR, IT and financial management support services. ACE is fully reimbursed for these labor costs.

#### Committee Purpose, Members, and Process

The ACE/ Large Capital Projects Ad Hoc Committee was tasked with assessing the future of the SGVCOG and whether it should be primarily a planning agency or should it also have the internal capacity to implement and build large capital projects.<sup>1</sup> A key issue relates to the future of ACE and whether it should close operations and dissolve upon completion of its mission or should ACE be reformed and restructured as a division of the SGVCOG that would be responsible for the construction of large capital projects in the San Gabriel Valley.

Two alternative future roles considered were as follows:

1. The SGVCOG should focus on being a planning agency that concentrates on assessing the needs of the San Gabriel Valley, developing proposals and plans that address those needs, pursuing grants and funding sources to pay for programs and capital projects, including transportation and capital improvements, and collaborating with appropriate agencies to construct the large capital improvements; OR
2. The SGVCOG should expand its organizational capacity from strictly a policy and planning agency, to become a construction agency as well. In addition to planning for transportation and large capital projects, the SGVCOG might take responsibility for managing the implementation of, and even constructing, these projects. These projects might include new highway construction, bridges, freeway interchanges, and bicycle paths, as well as non-transportation projects (e.g. storm water facilities).

The Committee considered several variations of each alternative.

The Ad Hoc Committee was comprised of the following members:

- John Fasana, Councilmember, City of Duarte, Chair
- Gene Murabito, Mayor of Glendora and SGVCOG President
- Terry Tornek, Mayor, City of Pasadena
- Victoria Martinez, Vice Mayor, City of El Monte
- Jack Hadjinian, Councilmember, City of Montebello
- Cynthia Sternquist, Councilmember, City of Temple City
- Sam Pedroza, Mayor, City of Claremont

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<sup>1</sup> For the purposes of this report, the terms “planning”, “programs” and “projects” are used as follows:

- Planning: studies to determine current infrastructure assessments, future infrastructure needs, feasibility studies, preliminary environmental reports, preliminary cost estimates, and potential funding sources.
- Programs: a group of projects intended to implement a specific subregional goal or need.
- Projects: individual infrastructure improvements that can be constructed as stand-alone projects with independent merit.

- Cruz Baca, Councilmember, City of Baldwin Park
- Javier Hernandez, Transportation Deputy, LA County District #1
- Dave Perry, Transportation Deputy, LA County District #5
- Linda Lowry, City Manager, City of Pomona
- David Liu, Public Works Director, City of Diamond Bar

Phil Hawkey, Executive Director of SGVCOG and Mark Christoffels, CEO of ACE, were advisory to the Ad Hoc Committee. SGVCOG staff Marisa Creter and Eric Wolf also assisted the work of the Ad Hoc Committee.

Throughout September and October, the committee discussed four case studies (SR-57/SR-60 Interchange, Greenway Network, SR-71 Completion, and I-605 Hot Spots) as a means of considering the role the SGVCOG and the ACE could play in construction planning and management. Considerable attention was paid to the issues of liability and risk management involved with construction. The experience of ACE demonstrated that prudent management with comprehensive insurance can protect the organization. The legal structure of the Joint Powers Authority makes it a stand-alone legal entity for which the member cities of the JPA are protected from legal liability.

The issue of CalPERS liability for the ACE organization was studied by the Ad Hoc Committee, especially recognizing that the agency may terminate in a few years. A review of audit reports concluded that more than adequate funds have been set aside at ACE to adequately cover its CalPERS obligations.

Next, the committee reviewed other COG organizational and governance models and determined that there are a wide variety of different Council of Government structures in California, each organized to meet specific regional needs, as well as funding and partnership opportunities.

The Ad Hoc Committee gave time to establish some overriding principles that should guide any future actions of the SGVCOG in addressing the needs of the San Gabriel Valley. Guiding Principles were created and approved by the Ad Hoc Committee, against which the committee's recommended future SGVCOG structure could be evaluated.

Context: Opportunities and Challenges

Measure M funding

With the passage of Measure M, San Gabriel Valley transportation projects and programs identified and prioritized by SGVCOG will receive more than \$3 billion in local sales tax funds over the coming decades. Significant Measure M funding will be passed through eight programs established by the SGVCOG expressly for San Gabriel Valley projects:

- (1) Active Transportation (\$231 million)
- (2) Bus System Improvement (\$55 million)
- (3) First/Last Mile and Complete Streets (\$198 million)
- (4) Highway Demand Management (\$231 million)
- (5) Goods Movement (\$33 million)
- (6) Highway Efficiency (\$534 million)
- (7) ITS/Technology (\$66 million)

(8) Subregional Equity (\$199 million)

Over the course of the ad hoc committee's work, it became apparent that whatever organizational form emerges from the effort, it must include added capacity for the SGVCOG to manage the Measure M funding assigned to the San Gabriel Valley and to secure matching funds, as needed to complete project budgets.

Partner Agencies

Representatives from the Ad Hoc Committee met with key staff from Metro, including CEO Phil Washington, on November 29th. During that meeting, Metro staff referenced the Measure M Program Management Plan (PMP) that was presented to the Metro Board in October 2016. That report can be accessed here:

[http://theplan.metro.net/wp-content/uploads/2016/11/report\\_prgm\\_mgmt\\_2016\\_11.pdf](http://theplan.metro.net/wp-content/uploads/2016/11/report_prgm_mgmt_2016_11.pdf).

Metro indicated that the SGVCOG's proposal to take a more active role in planning, programming, and constructing projects and programs was consistent with the PMP, and Metro was supportive of subregional efforts that would facilitate projects being completed on-time and within budget.

A separate meeting is being scheduled with the Director of Caltrans Region 7 for the purpose of identifying the relationship that might occur between Caltrans and the SGVCOG regarding constructing transportation projects. However, of note, ACE is currently constructing freeway improvements (Lemon Avenue on- and off-ramps) related to a grade separation detour route under agreement with Caltrans and the Cities of Diamond Bar and Industry.

**GUIDING PRINCIPLES**

The Ad Hoc Committee developed Guiding Principles intended to define the core elements of the organizational structure and operating requirements of any new agency or division within the SGVCOG that would take on planning, programming, and construction projects. The following guiding principles were approved by the Committee:

*Threshold Criteria & Member Benefit*

- SGVCOG action will result in a measurable benefit to the region and member cities and/or non-action will result in a measurable disadvantage or loss to the San Gabriel Valley region.
- Collaborative relationships with impacted communities, LA Metro, Caltrans, LA County and/or other entities are explored before SGVCOG acts to plan or implement a program or project.
- Majority support from SGVCOG members is secured before a major program or project is undertaken.<sup>2</sup>

*Liability & Risk*

- Structures are in place, including proper insurance and indemnification, to ensure there is no financial exposure or increased legal liability to member cities as a result of SGVCOG taking action.

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<sup>2</sup> Preliminary concept planning is considered part of normal administration as part of assembling information for the SGVCOG Governing Board to consider as part of their review and approval of a program or project.

- Agreements have been defined for long term ownership and maintenance by a responsible entity of the completed project.

#### *Financial Impact*

- SGVCOG may pursue funding for planning activities that may, or may not, result in programs or projects, but could fund staff costs.
- SGVCOG will not proceed with a program or project without securing all funding sources necessary to complete the phase.
- Member agencies may volunteer to fund a program, project, or study through an assessment in which only the participating members benefit from the work.
- SGVCOG may secure short term financing to fund start-up costs or accelerate a program or project with approval of a majority of SGVCOG members.

#### *Legal Authority & Project Oversight*

- Action will conform to SGVCOG's existing legal authority. If it does not, all legal risks and changes to authority will be identified before taking action.
- Oversight may be performed by a new organization created by SGVCOG that could plan, program, or implement projects in the San Gabriel Valley, and the SGVCOG might enter into agreements with this organization for the completion of those programs or projects.

### **COMMITTEE RECOMMENDATIONS:**

The Ad Hoc Committee considered various roles the SGVCOG could assume with respect to transportation planning, programming and construction, and the organizational and governance models necessary to support these new roles. In terms of potential roles, the Ad Hoc Committee considered a spectrum of possible activities the SGVCOG could assume. Example activities the SGVCOG could undertake (from least to most resource intensive) are listed below:

- Participate on selected consultation panels (with Metro as lead);
- Prioritize projects;
- Program and allocate funding, including managing a subregional call for projects;
- Lead the effort to advocate for additional funding for projects;
- Serve as lead for design; and
- Serve as lead for construction.

The key recommendations of the Ad Hoc Committee are:

- 1) With the passage of Measure M, there developed strong consensus that, at a minimum, the SGVCOG should expand its transportation planning and programming capacity. Specifically, it was identified that the SGVCOG should hire a Transportation Planner who can coordinate all Measure M program management activities. This Transportation Planner, and potential future support staff, will be funded from Measure M revenues.
- 2) The other major question then is what role should ACE have within the SGVCOG organization and its role in constructing new projects throughout the San Gabriel Valley. ACE should continue its current grade separation mission in the Alameda Corridor East while the SGVCOG develops a plan to integrate ACE as an integral part of the COG with

future capacity to construct capital projects through the San Gabriel Valley pending future specific direction from the Governing Board.

Items to be considered as SGVCOG develops an integration plan include, but are not limited to:

- Changes to the SGVCOG Bylaws;
- Changes to the SGVCOG JPA;
- Financial decisions;
- ACE/SGVCOG staff integration (The attached organizational chart is representative of numerous options the Ad Hoc Committee considered.);
- Short and long range programs and projects; and
- Project/Program relationships with Metro and Caltrans.

With guidance from SGVCOG Governing Board, implementation of these recommendations will be presented in the form of Governing Board actions to amend the SGVCOG bylaws and Joint Powers Authority Agreement.

This report is being presented for information and discussion at the January 19, 2017 Governing Board meeting. The Governing Board will consider taking action to approve the recommendations included in the report at its February 16, 2017 meeting. If approved, actions that have budget impact, including the creation of a new transportation planner position, will be incorporated into the FY 2017-2018 budget, that will be presented to the Governing Board for adoption on May 18<sup>th</sup>, 2017. The Ad Hoc Committee will continue to meet monthly to monitor the development of the multi-year integration plan. Staff will present an update on the integration plan to the Governing Board by July 2017.

This report of the ACE/Large Capital Projects Ad Hoc Committee is submitted to the Governing Board with the endorsement of the Ad Hoc Committee as indicated below:

- John Fasana, Councilmember, City of Duarte Chair
- Gene Murabito, Mayor of Glendora and President SGVCOG
- Terry Tornek, Mayor, City of Pasadena
- Victoria Martinez, Vice Mayor, City of El Monte
- Jack Hadjinian, Councilmember, City of Montebello
- Cynthia Sternquist, Councilmember, City of Temple City
- Sam Pedroza, Mayor, City of Claremont
- Cruz Baca, Councilmember, City of Baldwin Park
- Javier Hernandez, Transportation Deputy, LA County District #1
- Dave Perry, Transportation Deputy, LA County District #5
- Linda Lowry, City Manager, City of Pomona
- David Liu, Public Works Director, City of Diamond Bar