

SAN FERNANDO VALLEY COUNCIL OF GOVERNMENTS

A Joint Powers Authority

SPECIAL - BOARD OF DIRECTORS MEETING AGENDA

Thursday, April 11, 2013 – 10:00 a.m.

Valley Municipal Building 14410 Sylvan Street, 2nd Floor Van Nuys, California 91401

BOARD OF DIRECTORS MEMBERS

Chair: Councilmember Ara Najarian, City of Glendale
Vice-Chair: Councilmember Dennis Zine, 3rd District, City of Los Angeles
Supervisor Zev Yaroslavsky, 3rd Supervisorial District, County of Los Angeles
Supervisor Mike Antonovich, 5th Supervisorial District, County of Los Angeles
Councilmember Jess Talamantes, City of Burbank
Councilmember Paul Krekorian, 2nd District, City of Los Angeles
Councilmember Tom LaBonge, 4th District, City of Los Angeles
Councilmember Paul Koretz, 5th District, City of Los Angeles
Vacant, 6th District, City of Los Angeles
Councilmember Richard Alarcón, 7th District, City of Los Angeles
Councilmember Mitchell Englander, 12th District, City of Los Angeles
Councilmember Jesse H. Avila, City of San Fernando
Councilmember Marsha McLean, City of Santa Clarita

STAFF

SFVCOG Treasurer: Mark J. Saladino, Treasurer, County of Los Angeles
SFVCOG Secretary: Robert L. Scott
Robert L. Scott, Executive Director, San Fernando Valley COG
Jill Jones, Deputy County Counsel, County of Los Angeles
Arletta Maria Brimsey, Deputy City Attorney, City of Los Angeles

CALL TO ORDER — San Fernando Valley Council of Governments (SFVCOG)

1. CALL TO ORDER — Ara Najarian, Chair
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. PUBLIC COMMENTS

CONSENT CALENDAR

All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Board, any public comments on any of the Consent Calendar items will be heard. There will be no separate action unless members of the Board request specific items to be removed from the Consent Calendar.

No Consent Items

REGULAR CALENDAR

The Board of Directors may take action on the following items

5. **AMENDMENT OF MINUTES** — Amend the minutes of July 12, 2012 to delete the reference in Item 6 "...Approval of core Annual Budget 'Budget A' was approved"

Attachment 5-1: Redline Minutes of July 12, 2012 Board of Directors Meeting
Attachment 5-2: Budget B Adopted at July 12, 2012 Board of Directors Meeting

Requested Action: Amend Minutes of July 12, 2012

6. **CHAIR'S REPORT** — Ara Najarian, Chairman of the Board: Updates, remarks and recommendations

7. **VOTING POLICY** - (Continued from July 12, 2012) Initiate a process to amend the Joint Powers Agreement of the SFV COG to change the voting requirements

Attachment 7-1: Staff Report

Attachment 7-2: JPA Proposed Voting Amendment Background

Attachment 7-3: COG Comparisons in the Region

Attachment 7-4: Joint Powers Agreement of the San Fernando Valley COG

Requested Action: Instruct the Executive Director to circulate a proposed amendment to the Joint Powers Agreement to members

8. **EXECUTIVE DIRECTOR'S REPORT** — Robert L. Scott
Report on status of activities, developments and correspondence

Attachment 8-1: Response to findings re: Metro TOD 3 RFP

Attachment 8-2: Metro TOD 3 RFP Funding Recommendations

Attachment 8-3: Response to Report and Motion of Fiscal Committee

Attachment 8-4: Proposed Substitute Directive re: Policies

9. **REQUEST FOR PROPOSALS** - Management Services Agreement

Requested Action:

a) Approve the release of the RFP as recommended by the Working Group;

b) Advertise the RFP to the public by posting it on the sfvcog website, on member jurisdictions procurement websites as practical, and as otherwise directed by the SFVCOG Directors;

c) Appoint an evaluation team comprised of SFVCOG Directors or staff, of less than a quorum, to bring back contractor recommendations.

10. CLOSING

11. ANNOUNCEMENT AND REQUESTS

12. Members are invited to make announcements and suggest items for future agendas.

13. ADJOURNMENT

Public Comments: At this time members of the public can address the San Fernando Valley Council of Governments Board of Directors (Board) regarding any items within the subject matter jurisdiction of the agency that are not separately listed on this agenda, subject to time restrictions, by filling out a Public Comment Card and submitting that card to the Secretary. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Whenever possible, lengthy testimony should be presented to the Board in writing and only pertinent points presented orally.

Notices:

Meetings of the San Fernando Valley Council of Governments are recorded and/or videotaped by LA CityView Channel 35 and are viewable at www.lacity.org

A person with a disability may contact the San Fernando Valley Council of Governments at least 72 hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, in order to participate in the public meeting, to the extent feasible.

The entire agenda package and any meeting related writings or documents provided to a majority of the Board of Directors after distribution of the agenda package, unless exempt from disclosure pursuant to California Law, are also available. Email at info@sfvcog.org or phone at 818-712-9500 for accommodation.

**SAN FERNANDO VALLEY
COUNCIL OF GOVERNMENTS**

A Joint Powers Authority

**MINUTES OF THE
BOARD OF DIRECTORS
MEETING**

Thursday, July 12, 2012 – 10:00 a.m.

Valley Municipal Building, Council Chambers
14410 Sylvan Street, 2nd Floor
Van Nuys, California 91401

1. CALL TO ORDER — Ara Najarian, Chair

The meeting was called to order by Chair Najarian at 10:20 am

2. ROLL CALL

Quorum established (11 members): Chair Councilmember Najarian, Vice Chair Councilmember Zine, Ben Saltsman for Supervisor Yaroslavsky, Jarrod DeGonia for Supervisor Antonovich, Councilmember Jess Talamantes, Adrin Nazarian for Councilmember Paul Krekorian, Councilmember Tom LaBonge, Jeffrey Ebenstein for Councilmember Paul Koretz, Phyllis Winger for Councilmember Mitchell Englander, Councilmember Sylvia Ballin, Councilmember Marsha McLean

3. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Adrin Nazarian

4. PUBLIC COMMENTS

Scott Sterling, Museum of the San Fernando Valley, addressed the SFVCOG with an invitation to join the Horses Across The Valley project.

Board Member Tom LaBonge added that Richard Alarcon, Chair for the Arts, Parks, Health and Aging Committee for the City of Los Angeles, has been working on initiatives related to those proposed by Mr. Sterling and asked that Mr. Sterling contact Mr. Alarcon for a possible collaboration.

Renato Lira addressed the Board on the possibility of new projects in the city of San Fernando resulting from the approval of Measure R.

Chair Najarian ensured Mr. Renato that issues presented to the SFVCOG by representatives from the City of San Fernando are encouraged.

CONSENT CALENDAR

Chair Najarian reported that the SFVCOG received requests to pull item 9 from the Consent Calendar. The SFVCOG moved forward with approving items one through eight in the Consent Calendar.

On Motion of Board Member Zine, and by Common Consent, there being no objection, this item was approved.

5. MINUTES – Review April 12, 2012 Board of Directors Minutes.

Requested Action: Approve Minutes

6. CORE ANNUAL BUDGET — Approval of core Annual Budget ~~“Budget A” was approved~~ [Removed to regular calendar]

7. WORK PROGRAM FY 2012-2013 - Updated

8. EXECUTIVE DIRECTOR’S REPORT

Requested Action: Revise the schedule of regular meetings of the Board of Directors from quarterly to bi-monthly

9. METRO ROUND 3, “TRANSIT ORIENTED DISTRICT” PLANNING GRANT

Requested Action: Unified application/response to RFP for planning grant managed through the SFC COG and affiliates

Jenna Hornstock, Metro – County-wide planning, reported that since the SFVCOG meeting in March, there has been an expansion to all rail, bus ways and metro link stations within Los Angeles County. This initiative allows an area within a quarter mile of a rail or bus transit way or a half of mile from a Metro link station in Los Angeles County, to be eligible to apply for the grant. Ms. Harnstock also advised that the usage of grant funds was prioritized in the following order:

- a. Funding proposals that will result in eliminating regulatory constraints to Transit Oriented Development (TOD) projects
- b. Funding proposals that include planning or collaborate work leading to regulatory changes

Ms. Hornstock added that Council of Governments (COG), Joint Powers Authorities (JPA) and municipalities are eligible to apply for the funds, but it is important to gain the support of affected jurisdictions included within the application.

Paul Moeller, Smart Building Consultants, shared an idea that includes a feasibility study of train and bus stops to determine the possibility of locations next to these transit corridors as areas where retail and housing units can be built.

Robert L. Scott, Executive Director, reported that as much as \$2.5 million of the \$10 million in the grant program is anticipated for the San Fernando Valley and added that this will be collaborative approach, between all jurisdictions in San Fernando Valley, to pursue the funds.

On Motion of Board Member Talamantes, seconded by Board Member McLean, this item was approved.

REGULAR CALENDAR

10. ANNUAL BUDGET – Approval of alternative Annual Budget “Budget B”

Requested Action: Approve Supplemental Annual Budget “Budget B”

Executive Director Scott reported that the \$60,000 budgeted to operate the SFVCOG, with each jurisdiction paying \$10,000, was not adequate on an ongoing basis and reported that \$100,000 appears to be more reasonable. Mr. Scott added that \$40,000 will be targeted from the Mobility Summit and from grants. The Valley Economic Alliance (VEA) financed the SFCOG through June and “Budget A” is now underfunded. Mr. Scott also added that he will reach out to Southern California Association of Governments (SCAG) for a grant.

Executive Director Scott answered questions posed by Chair Najarian with regard to the proposed \$40,000 expected from the Mobility Summit and increased expenditures reflected in “Budget B”.

Discussion among Board Member McLean, Chair Najarian, and Executive Director Scott ensued with regard to the contribution by each jurisdiction for dues.

Board Member Talamantes stated that it would be beneficial to compare cost factors from other COGs.

Vice-Chair Zine reported that the intent of unanimity voting in the SFCOG was to make sure all jurisdictions are taken into consideration.

Discussion ensued among Chair Najarian, Vice-Chair Zine and Executive Director Scott, with regard to the proposed increase in salary for the Executive Director of SFVCOG and the comparison of salaries and duties of Executive Directors for other COGs. Chair Najarian stated that the intent of the motion was to “backfill” the funding no longer being provided by the VEA, and to adjust the rate being paid.

Board Member LaBonge gave a directive to have Chair Najarian, Vice-Chair Zine and a third Board Member meet with Hasan Ikhata, Executive Director of SCAG, to discuss possible funding from SCAG.

Ben Saltsman clarified that the revised Executive Director’s formal contract was not before the Board at this time. Chair Najarian recommended that the revised formal contract should be made retroactive to the beginning of the fiscal year, July 1, 2012.

County Counsel reported that there will be a need to modify the Executive Director’s contract.

On Motion of Board Member LaBonge, seconded by Vice-Chair Zine, this item—2012-2013 Annual Budget B was approved at \$100,000.

11. ANNUAL ELECTIONS – Chair and Vice Chair to serve FY 2012-2013

On Motion of Vice-Chair Zine, seconded by Board Member LaBonge, unanimously carried, the Committee re-elected Board Member Najarian as Chair of the SFVCOG for Fiscal Year 2012-2013.

12. CHAIR'S REPORT

Updates, remarks and recommendations from the Chair of the Board

Chair Najarian pronounced Vice-Chair Zine as the Guardian of the Valley for the summer quarter.

13. CHAIR'S APPOINTMENTS – Report opportunities and selections

- a. Metro Technical Advisory Committee Alternate – Nomination
- b. Metro Street & Freeways, Subcommittee Member – Nomination
- c. Metro Streets & Freeway Subcommittee Member – Nomination (Alternate)
- d. Leagues of Cities, Los Angeles – Board of Directors – Report

Chair Najarian reported that if anyone has interest in being appointed or re-appointed to please contact his office through Executive Director Scott.

14. EXECUTIVE DIRECTOR'S REPORT

Report from the Executive Director regarding activities, developments and correspondence

Requested Action: Discuss, agendize or receive and file.

Robert Scott, Executive Director, reported the following:

- Organizing The Valley Mobility Summit as reflected great cooperation with the Santa Clarita Chamber, the Santa Clarita Valley Industry Association and the Delegation in the city of Santa Clarita. It will take place at the Hyatt Regency Valencia on Monday October 22, 2012 at 9:00 a.m.
- Would like to have as many Members of the SFCOG as possible at the Funders Summit. The event is mostly to appeal to the Southern California Philanthropic community and the Summit is part of the effort to bring resources to the region.

Chair Najarian directed Executive Director Scott to send the Board reminders of the event.

Executive Director Scott was authorized by the Board to advance reserve funds needed for the Mobility Summit.

15. "MEASURE R" EXTENSION FORUM – The Valley Perspective

Requested Action: Discuss, consider Position Paper addressing the issue from the perspective of the San Fernando and Santa Clarita Valley region

Chair Najarian shared an overview of the forum and reported that it was a successful event.

Jarrod DeGonia for Board Member Antonovich reported that in the original Measure R funding, the San Fernando Valley with 40% to 48% of the population of the City of Los Angeles, would receive approximately one-third of the funding and it remains the same in the extension of Measure R.

Ben Saltsman for Board Member Yaroslavsky reported that the event was a great turnout and with a frank discussion. Mr. Saltsman added that Measure R has helped produce the extension of the Orange Line to Chatsworth and it is already producing revenue that will help improve highways, transit, operations and maintenance.

Vice-Chair Zine expressed concern with the need to stimulate the usage of public transportation and create corridors that will alleviate the commute for the working class.

Board Member LaBonge expressed the need to look back where mistakes were done with transit infrastructures and learn from them. Mr. LaBonge also added that the \$4 billion transit improvement that subway brought has helped North Hollywood tremendously.

Board Member McLean shared Vice-Chair Zine's view about increasing the usage of public transportation. Board Member McLean expressed concern about 3% of Measure R funding, for 82% of the entire Measure R, being based on 2004 figures for population.

Board Member Talamantes stated that the Measure R Extension Forum was very educational and engaging for the public.

Board Member Balin asked that the City of San Fernando be considered, as support for Measure R continues.

Jerard Wright addressed the Board with regard to alternatives to help ease traffic congestions.

Denny Zane, Executive Director of Move LA, addressed the Board with regard to the possibility of a robust transit system with the help offered by Measure R.

Renato Lira addressed the Board with regard to Measure R and the positive affects it may have for the city of San Fernando.

16. VALLEY MOBILITY MATRIX – Graphic and Narrative Template – a Unified Transit and Transportation Vision for the region

Robert Scott, Executive Director, reported that a technical advisory committee meeting will be scheduled in the next couple of weeks and the Valley Mobility Matrix is expected to be presented on October 22, 2012.

17. ORANGE-GOLD LINE CONNECTION – Public transportation link between the San Fernando and San Gabriel Valleys

Robert Scott, Executive Director, reported of a request to create a position document working with all cities that are interested in an Orange-Gold Line Connection.

Chair Najarian expressed that he is in favor of drafting a position document and reported that the cities of Glendale, Burbank and Pasadena have self-funded a study that describes the engineering and ridership issues that would be presented with an Orange-Gold Line connection.

Jano Baghdanian, Glendale Transportation Administrator, reported that Metro will be looking at the segments in the orange-gold line connection and feels that the SFVCOG's participation is critical.

Robert Scott, Executive Director, was directed to draft a document expressing the position of the SFVCOG with regard to the Orange-Gold Line connection and present it to the Board for review at the next SFVCOG meeting.

18. AIR QUALITY MANAGEMENT PLAN – Briefing from SCAQMD

Philip M. Fine, PHD., Planning and Rules Manager for SCAQMD, shared an overview of SCAQMD's responsibilities and a slide presentation of work that is being planned by SCAQMD and other agencies to meet affective goals in air quality. Mr. Fine also reported of initiatives, taken by SCAQMD, to help find funding for more jobs that are environmentally conscientious.

Jarrod DeGonia for Board Member Antonovich, asked if the Social Economic Report of the plan from SCAQMD takes in consideration California Air Resources Board's (CARB) AB 32 requirements.

Mr. Fine explained that although SCAQMD is working together with CARB to minimize economic impacts, the Social Economic Report will only include measures proposed by the SCAQMD.

After discussion, by Common Consent and there being no objection, this item was received and filed.

19. INCREASED BIKE RACK CAPACITY ON BUSES – Position Paper

Jarrod DeGonia asked that this item be tabled to the next meeting, in two months, to allow further analyzes and advised that legislation to increase bike racks needs more time before a position is taken by the SFVCOG.

Chair Najarian requested a status report of legislature for this item prior to the SFVCOG taking a position.

Executive Director Robert Scott was directed to work with Jarrod DeGonia in preparing a draft position paper for review, by the SFVCOG, at the next meeting.

20. COUNCILS OF GOVERNMENTS - METRO AREA – Best practices, programming and resource development

Robert Scott, Executive Director, reported that operations for other COGs will be reviewed and presented to the SFVCOG at a future meeting.

21. MANAGEMENT SERVICES AGREEMENT – Changes to Management Services Agreement FY 2012-2013 – Funding Alternatives

Robert Scott, Executive Director, reported that a Management Services Agreement that conforms to the supplemental annual budget, adopted in item 10, will be created.

The Board directed the Robert Scott to prepare a draft of the agreement and present it to the Board at a later meeting.

22. DUES AND DUES ASSESSMENT

Robert Scott, Executive Director, suggested that this item be tabled to the next meeting.

The SFVCOG directed Executive Director Robert Scott to present the Dues and Dues Assessment issues to the Steering Committee, for review, prior to reporting to the SFVCOG.

23. VOTING MAJORITY

Jarrold DeGonia recommended that a weighted vote system or motions being adopted by the majority of each jurisdiction, be used as a method less than unanimity.

Robert Scott, Executive Director, agrees that a unanimity system is not the best method to use to move forward.

Board Member McLean asked that voting alternatives be included in the best practices for other COGs discussion.

Chair Najarian encourage Board Members to present ideas, with regard to other ways of voting, at the next meeting.

24. TRANSPORTATION COMMITTEE REPORT – Jess Talamantes

a. Board Member Talamantes reported of the groundbreaking for the Bob Hope Airport Regional Intermodal Transportation Center (RITC) and advised of the approximately two years of construction time to conduct the project.

b. Robert Scott, Executive Director, stated that the Metro 2013 Call for Projects is something that the SFVCOG needs to be engaged and should be part of the Mobility Matrix.

25. ITEMS FOR FUTURE AGENDAS

There were none.

26. GENERAL ANNOUNCEMENTS

Robert Scott, Executive Director, reminded everyone that item 8 was approved and the meetings will be conducted bi-monthly.

27. FUTURE MEETINGS

Chair Najarian directed Robert Scott to remind all Board Member of future meetings.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 12:26 p.m.

Adopted

SAN FERNANDO VALLEY COUNCIL OF GOVERNMENTS

OPERATING BUDGET - Fiscal Year 2012-2013 - Rev 1

July 1, 2012 through June 30, 2013

REVENUES	REVENUES	EXPENDITURES	BALANCE
Member Dues	60,000		60,000
Revenues from Grants, Events, Sponsorships	40,000		100,000
EXPENDITURES			
Wages & Benefits			
Executive Director, Management Services Contract		75,000	25,000
General Operations			
Office Lease		0	25,000
Office Expense, Postage, Stationery, etc.		2,000	23,000
Printing		5,000	18,000
Computer Supplies		500	17,500
Telephone & Communications		0	17,500
Audit Fees, Fund		2,500	15,000
Travel, Airfare & Accommodations		800	14,200
Travel Per Diem		0	14,200
Parking and Auto		250	13,950
Meeting/Event Support, Logistics, Refreshment and Expenses		5,000	8,950
Membership Dues		1,200	7,750
League of Cities		0	7,750
Data and Data Services		0	7,750
Other Miscellaneous Expenses		7,750	0
Totals and Year End Balance	\$ 100,000	\$ 92,250	\$ 0



SAN FERNANDO VALLEY COUNCIL OF GOVERNMENTS Staff Report

DATE: April 11, 2013
TO: Board of Directors San Fernando Valley Council of Governments
FROM: Robert L. Scott, Executive Director

SUBJECT: Amendment of Joint Powers Agreement - Voting - Ratio Required for Board of Directors Action

REQUESTED ACTION

Instruct the Executive Director to immediately circulate to member jurisdictions a proposed amendment to the Joint Powers Agreement of the San Fernando Valley Council of Governments (COG) to change the voting requirements for actions and resolutions.

Recommendation: The board unanimously agreed on March 14, 2013 that future actions of the board of directors would be by less than a majority, and that the Joint Powers Agreement should be amended accordingly. The attached *JPA Proposed Voting Amendment Background* suggests that a topical split—a majority for certain matters and/or two-thirds super-majority for other matters—would be a way of accommodating the board wishes along with the intent of the formation group.

Something stronger than a simple majority would assure general unity on external issues such as policy and projects, and still allow room for some degree of dissent. Operational (internal) issues could be expedited with a simple majority, equivalent to comparable COGs in the region. The board should determine if the number of seats (delegates) remains the same or is changed to a different number such as one per member jurisdiction, which has also been proposed.

BACKGROUND

(Continued from July 12, 2012) As discussed at the March 14, 2013 meeting, the formational group that met over several years to establish the COG, placed certain provisions in the Joint Powers Agreement that were intended to act as *temporary* safeguards while the COG board of directors was put in place and had an opportunity to refine and adopt a permanent JPA. The primary issues were member voting representation and member dues.

It was determined to give one vote to each Los Angeles County Supervisor whose district represents any portion of the San Fernando and Santa Clarita Valleys, a current total of two (2); one vote to each Los Angeles City Council Member whose district represents any portion of the San Fernando Valley, a current total of seven (7), and one (1) vote to each of the other member cities of Burbank, Glendale, San Fernando and Santa Clarita for a current total of four (4).

The current JPA also requires that representatives from the City and County of Los Angeles, and at least two of the other member jurisdictions be present in order to constitute a quorum for the conduct of business.

At the same time, as part of the startup arrangement, the initial annual dues were set at a nominal \$10,000 per jurisdiction. The intent was to avoid this being a barrier to participation and to secure support for the initial JPA.

The two latter provisions were never intended to be permanent, and there is little disagreement that they put the COG at an operational disadvantage. Few substantive issues can be addressed when every director and every alternate holds a veto. In a normal majority environment, board alternates are extremely helpful to inform the debate and assure quorums. But this can be a challenge to collaboration if they attend a meeting without the latitude to participate in the development of a compromise. Reasonable dissent can be accommodated by requiring something less than unanimity.

ATTACHMENTS

Attachment 7-1: This Staff Report

Attachment 7-2: JPA Proposed Voting Amendment Background

Attachment 7-3: COG Comparisons in the Region

Attachment 7-4: Joint Powers Agreement of the San Fernando Valley COG

SAN FERNANDO VALLEY COUNCIL OF GOVERNMENTS
JOINT POWERS AGREEMENT
ALTERNATIVES FOR AMENDMENT

As of March 25, 2013

Prepared by James H. Stewart, PRP
and Robert L. Scott, Executive Director

The Formation Committee and Board of Directors have worked since 2006 in the creation of a San Fernando Valley¹ Council of Governments (COG). This effort built on the prior work of creating a San Fernando Valley Transit Zone in 1998, followed by a Valley Statistical District, and SCAG and Metro Subregions.

The Board desires to honor the original principles of the COG in seeking consensus, but also has agreed to recast the current "unanimity" requirement of the Joint Powers Agreement in such a way that would encourage dissent without impeding progress.

Three scenarios are presented here for ad hoc committee consideration.

TOPICAL SPLIT

1. Maintain current board seating and quorum requirements
2. Two-Thirds Vote Required on *External* Matters such as legislation, projects and strategies
3. Majority Vote Required on *Internal* Matters such as operations, personnel, budget and membership

ASSURED REPRESENTATION

1. Maintain current board seating and quorum requirements
2. Assure that any action includes at least one vote from the City of Los Angeles
3. Assure that any action includes at least one vote from the County of Los Angeles
4. Assure that any action includes at least two votes from the remaining cities

POPULATION-BASED REPRESENTATION

<i>Population/Attributes</i>	<i>Board Representatives²</i>	<i>Applies to</i>
1. Less than 50,000	One	San Fernando
2. 50,000-150,000	Two	Burbank
3. 150,000-500,000	Three	Glendale, Santa Clarita
4. Valley City Council Districts	Seven	Los Angeles, City
5. Valley Supervisorial Districts	Two	Los Angeles County

¹ Subsequently to include Santa Clarita Valley

² May be elected or alternates

DISCUSSION

TOPICAL SPLIT

- 1. Maintain current board seating and quorum requirements
- 2. Two-Thirds Vote Required on *External* Matters such as legislation, projects and strategies
- 3. Majority Vote Required on *Internal* Matters such as operations, personnel, budget and membership

By differentiating between internal and external matters, the JPA allows for the day to day business and internal affairs of the COG to be handled efficiently and expeditiously.

Matters that involve public affairs and policy, projects and strategies would require a two-thirds supermajority (9 votes if all are present and voting). This assures that external matters have strong support among the jurisdictions, and that the COG does not stray too far from its *regional* mission.

ASSURED REPRESENTATION

- 1. Maintain current board seating and quorum requirements
- 2. Assure that any action includes at least one vote from the City of Los Angeles
- 3. Assure that any action includes at least one vote from the County of Los Angeles
- 4. Assure that any action includes at least one vote from the remaining cities

The JPA currently requires that a quorum includes one member each from the city and county of L.A., along with two members from the remaining cities. This has a protective effect that includes allowing the County of Los Angeles to avoid a quorum/vote with two absent members, the non-L.A. cities to do so with three absent members, and the City of Los Angeles to do so with seven absent members—or alternatively exercise its seven-vote majority.

This would extend the quorum concept to the actual vote count, keeping the checks and balances consistent.

POPULATION-BASED REPRESENTATION

This formula would add two seats each to Glendale and Santa Clarita and one seat to Burbank. By creating a board with 18 votes, a majority would be 10, thus numerically assuring that no one jurisdiction had a majority, and would add to the influence of the non-L.A. cities. Quorum would be 10, and the current requirement for LA City, County and one other present would be maintained.

Councils of Governments in the Los Angeles Region
Organizational and Operating Characteristics Comparisons

January 2, 2013

Council of Governments	Population	Core Revenue / Dues & Intergov	Core Expenditures	Mgmt Services Agt or Public Salary	Other Staff	Supplemental /Grant Budget	Supplemental Expenditures
San Fernando Valley COG	2,000,000	60,000	60,000	48,000	0	60,000	20,000
Westside Cities 2011	700,000	120,215	120,215	90,000	6,000	18,000	18,000
San Gabriel Valley COG	2,000,000	703,096	685,533	428,033 +(207K Grnts)	5-6 in MSA + 86,500	1,130,000	1,129,000
Gateway Cities COG	2,000,000	800,000	800,000	207,397 Salary +6K auto	5+ Consultants	7,300,000	7,300,000
South Bay Cities COG	900,000	260,000	593,000	342,000	13+ Consultants	260,000	1,000,000+

Council of Governments	Dues	City of LA Dues LA County Dues	Net Assets / Surplus	Member / City Representation	Vote Required for Action	Year Founded
San Fernando Valley COG	6 Members at \$10K	LA City \$10K LA Co \$10K	Est 30K	4 Ind Cities 7 LA City 2 LA Co	Unanimous	2010
Westside Cities COG	6 Members at \$20K	LA City \$20K LA Co \$20K	112,032	1 Vote Per Member	Majority	c. 1995
San Gabriel Valley COG	35 Members at Avg \$20K	LA City n/a LA Co \$90K	645,033	1 Vote Per Member	Majority	c. 1994
Gateway Cities COG	31 Members	LA City n/a LA Co \$88K		1 Vote Per Member	Majority	1996
South Bay Cities COG	17 Members at \$3500-\$30K	LA City \$29K LA Co \$30K	300,000	1 Vote Per Member	Majority	1994

**SAN FERNANDO VALLEY COUNCIL OF GOVERNMENTS
A JOINT POWERS AUTHORITY**

JOINT POWERS AGREEMENT

AGREEMENT

“SAN FERNANDO VALLEY COUNCIL OF GOVERNMENTS”

(A JOINT POWERS AUTHORITY)

This Agreement (“Agreement”) is made and entered into by and between the public entities (“Members”) whose names are set forth in Exhibit A, attached hereto and incorporated herein by this reference (“Eligible Public Entities”), and who have approved and executed this Agreement pursuant to Section 6500 *et seq.* of the California Government Code and other applicable law. Each entity listed on Exhibit A shall become a Member of the San Fernando Valley Council of Governments (“SFVCOG”) when confirmation that this Agreement has been approved by its governing body and the executed Agreement are received by the legal advisors for the San Fernando Valley Council of Governments.

WITNESSETH:

The parties hereto do agree as follows:

Section 1. Recitals. This Agreement is made and entered into with respect to the following facts:

- A. Historically, the San Fernando Valley (“Valley”) cities of Calabasas, Burbank, Glendale, Los Angeles and San Fernando, and the County of Los Angeles, have worked through The Valley Economic Alliance (“Alliance”) as informal strategic partners, involving elected officials, city managers and other staff; they share common interests with cities in north Los Angeles County, such as the City of Santa Clarita, and collectively have played a valuable role in serving as a forum for the exchange of ideas and information;
- B. However, Valley Area cities and the County of Los Angeles (“Jurisdictions”) wish to develop and implement subregional policies and plans that are unique to the greater San Fernando Valley region (“Valley Area”), and to voluntarily and cooperatively resolve differences among themselves, which requires a more formal structure;
- C. The public interest requires the establishment of an agency to jointly conduct studies and projects designed to coordinate and improve the common governmental responsibilities and services on a Valley-wide and subregional basis through the establishment of a council of governments (“COG”);

- D. The public interest requires that the COG explore areas of inter-governmental cooperation and coordination of government programs, and that it provide recommendations and solutions to problems of common and general concern to its Members;
- E. Each Member is a city or county (“Eligible Public Entities”) established by law with full powers of government in administrative, legislative, financial, and other related fields;
- F. Each Member, by and through its legislative body, has determined that an agency to assist in planning and voluntary coordination, in the greater San Fernando Valley area of Los Angeles County furthers the public interest, necessity and convenience; and
- G. Each Member is listed on Exhibit A hereto as an Eligible Public Entity or has otherwise been determined by the Board of Directors to qualify for membership.

Section 2. Creation of Separate Legal Entity. It is the intention of the Members to create, by means of this Agreement, a separate legal entity within the meaning of Section 6503.5 of the Government Code. Accordingly, there is hereby created a separate legal entity, which shall exercise its powers in accordance with the provisions of this Agreement, and applicable law.

Section 3. Name. The name of the said separate legal entity shall be the San Fernando Valley Council of Governments.

Section 4. Purpose and Powers of the SFVCOG.

- A. Purpose of SFVCOG. The purpose of the creation of the SFVCOG is to enable the Members to voluntarily engage in cooperative local and regional planning and the coordination of government services and responsibilities so as to assist the Members in the conduct of their affairs; to conduct studies and projects designed to improve and coordinate the common governmental responsibilities and services on a Valley Area and regional basis; and to coordinate implementation programming.
- B. Common Powers. The SFVCOG shall have, and may exercise, the following powers:
 - 1. Serve as an advocate in representing the Members of the San Fernando Valley Council of Governments at the regional, state and federal levels on issues of importance to the greater San Fernando Valley region of Los Angeles County;

2. Serve as a forum for the review, consideration, study, development and recommendation of public policies and plans with local and regional significance;
3. Assemble information helpful in the consideration of problems of interest to the Members;
4. Utilize Member resources or other public or public/private groups to carry out its programs and projects;
5. Explore practical avenues for voluntary intergovernmental cooperation, coordination and action in the interest of the local public welfare and improving the administration of governmental services;
6. Assist in coordinating subregional planning efforts and in resolving conflicts among the Members as they work toward achieving planning goals;
7. Build a consensus among the Members to address regional and subregional issues, strategies, policies and programs;
8. Facilitate and coordinate activities for obtaining state, federal and regional grants in support of projects; and as a mechanism to assist in financing the expenditures and activities of the SFVCOG;
9. Make and enter into contracts, including contracts for the services of public/private organizations, managers, researchers, planners, engineers, attorneys and other consultants;
10. Employ agents, officers and employees;
11. Apply for, receive and administer grants, gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any federal, state or local governmental entity;
12. Acquire, construct, lease, manage, maintain, own and operate any buildings, works or improvements;
13. Delegate some or all of its powers to an Executive Director as hereinafter provided;
14. Incur debts, liabilities and obligations and/or issue bonds;
15. Exercise any implied power necessary to implement the express powers provided for in this Section 4; and
16. Sue and be sued.

- C. Exercise of Powers. The SFVCOG shall, in addition, have all implied powers necessary to perform its functions. It shall exercise its powers only in a manner consistent with the provisions of applicable law, and this Agreement. For the purpose of determining the powers of, and the restrictions to be imposed on the SFVCOG in its manner of exercising its powers pursuant to Government Code Section 6509, it is understood and agreed by the Members that the SFVCOG shall have any powers and observe any restrictions imposed upon the City of Los Angeles, a charter city, in the exercise of similar powers, provided however, that if the City of Los Angeles shall cease to be a member, then the SFVCOG shall be restricted in the exercise of its power in the same manner as the City of Glendale, a charter city, or the next most populous Member city.
- D. Reserved Powers. The SFVCOG shall not possess the authority to compel any of its members to conduct any activities or implement any plans or strategies that they do not wish to undertake (except for the payment of dues). The goal and intent of the SFVCOG is one of voluntary cooperation among the Members for the collective benefit of the San Fernando Valley area of Los Angeles County.

Section 5. Members.

- A. Admitting New Members. New Members may be admitted to the SFVCOG upon an unanimous vote of the Board and execution of this agreement, provided that such a proposed new Member is a city whose jurisdiction, or part thereof, lies within or immediately adjacent to any jurisdiction that is a Member of SFVCOG, or that is deemed by the Board of Directors to share common interests with the SFVCOG.
- B. Withdrawal. A Member may withdraw from the SFVCOG by filing written notice of withdrawal with the Chair of the Board.
- C. Dues of Members. The Members of the SFVCOG shall be responsible for the payment to the SFVCOG, annually, of dues. Initial annual dues shall be \$10,000 per Member.
- D. Non-Payment of Dues. If a Member fails to pay dues in a timely fashion, the Member shall be deemed to be suspended from this Agreement and the SFVCOG.
- E. Admission. Admission shall be subject to such terms and conditions as the Board may deem appropriate.

Section 6. Creation of Board of Directors. There is hereby created a Board of Directors for the SFVCOG ("Board") to conduct the affairs of the SFVCOG. The Board shall be constituted as follows:

A. Designation of Board Representatives.

The Members of the SFVCOG shall designate representatives to the Board ("Board Representatives") as follows:

1. The City Council of the City of Los Angeles shall designate one Board Representative from each council district that is located entirely or partially in the San Fernando Valley.
2. The Board of Supervisors of the County of Los Angeles shall designate one Board Representative from each supervisorial district that is located entirely or partially in the San Fernando Valley.
3. The other Members shall each designate one Board Representative from their city council.

B. Designation of Alternate Board Representatives. For each Board Representative designated, one or more of their council/board members or full time staff members of the Member cities or the County Board of Supervisors shall be designated as alternate representative(s) to the SFVCOG Board of Directors ("Alternate Board Representative") pursuant to the Member's own procedures.

C. Eligibility. No person shall be eligible to serve as a Board Representative unless that person is, at all times during the tenure of that person as a Board Representative, a member of the legislative body of one of the appointing Member Jurisdictions; or in the case of an Alternate Board Representative a member of the legislative body or full-time staff member of one of the appointing Member Jurisdictions. The designation of a Board Representative and Alternate Board Representative shall be evidenced in writing to the Chair of the SFVCOG. Should any person serving on the Board fail to maintain the status as required by this section, that person's position on the Board shall be deemed vacated as of the date such person ceases to qualify pursuant to the provisions of this section and the Member shall be entitled to appoint a qualified replacement.

D. Compensation. Board Representatives and Alternative Board Representatives shall receive no compensation in connection with their service on the SFVCOG.

E. Representation. Notwithstanding the above provisions of this section, the legislative body of each Member may establish a procedure to provide for its representation at a Board meeting by an elected member of its legislative

body in the event that neither the Board Representative nor the Alternate Board Representative are available to attend.

- F. Term. Board Representatives and Alternate Board Representatives shall serve for a period determined by each Member's own procedures.
- G. Board Powers. The Board shall be deemed, for all purposes, the policy making body of the SFVCOG. All of the powers of the SFVCOG, except as may be expressly delegated to others pursuant to the provisions of applicable law, this Agreement, or by direction of the Board, shall be exercised by and through the Board.

Section 7. Use of Public Funds and Property. The SFVCOG shall be empowered to utilize for its purposes, public and private funds, property and other resources received from the Members and from other sources. Subject to the approval of the Board of the SFVCOG, the Members shall participate in the funding of the SFVCOG in such a manner as the Board shall prescribe.

Section 8. Board Actions – Meetings. Except as otherwise specifically provided in this Agreement, all actions of the Board shall require unanimity of the Board Members present. There shall be no proxy voting.

- A. Meetings. Regular meetings of the Board shall be held not less than four times a year. Special meetings of the Board may be called by the Chair. The Board shall establish the dates and times of regular meetings of the Board. The location of each such meeting shall be as directed by the Board. All meetings of the SFVCOG shall be called and conducted, and an agenda posted, in accordance with the Ralph M. Brown Act, as applicable, Government Code Section 54950 et seq., as it now exists or may hereafter be amended.
- B. Quorum. A quorum shall consist of the presence of a majority of the Board Representatives, representing a majority of the Members, including at least one Board Representative each from the City of Los Angeles, the County of Los Angeles, and two of the other Member Jurisdictions in good standing with the SFVCOG.
- C. First Meeting. At the first scheduled meeting of the Board, a Board Representative shall be elected to the position of Chair by the Board, and a different Board Representative shall be elected to the position of Vice Chair of the Board. The terms of office of the Chair and Vice Chair elected at the first scheduled meeting of the Board shall continue through the first July 1st of their terms and expire on the second July 1st. Elections to determine their successors shall not be held until the first regular meeting in May preceding the second July 1st. If, during this initial period, there is a vacancy, for any

reason, in the position of Chairperson or Vice-Chairperson, the Board shall forthwith conduct an election and fill such vacancy for the unexpired term of such prior incumbent.

Section 9. Designation and Duties of Treasurer. The Treasurer of one of the Members shall serve as Treasurer of the SFVCOG for a term of three (3) years. Upon expiration or earlier termination of the term, the Treasurer of the Member whose Board Representative then serves as the Chair of the Board shall serve as the Treasurer for the SFVCOG. Should that person have just served as Treasurer, or otherwise not be available, then the Treasurer of the Member whose Board Representative then serves as Vice Chair shall serve as the Treasurer. The Treasurer shall have charge of the depositing and custody of all funds held by the SFVCOG. The Treasurer shall perform those duties performed by treasurers of Joint Powers Authorities as described in section 6505.5 of the Government Code and such other duties as may be imposed by provisions of applicable law, and such duties as may be required by this Memorandum, or at the direction of the Board.

Section 10. Designation and Duties of Secretary. The Board shall designate a Secretary. The Secretary shall keep a record of all proceedings and perform the usual duties of such office, including compliance with all notice and agenda posting requirements of the Ralph M. Brown Act (Government Code section 54950, et seq.), as it now exists or may hereafter be amended

Section 11. Designation of Other Officers. The Board may appoint such other officers as it deems appropriate and necessary to conduct the affairs of the SFVCOG.

Section 12. Legal Advisors. The offices of the Los Angeles County Counsel and Los Angeles City Attorney shall serve jointly as the legal advisors to the SFVCOG. Each Member's City Attorney and the County Counsel will continue to represent their own jurisdictions on all legal matters within their purview; provided, however, in the event of a potential or actual conflict of interest between the County or the City of Los Angeles on the one hand and the SFVCOG on the other, then the County Counsel or the Los Angeles City Attorney (whichever has the conflict) shall create an ethical wall within its office, and the attorney(s) advising the Member and its Board Representative(s) shall be different than the attorney(s) advising the SFVCOG. Such ethical wall shall include procedures or methods to ensure there are no communications between the walled off attorneys related to confidential communications and matters giving rise to the conflict.

Section 13. Obligations of SFVCOG. The debts, liabilities and obligations of the SFVCOG ("SFVCOG Obligations") shall be the debts, liabilities or obligations of the SFVCOG alone. The Obligations shall not constitute debts, liabilities or obligations of the Members and the Members shall have no liability therefore.

Section 14. Implementation Agreements. When authorized by the Board, affected Members may execute special/supplemental Implementation Agreements (or Joint Powers Agreements pursuant to Government Code section 6500 et seq.) for the purpose of authorizing the SFVCOG to implement, manage and administer specific area-wide and regional programs in the interest of the local public welfare. The costs and liabilities incurred by the SFVCOG in implementing a program, including indirect costs, shall be assessed only to those Members who are parties to that Implementation Agreement. Nothing in this Agreement shall be construed so as to prevent any of the Members from entering into memoranda of understanding or joint powers agreements with each other or with third parties, outside of the SFVCOG.

Section 15. Term. The SFVCOG created pursuant to this Agreement shall continue in existence until such time as this Agreement is terminated or as otherwise provided by law. This Agreement may not be terminated except by an affirmative vote of a majority of the legislative bodies of the then Members of the SFVCOG.

Section 16. Application of Laws to SFVCOG Functions. The SFVCOG shall comply with all applicable laws in the conduct of its affairs, including, but not limited to, the Ralph M. Brown Act to the extent applicable. (Section 54950 et seq. of the Government Code.)

Section 17. Members - Interference with Function of Members. The Board shall not take any action which constitutes an interference with the exercise of lawful powers by a Member of the SFVCOG.

Section 18. Disposition of Assets. Upon the winding up and dissolution of the SFVCOG, after paying or adequately providing for the debts and obligations of the SFVCOG, the remaining assets of the SFVCOG shall be distributed to the parties to this Agreement in proportion to their contributions to the SFVCOG during its existence, pursuant to Government Code section 6512. If for any reason the parties to the Agreement are unable or unwilling to accept the assets of the SFVCOG, said assets will be distributed to the State of California or any local government for public purposes.

Section 19. Amendment. This Agreement may be amended at any time with the unanimous consent of the Member Jurisdictions.

Section 20. Effective Date. The Effective Date ("Effective Date") of this Agreement shall be the date of approval and execution by the last of the following: the City of Los Angeles, the County of Los Angeles, and two of the other cities listed in Exhibit A. Upon approval and execution, each party shall deliver an original executed signature page to the Los Angeles City Attorney and Los Angeles County Counsel, in their capacity as legal advisors to the SFVCOG. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Members, respectively. None of the Members may

assign any right or obligation hereunder without the written consent of the other Members.

Section 21. Bonding Requirement. The officers or persons who have charge of, handle, or have access to any property of the SFVCOG shall be persons designated as such by the Board. Each such designated officer or person shall be required to file an official bond with the Board, at the expense of the Board, in an amount which shall be established by the Board. Should the existing bond or bonds of any such officers be extended to cover the obligations provided herein, said bond shall be the official bond required herein. The premiums of any such bonds attributable to the coverage required herein shall be appropriate expenses of the SFVCOG

Section 22. Indemnification. The Members agree that the SFVCOG shall indemnify, defend and hold harmless each of the respective Members, and their elected and appointed officers, employees, and agents from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the SFVCOG's acts and/or omissions arising from and/or relating to this Agreement or any act and/or omission performed by a Member on behalf of SFVCOG or at the request of the SFVCOG. However, the SFVCOG shall not be required to indemnify, defend and hold harmless any Member or their respective elected and appointed officers, employees, and agents arising from or connected with that Member's willful misconduct or active negligence. Pursuant to Government Code section 895.4, this indemnification provision is expressly intended to supersede the provisions of Government Code section 895.2, providing for joint and several liability of public entities entering into agreements.

Section 23. Budget and Disbursements. The Board shall adopt a budget annually prior to July 1st of each calendar year. The Board may at any time amend the budget to incorporate additional income and disbursements that might become available to the SFVCOG for its purposes during a fiscal year.

- A. Fiscal Year. The SFVCOG shall be operated on a fiscal year basis beginning on July 1st of each year and continuing until the following June 30th. All funds shall be placed in appropriate accounts and the receipt, transfer, or disbursement of such funds shall be accounted for in accordance with generally accepted accounting principles applicable to governmental entities and pursuant to applicable laws. There shall be strict accountability of all funds. All revenues and expenditures shall be reported to the Board.
- B. Expenditures. All expenditures shall be made within the approved annual budget. No expenditures in excess of those budgeted shall be made without the approval of the Board.

- C. Audit. The records and accounts of the SFVCOG shall be audited annually by an independent certified public accountant, or public accountant, in compliance with applicable laws, and copies of such audit report shall be filed with the State Controller, the Los Angeles County Auditor and each party to the SFVCOG no later than fifteen (15) days after receipt of said audit by the Board.
- D. Reimbursement of Funds. Grant funds received by the SFVCOG from any federal, state, regional or local agency to pay for budgeted expenditures for which the SFVCOG has received all or a portion of said funds from the parties hereto shall be used as determined by the Board.

Section 24. General Provisions.

- A. Law. This Agreement shall be deemed to have been made, and shall be construed and interpreted, in accordance with the laws of the State of California.
- B. Notices. Any notice required hereunder must be in writing and shall be considered received upon delivery to the city or county clerk of the party to be notified, or two (2) business days after deposit in the United States mail, postage prepaid and properly addressed to such city or county clerk.
- C. Execution in Counterparts. This Agreement may be executed on behalf of the respective Members in one or more counterparts, all of which shall collectively constitute one agreement.
- D. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Agreement is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, subsections, sentences, clauses, phrases, or portions of this Agreement shall nonetheless remain in full force and effect. The governing body of each of the Members hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Agreement, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Agreement be declared invalid or unenforceable.
- E. No Third Party Beneficiaries. This Agreement is intended solely for the benefit of the SFVCOG and the parties to this Agreement, and no third party shall be deemed to be a beneficiary or to have any rights hereunder against the Authority or any of its Members.

The Parties to this Joint Powers Agreement have caused this Agreement to be executed on their behalf as of the dates specified below, respectively, as follows:

Attest:

By: Margarita Campos
Margarita Campos, City Clerk

Date: 12/15/09

Approved as to Form:

By: Mary F. Riley
Mary F. Riley, Senior Assistant
City Attorney

Date: 12/14/09

City of Burbank

By: Gary Bric
Gary Bric, Mayor

Date: 12/15/09

By: Michael S. Flad
Michael S. Flad, City Manager

Date: 12/15/09

Attest:

By: 
Aardashes Kassakhian
City Clerk

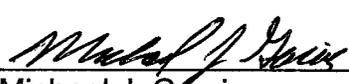
Date: 12/29/09

City of Glendale

By: 
Frank Quintero
Mayor

Date: December 15, 2009

Approved as to Form:

By: 
Michael J. Garcia
Chief Assistant City Attorney

Date: 12/15/09

By: 
James E. Starbird
City Manager

Date: 12-15-09



Attest:

City of Los Angeles

By: Olga Amador
Deputy, City Clerk

By: Eric Garcetti
Eric Garcetti, Mayor

Date: 3/24/10

Date: March 24, 2010

Approved as to Form: C-117039

By: Wald H. Koppel
Deputy, City Attorney

By: _____

Date: March 19, 2010

Date: _____

Attest:

By: Elena G Chávez
Elena G Chávez, City Clerk

Date: 1/27/2010

Approved as to Form:

By: Michael Estrada
Michael Estrada, City Attorney

Date: 2/1/2010

City of San Fernando

By: Steven Veres
Steven Veres, Mayor

Date: 1/26/2010

By: Robert R. Ordelleide
Robert R. Ordelleide City Manager
Administrator

Date: 1/27/2010

Attest:

By: Sandra PO

City of Santa Clarita, City Clerk

Date: 3/10/10

Approved as to Form:

By: B. APD

City of Santa Clarita, City Attorney

Date: 3-1-10

City of Santa Clarita

By: _____

Lauren Weste, Mayor

Date: 3-9-2010

By: Lu Stigli

City of Santa Clarita, City Manager

Date: 3/9/10



Attest:

County of Los Angeles

Sachi A Hamai
Executive Officer of the
Board of Supervisors

By: *[Signature]*
Deputy

By: *[Signature]*
Chair, Board of Supervisors

Date: MAY 25 2010

Approved as to Form:
ANDREA SHERIDAN ORDIN
County Counsel

By: *[Signature]*
Deputy County Counsel

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#17 MAY 25 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**EXHIBIT A
ELIGIBLE PUBLIC ENTITIES**

County of Los Angeles, a political subdivision of the State of California
City of Burbank, a municipal corporation in the State of California
City of Calabasas, a municipal corporation in the State of California
City of Glendale, a municipal corporation in the State of California
City of Hidden Hills, a municipal corporation in the State of California
City of Los Angeles, a municipal corporation in the State of California
City of San Fernando, a municipal corporation in the State of California
City of Santa Clarita, a municipal corporation in the State of California

REPORT/RESPONSE OF THE EXECUTIVE DIRECTOR

San Fernando Valley Council of Governments

RE: METRO TOD ROUND 3 RFP

Nine joint powers agencies (JPAs) and 60 municipalities were invited to bid on Metro's TOD Round 3 RFP. Two JPAs made proposals: the Orange Line Development Authority and the San Fernando Valley COG. In all, thirteen jurisdictions were successful. The SFV COG was among the two JPAs that did not receive funding. At the time of the proposal, the SFV COG was constrained by an annual programming budget of less than \$12,000.

- This nominal SFV COG budget would not support the hiring of a grant writing consultant with the necessary specialized skills to increase the probability of success.
- The SFV COG did not—and still does not—have a mechanism in place to hire consultants. This has been the subject of substantial dialog at board meetings.*
- The SFV COG's only option was to participate through the use of pro bono consulting.
- A private contractor offered assistance, and was enlisted to help, but was required by staff to provide a disclaimer letter as to any obligation on the part of the SFV COG.*
- The Los Angeles Department of **City Planning declined to support** the SFV COG developing Metrolink Station Area Plans for L.A. communities along the right of way.
- The SFV COG does not have regulatory authority over its underlying jurisdictions. Any such activities have to be accomplished in cooperation with the COG's members.

"The third round of funding [was] open to municipalities with regulatory land use control within ¼ mile of an existing or proposed rail or bus transitway station or within ½ mile of all LA County Metrolink stations , as well as Councils of Government (COG) and Joint Powers Authorities (JPA) representing such municipalities."

*"First priority [was] for funding proposals that will result in **eliminating regulatory constraints** to TOD projects."*

*"Second priority [was] given to funding proposals that include planning at or near station locations that may be a **precursor to regulatory change** ... "*

Per the minutes of the July 12, 2013 Board of Directors meeting:

*"Ms. [Jenna] Hornstock added that Council of Governments (COG), Joint Powers Authorities (JPA) and municipalities are eligible to apply for the funds, but it is **important to gain the support of affected jurisdictions included within the application.**"*

(emphasis added)

It was not until one week before the grant application deadline that the director was told by Los Angeles City Planning that they were working along the Orange Line route, and **would not support** the COG's initiative to develop any Metrolink Station Area Plans—adding that they might support some of the peripheral work being proposed. This created an obstacle, but the proposal was submitted with the hopes that support might be forthcoming through efforts of the COG board.

The findings of Metro's internal evaluation panel included the following:

"The panel determined that the three applications for which funding is not recommended did not provide a significant nexus between the proposed work and the subsequent regulatory changes that could lead to increased ridership."

See attached staff report for further details.

Responding to quotations that were read into the SFV COG record recently, it should be noted that Mr. Scott, the SFVCOG's executive director, has considerable specialized knowledge of community plans, centers, transit, and pedestrian oriented districts in the San Fernando Valley. Over the last 40 years he has been very involved in transit and transportation issues, having lectured on subjects extending back to the Pacific Electric streetcar and interurban lines.

Mr. Scott served for 10 years on the Los Angeles City (citywide) Planning Commission, as president of the commission for the adoption of the city's current General Plan, and oversaw the updates of all 35 community plans, as well as dozens of specific plans and overlays.

Mr. Scott was the founding Chairman of the Valley Economic Alliance, Director of the Mulholland Institute, and in his consultancy, has authored, published and participated in the following projects and studies (partial list):

- Vision 2020: San Fernando Valley
- Sun Valley Renaissance
- Panorama City Concept Plan
- Northridge Vision - University Village
- Original Proposal for a Neighborhood Council System - Milken 1997
- Biotechnology on the US-101 Corridor
- Changing Face of the San Fernando Valley
- Our Future Neighborhoods, San Fernando Valley
- San Fernando Valley Community Indicators Report
- San Fernando Valley Almanac
- Interstate-5 Corridor Study - 2007
- Interstate-5 Corridor Study II - 2010 - Oversight
- City of Los Angeles Permit Streamlining Task Force - Chair
- Numerous specialized and business publications in local jurisdictions

In addition to serving as executive director of the SFV COG, Mr. Scott has also served as Chairman of the Valley Industry and Commerce Association, United Chambers of Commerce of the San Fernando Valley, Valley Economic Development Center and a host of more localized positions. He led the movement to create the SFV Statistical District, SCAG and Metro subregions, and sits on the Compass Blueprint and SCAG's GLUE Council. He is an AV-Rated 30-year member of the California Bar, and member of the US Central District and Supreme Court bars. He also received the 44th annual Fernando Award for community service and involvement.

* Excerpt from Minutes of July 2012 SFV COG Board of Directors Meeting:

*Mr. Scott suggested the **SFV COG begin developing a contracting and procurement policy in order to accommodate pending and future grant programs and activities.** He further suggested that the board initiate a "Bench" of "Consultants" and begin building a team of qualified subcontractors.*

Mr. Scott informed the board that Cordoba Corporation agreed to assist the SFV COG on pro bono basis in the development of the concept and scope of the Metro TOD 3 proposal. For clarification, they provided the COG with a signed disclaimer indicating they understand that while their assistance is appreciated, there would nonetheless have to be a full and fair process for the selection of consultant(s)..."



Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

**PLANNING AND PROGRAMMING COMMITTEE
FEBRUARY 20, 2013**

SUBJECT: FY 2012 TRANSIT ORIENTED DEVELOPMENT GRANT PROGRAM

**ACTION: APPROVE FUNDING RECOMMENDATIONS AND REVISE THE
PROGRAM GUIDELINES**

RECOMMENDATION

- A. Award \$9,443,997 in Transit Oriented Development (TOD) Grants to the 13 recommended project sponsors, as shown in Attachment A;
- B. Authorize the Chief Executive Officer (CEO) to execute Grant Agreements for the funds; and
- C. Amend the TOD Round 3 Grant Program Guidelines to allow 36 months for project completion.

ISSUE

In June 2012, at the Board's direction, a request for applications was issued for Round 3 of the TOD Planning Grant Program dollars with a maximum funding of \$10 million. We received 15 applications totaling \$17,719,222 in funds. All applications have been evaluated by an internal panel and we have made recommendations for funding for 13 projects totaling \$9,443, 997. We are requesting Board approval of the funding and authorization for the CEO to execute Grant Agreements with successful applicants. Further, we are asking the Board to revise the TOD Planning Grant Program Guidelines, from 24 months to 36 months as shown on page 13 in Attachment B.

DISCUSSION

The Program provides funds to encourage cities along transit corridors to make the regulatory changes necessary to foster infill and TOD. TODs increase accessibility and utilization of public transportation, which leads to transit system improvement. In addition, the Federal Transit Administration's (FTA) recently proposed guidelines for New Starts and Small Starts projects provides competitive advantage to applicants which encourage transit supportive land use plans, policies and other economic development indicators along transit corridors.

Eligible activities for funding include, but are not limited to, amendments to local general plans and adoption or amendments of specific plans, Transit Village Districts, overlay zones, parking, height, zoning ordinances and similar measures.

Rounds 2 and 3 expanded eligible activities to include developing specific planning tools to consider in adopting regulatory changes that promote TOD, assisting cities to collaborate on planning for new stations and/or to promote TOD-friendly regulatory change around existing or proposed stations, and developing model ordinances or other regulatory frameworks. Any California Environmental Quality Act (CEQA) actions necessary for these regulatory changes are also eligible activities under the Program.

Round 3

At its February 23, 2012 meeting, the Board approved Item 31 (Villaraigosa, O'Connor, Wilson and Huizar) making Round 3 available to Metro's systemwide rail and transit corridors, and Los Angeles County Metrolink Stations, in place of six specific transit corridors and rail lines that had previously been directed by the Board.

The Round 3 funding is available to all Los Angeles County local jurisdictions with regulatory land use oversight and COGs and JPAs that represent those Los Angeles County local jurisdictions with regulatory land use oversight, within ¼ mile of Metro's rail and transitway stations and within ½ mile of Metrolink stations. Any COG or JPA applying for funds is required to demonstrate support from the municipality (ies) it is representing with the grant-funded activities. Also at the February 2012 meeting, the Board directed (Ridley-Thomas) prioritization of funding awards with first priority given to applicants proposing regulatory land use changes and second priority to applicants proposing pre-regulatory studies.

We conducted outreach to eligible jurisdictions, COGs and JPAs through letters, phone calls and direct meetings. During this outreach, we heard from eligible municipalities that the proximity in funding rounds creates capacity issues, and that a longer timeframe for project completion would make the grant funding feasible to the broadest number of participants. In addition, some recommended applicants for this round have requested extra time to identify staffing needs in order to complete grant-funded activities within their budgetary constraints. TOD Rounds 1 and 2 have the option of an administrative extension, if time extensions are needed. For this reason, we recommend modifying the Round 3 program guidelines to provide 36 rather than 24 months for project completion.

Evaluation

The Round 3 applications were evaluated by an internal panel. The panel divided the applications into first and second priority categories and set a funding threshold of 70 out of 100 possible points. The applications evaluation included reductions in funding awards and/or eliminations of tasks that fell outside the purview of the grant program. Eliminated tasks included studies of funding mechanisms that support both TOD

economic development as well as infrastructure capacity studies. In response to the number of applicants seeking funds to prepare summaries of TOD funding mechanisms, we are preparing a brief on these funding mechanisms based on a review of several current studies on the topic, and will provide this brief to all TOD Program participants and other interested municipalities. We believe substantial research has been conducted on this topic, and such summaries need not be replicated.

In the first priority category of regulatory land use documents, the panel is recommending funding for the 12 projects submitted in this category. In the second priority category of pre-regulatory studies, the panel is recommending funding for one of the three applications submitted in this category. The panel determined that the three applications for which funding is not recommended did not provide a significant nexus between the proposed work and the subsequent regulatory changes that could lead to increased ridership.

The total recommended funding is \$9,443,997. This is less than the \$10,000,000 available. The evaluation panel determined that this funding amount is the most appropriate to achieve the Program goals, which is to support land use changes that promote TOD and therefore increase ridership and access to transit.

DETERMINATION OF SAFETY IMPACT

There is no negative impact to the safety of our employees and /or patrons. The TOD policies supported by the Program could improve safety around stations. The principles of TOD include better pedestrian and bicycle access to stations as well as clearer access to stations which can reduce accidents. Further, TOD tends to encourage walking and bicycling, both of which improve the health of patrons.

FINANCIAL IMPACT

The FY13 budget includes \$1,500,000 in the Subsidies to Others Budget, Cost Center 0441 Project 465560, Transit Oriented Development Grant Program Round 3. Since this is a multi-year project, it will be the responsibility of the Cost Center Manager and the Executive Director, Countywide Planning to budget expenditures in future years.

Impact to Budget

The source of funds for these activities is Measure R 2% System Improvement Funds. These funds are eligible for rail capital improvement costs.

Other sources of funds were considered. However, these funds meet the criteria for these types of projects and sufficient dollars exist to cover these expenditures. Should other eligible funding sources become available, they may be used in place of the identified funds.

ALTERNATIVES CONSIDERED

The Board may choose not to approve the funding awards and related actions as recommended. We do not recommend this alternative. The Program as designed furthers the Board objectives with regard to land use policy, increased ridership and systemwide improvements. Further, many local planning agencies do not have the resources to accelerate the regulatory changes necessary to promote infill and TOD projects along transit corridors and thus take full advantage of the transit access being made available. Finally, the recommended grant awards meet the program's objectives and have been carefully evaluated to ensure the end result would achieve the programmatic goals of increased ridership.

The Board may choose not to extend the timing for completion of grant-funded activities, in which case the applicants will be required to demonstrate the ability to complete the grant-funded activities within 24 months. We do not recommend this alternative as providing for realistic timelines creates higher quality results and a better opportunity for successful completion of grant-funded projects. Additionally, this recommended change is in response to feedback received during Round 3 outreach.

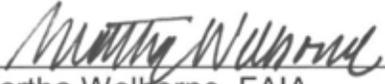
NEXT STEPS

With Board approval, we will initiate and execute Grant Agreements with the Round 3 awardees and will also provide the program applicants with a summary of TOD funding mechanisms. We will initiate a study of similar grant funding programs to determine the most effective approach for future rounds. Now that three rounds of the TOD Grant Program have been considered, we believe it would be valuable to evaluate the body of applications received and the program component likely to best achieve the program goals. We will report back to the Board on any recommended changes to the program guidelines should the Board authorize subsequent rounds.

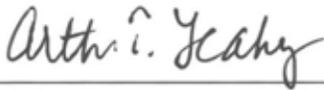
ATTACHMENTS

- A. TOD Planning Grant Round 3 Summary and Funding Recommendations
- B. Revised Round 3 Program Guidelines

Prepared by: Calvin Hollis, Executive Officer, (213) 922-7319
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Martha Welborne, FAIA
Executive Director Countywide Planning



Arthur T. Leahy
Chief Executive Officer

**2012 TOD Planning Grant Round 3
Summary and Funding
Recommendation**

Applicant	Requested Funding	Project Description	Ave Score	Recommended Funding	Stations
City of San Fernando	\$282,392	TOD Overlay Zone for area immediately south of Metrolink station.	82.3	\$282,392	Metrolink: Sylmar/San Fernando Station
City of Baldwin Park	\$289,670	TOD Specific Plan for Downtown Baldwin Park.	82.0	\$289,670	Metrolink Station: Baldwin Park
City of El Monte	\$400,400	Transit District Specific Plan for El Monte's Main Street area just south of Metrolink Station.	80.8	\$400,400	Metrolink Station: El Monte
City of Huntington Park	\$319,000	Focused General Plan Update for the City of Huntington Park.	80.0	\$319,000	Two possible stations as part of the West Santa Ana Corridor
City of Lynwood	\$875,175	Transit Oriented District Plan for area around Long Beach Station and Alameda St/Imperial Highway Bus Corridor.	79.8	\$800,000	Metro Green Line Station: Long Beach
City of Long Beach	\$183,500	TOD Pedestrian Master Plan along the Metro Blue Line corridor in Long Beach.	78.5	\$183,500	Eight Metro Blue Line Stations
Los Angeles Department of City Planning (DCP)	\$6,449,359	Amend community plans and ordinances. Modify, expand, and/or create parking districts and overlay zones. Create streetscape and specific plans.	78.3	\$4,480,000	Three Westside Subway Stations, four Metro Regional Connector Stations and five Orange Line Stations
Los Angeles County Department of Regional Planning	\$675,876	TOD Specific Plan around Metro Blue/Green Line Willowbrook Station.	78.3	\$546,035	Metro Blue/Green Line Station: Willowbrook

City of Azusa	\$653,000	TOD Master Plan and General Plan/Development Code update for areas around Alameda Avenue and Citrus Avenue Stations.	77.8	\$653,000	Metro Gold Line Phase II extension: Alameda Avenue and Citrus Avenue Stations
City of Monterey Park	\$250,000	Transit Village Specific Plan for area around Garfield Avenue Station.	77.8	\$250,000	Metro Eastside Transit Corridor Phase 2 Gold Line Extension Station: Garfield Avenue
City of Palmdale	\$650,000	TOD Overlay Zone for area around the Palmdale Transportation Center and the Palmdale Regional Airport.	73.0	\$400,000	Metrolink Station: Palmdale
City of Glendale	\$641,000	South Glendale Community Plan EIR and a Multi-Modal Transportation Model.	71.5	\$250,000	Metrolink Station: Glendale
Los Angeles World Airports (LAWA) and Los Angeles Department of City Planning (DCP)	\$1,063,600	Streetscape Plan for the Century Corridor TOD.	70.0	\$590,000	Metro Crenshaw/LAX Line Station: Aviation/Century
Orangeline Development Authority (OLDA)	\$2,945,000	Preparation of an adoption ready, comprehensive and coordinated strategy for TOD for the OLDA transit corridor.	44.3	\$0	Three Metrolink Stations and eight West Santa Ana Branch Corridor Stations
San Fernando Valley Council of Government (SFVCOG)	\$2,041,250	TOD data, policy, and regulatory guidelines that can be adopted by municipalities in the San Fernando and Santa Clarita Valleys. TOD Station Area Plans for five Metrolink stations in the San Fernando Valley.	43.0	\$0	Seventeen Metro Orange Line Stations, eight Metrolink Stations, and one Shared Orange Line and Metrolink Station.
TOTAL	\$17,719,222			\$9,443,997	

METRO

**Transit Oriented Development
Planning Grant Program Guidelines**

Round 3

6/29/2012

I. INTRODUCTION AND PURPOSE

The Transit Oriented Development (“TOD”) Planning Grant Program (“Program”) provides Los Angeles County Metropolitan Transportation Authority (“Metro”) funds to encourage local governments to develop and adopt land use regulations that promote sustainable, transit-oriented design principles. TOD projects take advantage of proximity and access to public transit through appropriate density, reduced reliance upon private automobiles, and enhanced walkability. Such development may increase the accessibility and utilization of public transportation. This program will provide funds to local governments, Joint Powers Authorities (“JPAs”) that represent local governments, and/or Councils Of Governments (“COGs”) to adapt their existing general plans, specific plans, zoning, and other ordinances to encourage such sustainable development forms or to develop model ordinances, planning tools, and/or recommendations that will lead to local regulatory changes in support of TOD. Grant funding for Round 3 of the Program is available to cities, the County of Los Angeles, JPAs, and/or COGs that: (1) have, or represent cities that have, Metrolink stations in Los Angeles County; (2) are along any of Metro’s existing or proposed rail lines or bus transitways. As in the first and second rounds, eligible cities, JPAs, and COGs may use grant funding to develop specific regulatory documents that can be adopted by the member governing bodies, such as:

- New or amended specific plans;
- New or amended ordinances;
- New or amended overlay zones;
- New or amended general plans;
- Transit Village Development Districts;
- Environmental studies required to support the new or amended regulatory documents.

Round 3 of the TOD Planning grant may be used by applicants to complete planning efforts that:

- Identify opportunities for regulatory changes that promote TOD;
- Develop specific planning tools for member cities to consider in adopting regulatory changes that promote TOD;
- Assist member cities to collaborate on planning for the new stations and/or to promote TOD friendly regulatory change around existing or proposed stations;
- Develop model ordinances or other regulatory frameworks.

II. PROGRAM OBJECTIVES

The primary objectives of the Program are to provide funding to:

- Increase access to transit by assisting local governments to accelerate the adoption of TOD regulatory frameworks;

- Improve the transit network and increase utilization of public transit by reducing the number of modes of transportation necessary to access regional and local transit lines;
- Further the reduction in greenhouse gases through encouraging in-fill development along transit corridors and transit use;
- Support and implement sustainable development principles.

III. ELIGIBLE APPLICANTS

Local Governments, Los Angeles County, JPAs, and/or COGs representing communities with land use regulatory jurisdiction:

- Within ½ mile of Metrolink Stations in Los Angeles County
- Within ¼ mile of the existing, planned, or proposed Metro rail transit stations or bus transitway stations.

JPAs or COGs that apply **MUST** demonstrate support of the proposed grant activities from **all** targeted local governments. Support can be demonstrated by a letter or resolution from the local government.

IV. FUNDING PRIORITIES

- a. First priority will be for funding proposals that will result in eliminating regulatory constraints to TOD projects and developing the regulatory documents described in Section I above. Such regulatory changes will result in conditions that encourage development near transit stations, provide for appropriate density given the immediate access to transit, reduce dependency on the private automobile and provide for strong pedestrian and bicycle connections between development sites and transit. While adoption of a Transit Village Development District [Government Code 65460] is only one method of achieving the regulatory changes desired under this grant program, proposals may seek to emulate major portions of the objectives stated in Government Code 65460.
- b. Second priority will be given to funding proposals that include planning at or near station locations that may be a precursor to regulatory change, including but not limited to, traffic modeling, density studies and financial feasibility of various development forms. Funding of such projects will only be considered if available funds remain after qualified first priority projects are funded.

V. **SCORING: The following provides guidance in the scoring of the applications. Each section of the application contains an indication of the maximum points that may be awarded.**

Section 1A - Proposed Regulatory Documents and/or Planning Study:

- (a) If the applicant is proposing to adopt or amend a regulatory document, this section should list each of the regulatory documents that will require revision to allow TOD projects to go forward and describe the new regulatory documents, if appropriate. This may include a community's general plan, zoning ordinances, parking codes, specific plans, Transit Village District documents, etc.
- (b) If the applicant is proposing development of a model ordinance or other pre-regulatory documents, this section should discuss the objective(s) of the effort, the targeted community(ies), and some of the anticipated outcomes, for example: description of appropriate TOD guidelines for the targeted communities; identification of specific opportunities for TOD; recommendation of regulatory documents to adopt and/or amend; development of general planning principles for communities to consider in moving forward with TOD-friendly regulatory changes, etc. (Up to 25 points)

Section 1B - Community and Policy Maker Support: This section should identify all of the impacted communities and provide evidence that there exists community stakeholder and policy maker support for the types of regulatory changes and/or studies being proposed. This could be evidenced by prior actions implementing similar changes elsewhere in the community, specific direction by the impacted city councils and mayors, letters of support, etc. This section applies to all applicants, though COGs and JPAs are required to demonstrate support from the targeted communities. (Up to 5 points)

Section 2A - Regulatory Constraints: This section should identify those specific regulatory constraints and/or general land use challenges that the program is meant to address. This could include: outdated parking requirements, height or density restrictions, lack of bicycle and pedestrian access and utilization incentives, etc.; a lack of cohesive vision as to how to plan collaboratively for TOD around new and/or proposed stations; and a lack of clarity as to appropriate TOD principles given the nature of the impacted communities. The description should be comprehensive and subject to regulatory relief. (Up to 15 points)

Section 2B - Impact of Proposed Regulatory Changes: A strong application will carefully describe how the regulatory changes will directly mitigate the constraints previously identified or offer a clear description of how the proposed planning efforts will lead to development, and likely adoption, of regulatory changes that support appropriate TOD. (Up to 15 points)

Section 3 - Public Participation: This section should demonstrate that the applicant has thought through the public participation and outreach program necessary to bring the planning studies and/or regulatory changes forward, has the support of the targeted local government and/or communities, and has considered the impact of the outreach/participation program on the project delivery schedule. (Up to 5 points)

Section 4 - Opportunity Sites: The strongest applications will be able to link the changes to the regulatory environment and/or the proposed planning

recommendations with the near term potential for implementing neighborhood-appropriate TOD development principles. The availability of suitable sites, particularly if controlled by the applicant, will be one measure of near term implementation. (Up to 5 points)

Section 5A - Project Management Scope of Work: This section should clearly describe all the work to be undertaken to effect the studies and/or changes proposed leading to and including any required action of the legislative body. The work program should be comprehensive, with clearly stated realistic milestones and deliverables by which progress can be gauged. Responsibilities between staff and consultants, if any, should be identified. (Up to 20 points)

Section 5B - Project Schedule and Budget: In this section of the application, a narrative description of the schedule should be provided, and the schedule should demonstrate that the model ordinances or other planning tools can be completed, and/or that the regulatory changes can be completed and brought forward for legislative policymaker action, within the 24 month grant period. Any innovative approaches to the schedule that will expedite the program should also be described in this section. Any local match should be described, including its availability. Strong applications will have presented a realistic and highly cost efficient schedule that maximizes the impact of the grant funds requested. (Up to 10 points)

VI. ELIGIBLE COSTS

- a. Applicants will develop and submit a budget as part of the application. Funds awarded will not exceed the budget submitted and may be less if the key objectives can be achieved at lower costs. Any cost overruns shall be the responsibility of the applicant.
- b. Both third party consulting costs and internal staff costs for staff directly providing services with respect to the project will be eligible for funding. Such eligible costs shall not include overtime costs.
- c. Costs associated with community outreach and meeting CEQA requirements are eligible costs.

VII. NON-ELIGIBLE COSTS

- a. Costs such as equipment, furniture, vehicles, office leases or space cost allocations, or similar costs.
- b. Applicant staff overtime costs, mileage reimbursements, and use of pool cars.

VIII. GENERAL AND ADMINISTRATIVE CONDITIONS

- a. Duration of Grant Projects. Projects' schedules must demonstrate that the projects can be completed, including related actions by the governing body (if any), within 24 36 months of award.
- b. Governing Body Authorization. Completed TOD Planning Grant applications must include authorization and approval of the grant submittal and acceptance of award by the governing body, if required, within three months of notification of award.
- c. Grant Agreement. Each awarded applicant must execute a Grant Agreement with Metro. The Agreement will include the statement of work, including planning objectives to be achieved, the financial plan reflecting grant amount and any local match, if applicable, and a schedule of milestones and deliverables. The schedule and milestones must reflect that the project will be completed within 24 months from the date of award.
- d. Funding Disbursements. Funding will be disbursed on a quarterly basis subject to satisfactory compliance with the expenditure plan and milestone schedule as demonstrated in a quarterly report supported by a detailed invoice showing the staff and hours billed to the project, any consultant hours, etc. An amount equal to 5% of each invoice will be retained until final completion of the project and audits. In addition, final scheduled payment will be withheld until the project is complete and approved by Metro and all audit requirements have been satisfied. All quarterly reports will be due on the last day of the months of February, May, August, and November.
- e. Audits. All grant program funding is subject to Metro audit. The findings of the audit are final.

RESPONSE OF THE EXECUTIVE DIRECTOR - FOR THE RECORD

Report and Motion by the Ad Hoc Fiscal Committee
Item 7c of January 10, 2013 Agenda

Executive Director's annotations are in green italics.

The stated purpose of the ad hoc fiscal committee was to provide recommendations to develop protocols for procurement, purchasing and subcontracting, and to revise or replace the Fiscal Manual to make it relevant and useful to the day-to-day business of the COG. This is consistent with a number of previous requests by the Executive Director (ED).

On December 17th the Fiscal Working Group, consisting of Chair Najarian's and Director LaBonge's Offices, as well as staff from the Auditor-Controller and County Counsel's office (Bob Scott was invited but did not attend) convened to discuss the fiscal policies of the COG, and make recommendations as to how to get the COG's fiscal and administrative house in order.

The meeting notice went out after the executive director's morning message retrieval and the telephone conference took place before the afternoon retrieval. Given the content of this document, the input of the ED should have been included.

This work was meant to be a precondition for approving the new Management Services Agreement that provides higher compensation to the Economic Alliance.

This incorrectly conflates two issues and suggests that the ED has full responsibility for the within matters. In any case, the ED should have been provided with prior notice and opportunity to respond to the inferences.

A summary of the recommendations developed by that group were then sent by County Counsel to Bob Scott and members of the Steering Committee.

There is no record of these being provided to the ED

- The recommendations of the Fiscal Working Group are:

1 - The COG should hold a performance evaluation of the services it is receiving under the Management Services Agreement at the January meeting. This is Item SA on the Supplemental Agenda.

While this may be useful, it exceeds the assigned scope of the Fiscal Committee and in any case should be subject to notice and a reasonable process.

2 - Given the past confusion about the state of the COG's finances, including how quickly checks were being paid and how much money the COG had on hand, the COG's fiscal agent should attend each meeting, provide an oral report, and be available to answer questions from Directors.

The repeated reference to "past confusion" creates an inaccurate inference. Since inception only one account has existed for the COG's general fund. This has been managed by the County Auditor-Controller's office—as Fiscal Agent—by the authority of the COG's Treasurer, Mark J. Saladino, Treasurer for the County of Los Angeles.

The COG has no bank account and no checkbook.

The executive director has no checks or check-writing authority.

Regular financial statements are generated and circulated by the Auditor-Controller.

The executive director can only authorize payments within the constraints of the board's approved budget, and only when properly documented and accepted by the Auditor-Controller. All payments or reimbursements to the executive director must be approved by the chair. This is the system established by the board.

Bills for membership dues are generated by the Auditor-Controller and checks are paid directly to the Auditor-Controller. The executive director sees neither. Interest accrues on the general account and is posted directly. Staff is informed only by monthly or quarterly financial reports. This is the system established by the board. Under the current system, staff cannot provide precise on-the-spot balances, as would be if the case if the COG had a conventional checking account.

3 - The existing COG fiscal manual has a number of ambiguities. For example, there is no explicit procurement policy. So, County Counsel and the Auditor-Controller, with the cooperation of the Executive Director, should be directed to review and update the COG's fiscal manual and procurement policy and present it to the COG Board for adoption at the COG's March 2013 meeting. This direction is Item 12 on the Agenda. (NOTE: Bob inserted an item into #12 that needs to be amended as part of Item 12 so don't approve it in its entirety).

The Fiscal Policy Manual is silent on virtually all operational issues, and having been cribbed from LA-RICS, is woefully inadequate to provide guidance for an agency at the scale and scope of the COG. At the July 2011 meeting, county counsel "...noted that certain inconsistencies exist between county and city policies." stating that "These need to be reconciled" and suggested "...more time be provided to review the manual." These matters still have not been resolved. The ED has continuously supported a relevant set of fiscal policies.

4 - Currently, agendas are often sent out late, multiple versions of attachments are sent to different subgroups of the COG, and changed documents are handed out the morning of the COG meeting. To ensure every member of the COG knows what we're

being asked to *vote* on, and can read substantive documents ahead of the meetings, the COG should set a policy that Agendas *including attachments* should be sent out 2 weeks in *advance* of each semi-monthly meeting.

The statement made here is incorrect. Agendas have always been posted more than 72 hours in advance, as required under the Brown act, and the exact same agenda has always been distributed simultaneously to the board. The suggestion that "multiple versions of attachments" are sent "to different subgroups" makes no sense. Supplemental attachments may occasionally have been sent as follow-ups or handouts, but this is rare and normally unavoidable. In any case all board members always receive the same materials.

5 - Similarly, to avoid future Brown Act violations, County Counsel should be instructed to provide Brown Act compliance information to the Executive Director and should be instructed to work with the Executive Director to ensure that the Brown Act is complied with.

This unfortunate wording infers that there have been past Brown Act violations. This is not true, existing law already covers this issue, and the ED and counsel have conferred multiple times to stay up to date on the Brown Act.

6 - The COG should immediately initiate the audit mandated by its JPA, but never thus far performed.

There is no disagreement on this issue, but once again, as stated, the language could be misunderstood as to who and why this has not yet occurred.

7 - County Counsel should work with the Economic Alliance and the Executive Director to ensure that the proposed amendment to the Management Services Agreement would comply with: a) the Board of Director's instruction that the increase in compensation be made contingent upon the COG having sufficient funds available, and b) the Agreement complied with all other aspects of the law.

Full agreement with this, but uncertain as to the need for section (b).

8 - The Auditor-Controller should send, and continue to send, updated financial records to the Executive Director.

Full agreement with this.

I MOVE THAT: All of these recommendations be adopted by the Board of Directors, and the appropriate staff be directed to implement each of these recommendations immediately EXCEPT for the recommendations involving the performance evaluation and the update of the fiscal manual because those recommendations are already listed separately on today's agenda as Items 8A and 12, respectively.

Fiscal Working Group Motion

Refining the Fiscal Manual - Policies for Procurement and Purchasing

[Offered to Replace Item 7c of the January 10, 2013 Agenda]

1 - The COG's Treasurer should attend each meeting, provide an oral report including most recent account balances, and send regular financial records and reports to the Executive Director.

2 - General Counsel, the Treasurer, and the Executive Director, are directed to meet and develop recommendations to refine the COG's Fiscal Manual, procedures and procurement policies making them consistent with the scale, scope and needs of the COG. This shall be returned to the Board for approval soon as reasonably possible.

3 - The COG operational policies should provide that Agendas including attachments (when available) should be sent out two weeks in advance of each regular meeting; that packet pages be Bates numbered for consistency and convenience, and that electronic versions include bookmarks to attachments.

4 - The COG should immediately initiate regular audits as provided for in the Joint Powers Agreement.

5 - Any management services arrangement, providing for compensation over and above base dues funding, are to be made contingent upon verifiable funding, either by existing cash, fixed revenues such as additional dues, or by actual revenues received from COG activities.

I MOVE THAT: The foregoing recommendations be adopted by the Board of Directors.

**SAN FERNANDO VALLEY
COUNCIL OF GOVERNMENTS**

A Joint Powers Authority

**BOARD OF DIRECTORS
SUPPLEMENTAL AGENDA**

Thursday, April 11, 2013 – 10:00 a.m.

Valley Municipal Building, Council Chambers
14410 Sylvan Street, 2nd Floor
Van Nuys, California 91401

AGENDA NO. CHANGE/ADD

ADDITIONAL AGENDA ITEM

9.5 METRO Subregional Transportation Needs Assessment and Strategy

Requested Action: Respond to briefing; recommend possible implementation steps to enhance participation and collaboration with Metro on *Subregional Transportation Needs Assessment and Strategy*.