



# AGENDA

## **Orange County Council of Governments Board of Directors' Regular Meeting**

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*As set forth in Orange County Council of Governments bylaws and Joint Powers Agreement - the Orange County Council of Governments is a voluntary agency established to serve as a subregional organization to the Southern California Association of Governments representing Orange County on mandated and non-mandated regional planning activities, to provide a vehicle for Members to engage cooperatively on such activities, and to conduct studies and projects designed to improve and coordinate common governmental responsibilities and services on an area-wide and regional basis.*

Orange County Transportation Authority Headquarters

First Floor – Conference Room 103/104

**(Note:** *Change of conference room location*)

600 South Main Street, Orange, California

**Thursday, May 23, 2013 - 10:30 a.m. to 12:00 p.m.**

### **Board Members**

Leroy Mills, District 18, Chairman

Brett Murdock, District 22, Vice Chairman

Mike Munzing, District 12

Kathryn McCullough, District 13

Steven Choi, District 14

Leslie Daigle, District 15

John Nielsen, District 17

Kris Murray, District 19

Tri Ta, District 20

Art Brown, District 21

Matthew Harper, District 64

Bob Ring, Cities At-Large

Janet Nguyen, County At-Large

Phil Anthony, ISDOC

Jim Ferryman, OCSD

*Vacant*, OCTA

*Vacant*, SCAG – County Representative

Shawn Nelson, SCAQMD – County Representative

Bert Hack, TCA

Beth Swift, OC Division, League of Cities

Steven Schuyler, Private Sector

Kate Klimow, University Community

Bryan Starr, Business Community

Julie Puentes, Health Care/Hospital Industry

Karen Roper, Housing (Non-Profit) Community

Carolyn Emery, Orange County LAFCO

### **Agenda Descriptions**

The agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Board of Directors may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

### **Public Comments on Agenda Items**

Members of the public wishing to address the Board of Directors regarding any item appearing on the agenda may do so by completing a Speaker Card's and submitting it to the Clerk of the Board. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. A speaker's comments shall be limited to three minutes.

### **Public Availability of Agenda Materials**

All documents relative to the items referenced in this agenda are available for public inspection at [www.octa.net/occog](http://www.octa.net/occog) or through the Clerk of the Board's office at the OCTA Headquarters, 600 South Main Street, Orange, California.



# AGENDA

## **Orange County Council of Governments Board of Directors' Regular Meeting**

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### **Accessibility**

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the Clerk of the Board, telephone (714) 560-5676, no less than two business days prior to this meeting to enable the Orange County Transportation Authority (OCTA) to make reasonable arrangements to assure accessibility to this meeting.

### **Call to Order**

### **Roll Call**

### **Pledge of Allegiance**

Board Member Hack

### **Presentation**

Recognition of Outgoing Board of Directors' Member Bob Ring, Mayor, City of Laguna Woods

### **Special Calendar (Item 1)**

#### **1. Election of Chair and Vice Chair for Orange County Council of Governments**

Gwenn Norton-Perry, Executive Director

##### Recommended Actions

- A. Request Nominations and Convene Election for Orange County Council of Governments Chairperson.
- B. Request Nominations and Convene Election for Orange County Council of Governments Vice Chairperson.

### **Consent Calendar (Items 2 and 3)**

All matters listed under the Consent Calendar are routine and will be enacted by one vote without separate discussion unless Members of the Board, the public, or staff request specific items be removed for separate action or discussion.

#### **2. Approval of Minutes**

##### Recommended Action

Approve the Minutes of the April 25, 2013, Board of Directors' meeting, as Presented or Amended.



# AGENDA

## Orange County Council of Governments Board of Directors' Regular Meeting

### **3. Orange County Council of Governments' Financial Report**

Tom Wulf, Treasurer

#### Recommended Action

Approve the Orange County Council of Governments' Financial Report.

## **Action Items (Items 4 through 9)**

### **4. Southern California Association of Governments Regional Council Vacancy Cancellation of Election and Confirmation of District 20 Delegate Mayor Tri Ta**

Gwenn Norton-Perry, Executive Director

#### Recommended Actions

- A. Announcement of Cancellation of Election for Southern California Council of Governments District 20.
- B. Confirmation of Unopposed Candidate and Westminster Mayor Tri Ta as Delegate for District 20.
- C. Confirmation of Mayor Tri Ta as Primary Member on the Orange County Council of Governments Board of Directors representing the Southern California Association of Governments District 20.

### **5. Approve Appointment of Costa Mesa City Council Member Sandra Genis as an Orange County Council of Governments Delegate to the Southern California Association of Governments Energy and Environment Policy Committee.**

Gwenn Norton-Perry, Executive Director

#### Recommended Action

Authorize the Orange County Council of Governments' Chairman to submit a letter to Southern California Association of Governments President Pettis Requesting the Appointment of Council Member Genis to the Energy and Environment Policy Committee.



# AGENDA

## Orange County Council of Governments Board of Directors' Regular Meeting

6. **Appointment of Mike Balsamo as Primary Ex-Officio Member to the Orange County Council of Governments Board of Directors Representing the Private Sector and Steven Schuyler as Alternate Ex-Officio Member Representing the Private Sector**

Gwenn Norton-Perry, Executive Director

### Recommended Actions

- A. Approve Appointment of Mike Balsamo as Primary Ex-Officio Member to the Orange County Council of Governments Board of Directors Representing the Private Sector.
  - B. Approve Appointment of Steven Schuyler as Alternate Ex-Officio Member to the Orange County Council of Governments Board of Directors Representing the Private Sector.
7. **Approve No-Fee Facility Use Agreement Between the Orange County Transportation Authority and the Orange County Council of Governments**
- Gwenn Norton-Perry, Executive Director  
Fred Galante, Legal Counsel

### Recommended Action

Approve and Authorize the Chairman to sign the No-Fee Facility Use Agreement Between the Orange County Transportation Authority and the Orange County Council of Governments.

8. **Discussion and Review of Proposed 2013-2014 Work Plan for the Orange County Council of Governments**
- Gwenn Norton-Perry, Executive Director

### Recommended Actions

- A. Review Proposed 2013-2014 Work Plan for the Orange County Council of Governments.
- B. Provide Revisions to Proposed Fiscal Year 2013-2014 Work Plan for Final Presentation and Adoption by the Board of Directors at the June 27, 2013 Meeting.



# AGENDA

## Orange County Council of Governments Board of Directors' Regular Meeting

9. **Discussion and Review of the Proposed Fiscal Year 2013-2014 Orange County Council of Governments Budget**  
Gwenn Norton-Perry, Executive Director

### Recommended Actions

- A. Review Proposed 2013-2014 Orange County Council of Governments Budget.
- B. Provide Revisions to and Comments Regarding Proposed 2013-2014 Budget for Final Presentation and Adoption by the Board of Directors at its June 27, 2013 Meeting.

### **Presentation (10 Minutes)**

10. **Community-Based, Public-Private, Infrastructure Financing Models**  
Gwenn Norton-Perry, Executive Director  
(Presenter: Megan Matson, Table Rock Capital)

### Recommended Action

Information Only/No Recommended Action

### **Reports**

- 11. **Report from the Technical Advisory Committee**  
Marika Poynter, Technical Advisory Committee Chairperson
- 12. **Southern California Association of Governments Report** *(No Written Report)*  
Kevin Gilhooley, Regional Affairs Officer
- 13. **Chairman's Report** *(Verbal Report)*  
Leroy Mills, Chairman
- 14. **Executive Director's Report**  
Gwenn Norton-Perry, Executive Director
- 15. **Public Comments**

At this time, members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, but no action may be taken on off agenda items unless authorized by law. Comments shall be limited to three minutes per speaker, unless different time limits are set by the Chairman subject to the approval of the Board of Directors.



# AGENDA

## Orange County Council of Governments Board of Directors' Regular Meeting

- 16. **Board Members' Reports**
- 17. **Member Agencies' Reports**
- 18. **Staff Members' Reports**
- 19. **Future Action Items**
- 20. **Adjournment**

The next regularly scheduled meeting of this Board is scheduled from **10:30 a.m. to 12:00 p.m. on Thursday, June 27, 2013**, at the Orange County Transportation Authority Headquarters.



**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**May 23, 2013**

**Subject:**                   **Election of Chair and Vice Chair for the Orange County Council of Governments**

**Summary:**               Per the Amended Bylaws of the Orange County Council of Governments, adopted by the Board of Directors on June 25, 2009, Article III, Section 5.4 establishes the following provisions for the election of officers:

- A. The Officers of the OCCOG shall consist of the Chair and Vice Chair, which positions shall be elected annually at the first regular meeting in May or as soon thereafter when a quorum is reached, and shall be elected by a majority of the Board Members in attendance.*
- B. The Chair shall preside at all meetings of the Board and shall exercise firm control and direction during the course of any Board meetings. No Member of the Board, any presenter, or any member of the general public shall address the Board until recognized by the Chair. The Chair and the Board shall be guided, but not bound, by Roberts Rules of Order, latest revision, on all questions of procedure and parliamentary law not covered by the Bylaws or other rules and regulations adopted by the Board.*
- C. The Vice Chair shall perform all duties of the Chair in the temporary absence of the Chair.*

**Recommendations:**

- A. Request Nominations and Convene Election for Orange County Council of Governments Chairperson
- B. Request Nominations and Convene Election for Orange County Council of Governments Vice Chairperson

**Staff Contact:**           Gwenn Norton-Perry, Executive Director  
909-573-4333  
[gwennnortonperry@msn.com](mailto:gwennnortonperry@msn.com)



# MINUTES

## *Orange County Council of Governments Board of Directors' Meeting*

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### **Call to Order**

The regular meeting of the Orange County Council of Governments (OCCOG) was called to order by Chairman Mills at 10:31 a.m. on Thursday, April 25, 2013, at the Orange County Transportation Authority Headquarters, 600 South Main Street, Conference Room 154/155, Orange, California.

### **Board Members Present**

Leroy Mills, District 18, Chairman  
Brett Murdock, District 22, Vice Chairman  
Mike Munzing, District 12  
Dwight Robinson, District 13, Alternate  
Steven Choi, District 14  
Cheryl Brothers, District 15, Alternate  
Kris Murray, District 19  
Tri Ta, District 20, Alternate  
Art Brown, District 21  
Bob Ring, Cities At-Large  
Janet Nguyen, County At-Large  
Phil Anthony, ISDOC  
Jim Ferryman, OCSD  
Shawn Nelson, SCAQMD – County Representative  
Bert Hack, Transportation Corridor Agencies  
Steven Schuyler, Private Sector (Ex-Officio)  
Kate Klimow, University Community (Ex-Officio)  
Carolyn Emery, LAFCO (Ex-Officio)

### **Board Members Absent**

Kathryn McCullough, District 13  
Leslie Daigle, District 15  
John Nielsen, District 17  
Matthew Harper, District 64  
Beth Swift, Orange County Division, League of Cities (Ex-Officio)  
Bryan Starr, Business Community (Ex-Officio)  
Julie Puentes, Health Care/Hospital Industry (Ex-Officio)  
Karen Roper, Housing (Non-Profit) Community (Ex-Officio)

### **Board Vacancies**

Orange County Transportation Authority  
SCAG – County Representative

### **Staff Present**

Gwenn Norton-Perry, Executive Director  
Laurena Weinert, OCTA Assistant Clerk of the Board  
Mary Burton, OCTA Deputy Clerk of the Board  
Fred Galante, General Counsel





### **Pledge of Allegiance**

The pledge of allegiance was led by Board Member Ring.

### **Special Calendar**

**1. Update from the Southern California Association of Governments Regarding the Development of the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy**

Hasan Ikhata, Executive Director of Southern California Association of Governments (SCAG), highlighted the process of the 2016 Regional Transportation Plan and responded to the issues raised by the OCCOG Executive Director, Gwenn Norton-Perry, regarding the subcommittees.

Mr. Ikhata announced that the SCAG General Assembly and Conference is scheduled for May 2 and 3 in Palm Desert.

### **Consent Calendar (Items 2 and 3)**

**2. Approval of Minutes**

A motion was made by Board Member Ta, seconded by Board Member Anthony, and declared passed by those present, to approve the minutes of the March 28, 2013, meeting.

Board Member Choi was not present to vote on this item.

**3. Orange County Council of Governments' Financial Report**

A motion was made by Board Member Ta, seconded by Board Member Anthony, and declared passed by those present, to approve the Orange County Council of Governments' financial report.

Board Member Nelson noted that Attachment A of the report had Buena misspelled for the City of Buena Park.

Board Member Choi was not present to vote on this item.



### **Regular Calendar**

#### **4. Southern California Association of Governments Regional Council Vacancy and Announcement of Election Schedule**

Gwenn Norton-Perry, Executive Director, reported on the SCAG District 20 Regional Council vacancy and highlighted the notification process and timelines.

A motion was made by Board Member Brothers, seconded by Board Member Nelson, and declared passed by those present, for:

- A. Announcement of a Regional Council Vacancy for District 20 representing the Cities of Los Alamitos, Seal Beach, Stanton and Westminster.
- B. Acceptance and confirmation of aforementioned election schedule to select a representative for District 20, due to the resignation of Council Member Andy Quach, City of Westminster, from his service on the Regional Council of the Southern California Association of Governments.

Board Member Choi was not present to vote on this item.

#### **5. Review of Proposed Draft Orange County Council of Governments Fiscal Year 2013-2014 Budget**

Gwenn Norton-Perry, Executive Director, reported on the draft OCTA/OCCOG cooperative agreement and proposed OCCOG fiscal year 2013-14 budget.

Chairman Mills commented that OCCOG appreciates the in-kind services from the cities of Anaheim, Irvine, OCCOG Technical Advisory Committee, and other agencies.

Board Member Murray inquired about the proposed 2013-14 due increases for some of the agencies. Ms. Norton-Perry responded that the dues will stay the same as this fiscal year.

No action was taken on this item.

### **6. Selection of Consultant for Development and Design of the Orange County Council of Governments Website**

Gwenn Norton-Perry, Executive Director, reported on transition from the OCTA website to a self-sustaining OCCOG website and that three proposals were received for the design, development, and delivery of the website.

Joven Orozco, Jovenville, LLC, from the recommended firm presented the following:

- Plan of action for OCCOG.com
- Transfer existing site (i.e., set up hosting, emails, etc.)
- Design and concepts of the new site
- Who is Jovenville

Additional discussion ensued regarding:

- The OCCOG Executive Director could be trained by Jovenville on how to post updates/announcements to the website.
- Recommendation that OCTA's website provide a link to OCCOG's website. The suggestion will be addressed in the OCTA/OCCOG cooperative agreement.
- Social media (i.e. tweeter feeds) could be built into the website.
- The website maintenance cost is \$100.00 per month, there is an hourly fee to perform updates, and any other costs would come back to the Board.
- General Counsel, Fred Galante, commented that he needs to review the agreement and he has concerns that need to be addressed. He requested that the Board's approval is subject to his review of the agreement.
- Board Member Munzing commented that he has design background and offered his resources for questions to the Executive Director.

A motion was made by Board Member Brown, seconded by Board Member Anthony, and declared passed by those present, to authorize the Executive Director to Execute an Agreement with Jovenville, LLC for the Discovery, Design, Development and Delivery of an Orange County Council of Governments Website in an amount not to exceed \$3,750.00 and subject to the OCCOG General Counsel's review.

### **7. Submittal of Letter of Support to the Transportation Corridor Agencies Regarding the State Route 241 Tesoro Extension Efforts**

Gwenn Norton-Perry, Executive Director, reported that at the March 28, OCCOG Board meeting Board Member Hack provided an update on State Route (SR) 241 Tesoro Extension project. The Board agreed to bring forward a letter of support for the Chairman's signature on behalf of the project.

Bill Burger, Chief of Staff for the Transportation Corridor Agencies (TCA), provided an update on SR-241 Tesoro Extension project.

Additional discussion ensued regarding:

- A public hearing will be scheduled for August 2013.
- The extension is an independent utility and is a stand-alone project, which the Coastal Commission opposes.
- The SCAG Regional Transportation Plan is based upon the TCA plan, which is taking an incremental approach in order to preserve federal funding.

A motion was made by Board Member Hack, seconded by Board Member Anthony, and declared passed by those present, to authorize Chairman Mills to sign attached Letter of Support on behalf of the Orange County Council of Governments for the State Route 241 Tesoro Extension.

Board Member Ta abstained on this item.

## **Reports**

### **8. Report from the Technical Advisory Committee Chair**

Nate Farnsworth, Vice Chair, Technical Advisory Committee (TAC), highlighted the discussion at the last OCCOG TAC meeting as noted in the staff report.

### **9. Southern California Association of Governments Report**

Kevin Gilhooley, Regional Affairs Officer, Southern California Association of Governments (SCAG), reported on the following:

- A flyer was distributed to the Board regarding the SCAG General Assembly and conference scheduled for May 2 and 3 at the JW Marriott in Palm Desert.
- The cities of Rancho Santa Margarita and Costa Mesa have joined SCAG.

### **9. (Continued)**

- A flyer was distributed to the Board regarding the call for proposal for the sustainability planning grant, which is part of the Compass Blueprint program.
- On May 16, SCAG staff is providing a toolbox workshop to address successful Compass Blueprint projects.

### **10. Chairman's Report**

Chairman Mills referenced his revised report which was distributed today to the Board and reported on the following:

- City of Cypress adopted a tough registered Sex Offender Ordinance. A copy of the ordinance and court decision can be provided upon request.
- California High Speed Rail Authority (CHSRA) settlement of the final California Environmental Quality Act lawsuit challenging the Merced-Fresno environmental impact report.
- Quentin Kopp, former State Senator, now opposes High Speed Rail (HSR).
- April 2013 California Air Pollution Control Officers' Association report.

Additional discussion ensued regarding:

- Suggestion to go back several years on the air quality report to show the positive results.
- Agendize at a future meeting OCCOG's position regarding HSR.
- City of Anaheim, the southern terminus approved by the voters for the initial HSR segment, has a signed memorandum of understanding (MOU) with the CHSRA, which the Council has taken a position of support.
- Government accounting office federal watch dog group recently studied the new business/financial plan and has given the CHSRA's new plan strong reviews.

### **11. Executive Director's Report**

Gwenn Norton-Perry, Executive Director, reported that:

- At the next meeting there will be: 1) elections for the OCCOG Chair and Vice Chair; 2) new OCTA/OCCOG MOU; 3) proposed by-laws revisions; and 4) complete budget/work plan for fiscal year 2013-14.
- Deadline for the sub-regions to sign a letter of intent to accept the SCS delegation are due to SCAG January 2014.
- Presentations would be provided to the Board (as noted in the report).

### **12. Public Comments**

No public comments were received.

### **13. Board Members' Reports**

Board Member Brown reported that he attended a CALCOG Regional Leadership Forum on behalf of OCCOG last month. He highlighted the Mike Madrid's presentation provided at the forum regarding political parties demographics.

Board Member Murray reported that she will not be able to attend the upcoming SCAG General Assembly and conference, due to a family vacation; however, Councilmember Gail Eastman, alternate for OCCOG and SCAG, will be attending.

Board Member Brothers requested that the demographic information provided by Board Member Brown also be forwarded to the Board.

### **14. Member Agencies' Reports**

Debra Ashby, Senior Public Information Specialist, South Coast Air Quality Management District (SCAQMD), distributed flyers to the Board regarding the SCAQMD annual clean air awards and nominations are being accepted. In addition, a flyer was provided regarding the electric lawn mower exchange program events.

Board Member Hack commented on the last three months dry weather that causes fire dangers as well as impacts the water reservoirs. Hence, long-term our region could take the state of Nevada's approach of removing the lawns, etc. to conserve on water.



# MINUTES

## *Orange County Council of Governments Board of Directors' Meeting*

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### **15. Staff Members' Reports**

No reports were offered by staff members.

### **16. Adjournment**

The meeting adjourned at 11:45 a.m.

The next regularly scheduled meeting of this Board will be held from **10:30 a.m. to 12:00 p.m. on Thursday, May 23, 2013**, at the Orange County Transportation Authority Headquarters.

ATTEST

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Laurena Weinert  
OCTA Assistant Clerk of the Board

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Leroy Mills  
OCCOG Chairman



**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**Subject:** OCCOG Financial Report

**Summary:** OCCOG financial information is provided for board review.

As of April 30, 2013, OCCOG had a bank balance of \$116,036.76 at Bank of the West. There was one outstanding check totaling \$1,675.84.

**Recommendation:** Approve financial report.

**Attachments:**

- A. OCCOG Fiscal Year 2012-13 Checking Account Register
- B. Bank of the West Statement
- C. OCCOG Fiscal Year 2012-13 Cash Receipts/Disbursements Report

**Staff Contact:** Tom Wulf  
OCCOG Treasurer  
714/560-5659  
Twulf@octa.net



## Attachment A

Date	Check #	Description	Amount	Balance	Date Cleared	FY20012-13 CDR Fees	FY20012-13 Dues		
July									
7/1/2012		Balance Forward		48,795.29					
7/11/2012	1070	OCTA	(35,250.00)	13,545.29	7/16/2012				
7/16/2012		Fullerton	11,935.30	25,480.59		3,219.55	8,715.75		
7/17/2012		Seal Beach	4,477.10	29,957.69		1,203.50	3,273.60		
7/19/2012		Anaheim	25,652.93	55,610.62		6,896.28	18,756.65		
7/19/2012	1071	Dave Simpson	(56.00)	55,554.62	8/3/2012				
7/20/2012		OC Sanitation District	7,500.00	63,054.62			7,500.00		
7/23/2012		Buena Park	8,263.44	71,318.06		2,221.19	6,042.25		
7/23/2012		Cypress	1,629.76	72,947.82		1,629.76			
7/23/2012		Cypress	4,431.44	77,379.26			4,431.44		
7/23/2012		Dana Point	5,093.37	82,472.63		1,369.47	3,723.90		
7/23/2012		Laguna Beach	4,382.82	86,855.45		1,178.76	3,204.06		
7/23/2012		Yorba Linda	7,201.42	94,056.87		1,941.73	5,259.69		
7/23/2012		Laguna Woods	3,943.65	98,000.52		1,060.57	2,883.08		
7/24/2012		Mission Viejo	9,106.91	107,107.43		2,448.16	6,658.75		
7/24/2012		SCAQMD	7,500.00	114,607.43			7,500.00		
7/26/2012		La Habra	6,897.81	121,505.24		1,854.27	5,043.54		
7/26/2012		Stanton	5,418.33	126,923.57		1,455.56	3,962.77		
7/26/2012		Los Alamitos	3,626.39	130,549.96		975.44	2,650.95		
7/27/2012	1072	CSUF ASC	(19,621.75)	110,928.21	8/6/2012				
7/31/2012		Tustin	7,927.64	118,855.85		2,133.99	5,793.65		
7/31/2012		Garden Grove	14,309.26	133,165.11		3,846.25	10,463.01		
7/31/2012		Huntington Beach	15,594.48	148,759.59		4,200.49	11,393.99		
7/31/2012		Rancho Santa Margarita	6,063.24	154,822.83		1,629.85	4,433.39		
7/31/2012		Laguna Hills	4,891.49	159,714.32		1,315.13	3,576.36	Bank of the West	184,911.35
7/31/2012		San Juan Capistrano	5,181.28	164,895.60		1,393.61	3,787.67	O/S Checks	(20,015.75)
									<u><u>\$164,895.60</u></u>
August									
8/1/2012		Brea	5,547.14	170,442.74		1,498.94	4,048.20		
8/3/2012		San clemente	7,119.09	177,561.83		1,913.74	5,205.35		
8/6/2012		Westminster	8,870.91	186,432.74		2,385.45	6,485.46		
8/6/2012		Santa Ana	6,610.04	193,042.78		6,610.04			
8/9/2012		La Palma	3,901.66	196,944.44		1,049.27	2,852.39		
8/9/2012		Laguna Nigel	7,084.71	204,029.15		1,904.53	5,180.18		
8/13/2012		Fountain Valley	6,562.83	210,591.98		1,764.08	4,798.75		
8/14/2012		TCA	9,000.00	219,591.98			9,000.00		
8/16/2012		Lake Forest	8,037.34	227,629.32		2,160.17	5,877.17		
8/16/2012	1073	Aleshire & Wynder	(774.00)	226,855.32	9/12/2012				
8/21/2012		Costa Mesa	10,216.38	237,071.70		2,743.30	7,473.08		
8/22/2012		Irvine	17,557.03	254,628.73		4,756.60	12,800.43		
8/22/2012		County of Orange	9,000.00	263,628.73			9,000.00		
8/30/2012	1074	Aleshire & Wynder	(126.00)	263,502.73	9/12/2012			Bank of the West	276,417.27

8/31/2012		City of Orange	12,014.54	275,517.27		3,228.98	8,785.56	O/S Checks	(900.00)
									<u>\$275,517.27</u>
<b>September</b>									
9/4/2012		Newport Beach	8,564.48	284,081.75		2,301.92	6,262.56	Bank of the West	284,081.75
									O/S Checks
									<u>-</u>
									<u>\$284,081.75</u>
<b>October</b>									
10/1/2012	1075	OCTA	(35,250.00)	248,831.75	10/9/2012				
10/1/2012	1076	CSUF ASC	(19,621.75)	229,210.00	10/10/2012				
	1077	Void	-	229,210.00					
10/1/2012	1078	Building Industry Assoc Of So Cal, Inc.	(100.00)	229,110.00	11/2/2012				
10/1/2012	1079	Aleshire & Wynder	(378.00)	228,732.00	10/11/2012				
10/4/2012		OCTA	9,000.00	237,732.00			9,000.00		
10/18/2012		Placentia	6,246.08	243,978.08		1,679.86	4,566.22		
10/18/2012	1080	Aleshire & Wynder	(1,170.00)	242,808.08	11/8/2012				
10/18/2012	1081	Dave Simpson	(785.00)	242,023.08	10/26/2012			Bank of the West	243,293.08
10/18/2012	1082	PublicCEO.com	(300.00)	241,723.08	11/9/2012			O/S Checks	(1,570.00)
									<u>\$241,723.08</u>
<b>November</b>									
11/5/2012		Villa Park	874.04	242,597.12		874.04	-		
11/26/2012		Aliso Viejo	6,094.12	248,691.24		1,642.50	4,451.62	Bank of the West	248,691.24
									O/S Checks
									<u>-</u>
									<u>\$248,691.24</u>
<b>December</b>									
12/3/2012	1083	Alshire & Wynder	(1,332.00)	247,359.24	12/19/2013			Bank of the West	247,359.24
									O/S Checks
									<u>-</u>
									<u>\$247,359.24</u>
<b>January</b>									
1/8/2013	1084	OCTA	(35,250.00)	212,109.24	1/14/2013			Bank of the West	197,487.49
1/8/2013	1085	CSUF ASC	(19,621.75)	192,487.49	1/16/2013			O/S Checks	-
1/30/2013		ISDOC	5,000.00	197,487.49			5,000.00		<u>\$197,487.49</u>
<b>February</b>									
2/6/2013	1086	Aleshire & Wynder	(1,260.00)	196,227.49	2/25/2013			Bank of the West	196,087.92
2/7/2013	1087	David Simpson	(139.57)	196,087.92	2/14/2013			O/S Checks	-
									<u>\$196,087.92</u>
<b>March</b>									
3/5/2013	1088	Aleshire & Wynder	(3,708.00)	192,379.92	3/26/2013			Bank of the West	182,131.92
3/6/2013	1089	Gwenn Norton-Perry	(10,248.00)	182,131.92	3/26/2013			O/S Checks	-
									<u>\$182,131.92</u>
<b>April</b>									
	1090	Void	-	182,131.92					
4/2/2013	1091	Aleshire & Wynder	(828.00)	181,303.92					
4/3/2013	1092	OCTA	(35,250.00)	146,053.92					
4/3/2013	1093	CSUF ASC	(19,621.75)	126,432.17					
4/8/2013	1094	Gwenn Norton-Perry	(10,395.41)	116,036.76					

4/29/2013	1095	Aleshire & Wynder	(1,675.84)	114,360.92	Bank of the West	116,036.76
					O/S Checks	<u>(1,675.84)</u>
						<u>\$114,360.92</u>
<b>May</b>						
					Bank of the West	
					O/S Checks	<u>                    </u>
<b>June</b>						<u>                    </u>
					Bank of the West	
					O/S Checks	<u>                    </u>
<b>Totals</b>						<u>                    </u>
				<b>78,486.98</b>	<b>239,841.47</b>	

**Account Statement**

April 1, 2013 - April 30, 2013

Page 1 of 4



>001808 3266811 0001 008230 10Z  
ORANGE COUNTY COUNCIL OF GOVERNMENTS  
ATTN TOM WULF  
PO BOX 14184  
ORANGE CA 92863-1584

**At your service**

bankofthewest.com



1-800-488-2265

Thank you for banking with Bank of the West. We appreciate your business and look forward to continuing to serve your banking needs.

**REGULAR BUSINESS CHECKING 011-244681**

ORANGE COUNTY COUNCIL OF GOVERNMENTS  
ATTN TOM WULF

**ACCOUNT SUMMARY**

<b>Beginning Balance</b>	<b>\$182,131.92</b>
Total deposits and additions	0.00
Total withdrawals and subtractions	-66,095.16
<b>Ending Balance</b>	<b>\$116,036.76</b>

**EARNINGS SUMMARY**

Interest this statement period	\$0.00
Interest credited year-to-date	\$0.00
Annual percentage yield earned	0.00%
Average monthly balance	\$140,565.50

**For your protection:**

Examine this statement promptly. Any discrepancy must be reported within 30 days. Consumer customers: A discrepancy regarding an electronic payment or line of credit must be reported within 60 days.

## Account Statement

April 1, 2013 - April 30, 2013

Page 2 of 4

## REGULAR BUSINESS CHECKING xxx-xx4681 (continued)

## ACTIVITY DETAIL

## Transaction Detail

Date	Description	Deposits	Withdrawals	Balance
Beginning Balance				\$182,131.92
04/11	Check Paid #1092		-35,250.00	146,881.92
04/12	Check Paid #1093		-19,621.75	127,260.17
04/15	Check Paid #1091		-828.00	126,432.17
04/16	Check Paid #1094		-10,395.41	116,036.76
Totals		\$0.00	-\$66,095.16	
Ending Balance				\$116,036.76

## Checks Paid

Number	Date paid	Amount	Number	Date paid	Amount	Number	Date paid	Amount
1091e	04/15	828.00	1093e	04/12	19,621.75			
1092e	04/11	35,250.00	1094e	04/16	10,395.41			
Total Checks Paid								\$66,095.16

e = Item presented electronically.

**IMPORTANT INFORMATION****IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC TRANSFERS**

(For accounts that are maintained primarily for personal, family or household purposes.)

Telephone us at (800) 488-2265, or write us at Bank of the West\*, Branch Service Center, P.O. Box 2573, Omaha, NE 68103-2573 as soon as you can if you think your statement or receipt is wrong or if you need more information about a transfer listed on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared. We will need to know the following:

1. Tell us your name and account number (if any).
2. Describe the error or the transfer you are unsure about, and explain as clearly as you can why you believe it is an error or why you need more information.
3. Tell us the dollar amount of the suspected error.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days (20 business days for transactions involving new accounts) to do this, we will credit your account for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation.

\*In South Dakota, Bank of the West operates under the name of Bank of the West California.



## Account Statement

April 1, 2013 - April 30, 2013

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Page 4 of 4

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**Orange County Council of Governments  
Cash Receipts/Disbursements Report  
For the Quarter ending June 30, 2013**

<u>Cash Receipts</u> Date	Payer	Description	Amount
			-

<u>Cash Disbursements</u>			
Date	Check #	Payee	Description
4/2/2013	1091	Aleshire & Wynder	February Legal Fees
4/3/2013	1092	OCTA	Admin Services - Fourth quarter FY2012-13
4/3/2013	1093	CSUF ASC	CDR Fees - Fourth quarter FY2012-13
4/18/2013	1094	Gwenn Norton-Perry	March Admin Services, Supplies
4/29/2013	1095	Aleshire & Wynder	March Legal Fees
			Amount
			828.00
			35,250.00
			19,621.75
			10,395.41
			1,675.84
			67,771.00





**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**May 23, 2013**

**Subject:** **Southern California Association of Governments Regional Council  
Vacancy Cancellation of Election and Confirmation of District 20  
Delegate Mayor Tri Ta**

**Summary:** In accordance with the Bylaws of the Southern California Association of Governments, the Orange County Council of Governments Board of Directors adopted an Election Schedule to fill the vacancy for District 20 at its last meeting on April 25, 2013. The vacancy was created following the resignation of Westminster City Council Member Andy Quach from the seat. District 20 serves the Cities of Los Alamitos, Seal Beach, Stanton and Westminster.

Subsequent to the posting of the vacancy and action taken by the Orange County Council of Governments, Westminster Mayor Tri Ta was the only declared candidate seeking to fill the vacancy per the posted Election Schedule. As a result of the uncontested election, the Orange County Council of Governments is authorized to cancel the previously adopted Election Schedule and declare that Mayor Ta assume the role as District 20 Representative for the Southern California Association of Governments. Additionally, he will also become the Primary representative for District 20 on the Orange County Council of Governments Board of Directors.

**Recommendations:**

- A. Announcement of Cancellation of Election for Southern California Council of Governments District 20.
- B. Confirmation of Unopposed Candidate, Westminster Mayor Tri Ta as Delegate for District 20.
- C. Confirmation of Mayor Tri Ta as Primary Member on the Orange County Council of Governments Board of Directors representing the Southern California Association of Governments District 20.

**Attachment:** April 25, 2013 Orange County Council of Governments Agenda Item and Board Memo Regarding the District 20 Vacancy and Establishment of Election Schedule

**Staff Contact:** Gwenn Norton-Perry, Executive Director  
909-573-4333  
[gwennnortonperry@msn.com](mailto:gwennnortonperry@msn.com)



**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**April 25, 2013**

**Subject:** **Southern California Association of Governments (SCAG) Regional Council Vacancy and Announcement of Election Schedule**

**Summary:** The Orange County Council of Governments Executive Director was notified by the City of Westminster on April 16, 2013 that Council Member Andy Quach has announced his resignation as District 20 (Cities of Los Alamitos, Seal Beach, Stanton and Westminster) Representative to the Southern California Association of Governments Regional Council.

Per the Bylaws of the Southern California Association of Governments, the Orange County Council of Governments must announce and post an election schedule declaring the vacancy and action deadlines for the election schedule.

The following schedule complies with the requirements of the Southern California Association of Governments in fulfilling the vacancy created in District 20:

<b>Action</b>	<b>Date</b>
Opportunity Notification to Cities and Electeds	April 25, 2013
Deadline to State Interest	May 2, 2013 (5 p.m.)
Notice of Declared Candidates to Cities	May 9, 2013
Elections (If Needed)	May 23, 2013
Notice of Election Results to SCAG/Board	May 23, 2013

**Recommendations:**

- A. Announcement of Regional Council Vacancy for District 20 Representing the Cities of Los Alamitos, Seal beach, Stanton and Westminster.
- B. Acceptance and Confirmation of Aforementioned Election Schedule to Select a Representative for District 20 due to the resignation of Council Member Andy Quach, Westminster, as the former District 20 Representative.

**Staff Contact:** Gwenn Norton-Perry, Executive Director  
909-573-4333  
[gwennnortonperry@msn.com](mailto:gwennnortonperry@msn.com)



**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**May 23, 2013**

**Subject:** **Approve Recommended Appointment of Costa Mesa City Council Member Sandra Genis as an Orange County Council of Governments Delegate to the Southern California Association of Governments Energy and Environment Policy Committee**

**Summary:** The Southern California Association of Governments (SCAG) Bylaws allow for the Subregions to request appointment of elected officials who are non-Regional Council Members to the SCAG Policy Committees. The Committees are Community, Economic and Human Development (CEHD), Energy and Environment (EEC), and Transportation Committee (TC).

The Orange County Council of Governments Board of Directors currently has six (6) vacancies on the committees. Elected officials who are members of the Southern California Association of Governments and the Orange County Council of Governments have been encouraged to submit Letters of Interest to Chairman Mills for recommendation to the SCAG President for appointment to the Policy Committees. To-date, no elected officials have requested appointment to any Policy Committees. Thus, six (6) vacancies still exist for elected officials to express their interest in serving.

Costa Mesa City Council Member Sandra Genis, a former Southern California Association of Governments Regional Council Member, recently expressed her interest in representing the Orange County Council of Governments on the Energy and Environment Policy Committee.

This item requires approval of the Board of Directors supporting her interest to serve on a Policy Committee as well as a Letter of Support from the Orange County Council of Governments Chairman.

**Recommendation:** Authorize the Orange County Council of Governments' Chairman to submit a letter to Southern California Association of Governments President Pettis Requesting the Appointment of Council Member Genis to the Energy and Environment Policy Committee.

**Attachment:** Qualifications of Council Member Sandra Genis

**Staff Contact:** Gwenn Norton-Perry, Executive Director  
909-573-4333  
[gwennnortonperry@msn.com](mailto:gwennnortonperry@msn.com)

## **Qualifications of Sandra Genis**

### **Council Member, City of Costa Mesa**

Sandy Genis grew up in Costa Mesa, graduated from Estancia High School, and has been active in the community for decades. In the 2012 elections, she finished first among the eight candidates for the City Council.

Sandy first served on the Costa Mesa City Council from 1988 to 1996. She also has served on the Orange County Housing Commission, the Orange County Charter Commission, and the boards of numerous nonprofits, including the Orange County Fairgrounds Preservation Society and Orange County Friends of Harbors Beaches and Parks.

Sandy demonstrated her commitment to protecting public assets during her previous terms on the City Council. Sandy was recognized as a fiscal conservative for her votes for balanced budgets and against issuing bonds. Genis is best known for her insistence that Costa Mesa pull their money out of the ill-fated Orange County Investment Pool before the bankruptcy. While other government agencies were borrowing to invest in the high-flying fund, Costa Mesa got their money out of the pool before the bankruptcy.

Sandy's long track record includes protecting our Costa Mesa neighborhoods, providing top-notch public safety, and her work to save the Orange County Fairgrounds.

## **SANDRA L. GENIS**

### **BIOGRAPHICAL SUMMARY**

Sandra Genis returned to the Costa Mesa City Council in 2012, having previously served on the Council from 1988 through 1996, serving as mayor from 1992 through 1994. During her previous stint on the Council Ms. Genis was on the Orange County Charter Commission and was a member of the Orange County League of Cities Supercommittee on Restructuring, for which she presided as chairman of the Charter Subcommittee. She served on the Orange County Charter Commission, formed in 1995 to examine government structures in Orange County in the wake of the Orange County bankruptcy. Sandra Genis was a member of the Southern California Association of Governments Regional Council where she sat on the Community, Economic, and Housing Development Committee, Planning Committee, the Alternative Dispute Resolution Advisory Committee, and the Legislative Task Force.

Her other activities include:

- Southern California Special Commission on Air Quality and the Economy
- Orange County Regional Advisory and Planning Council
- Orange County Housing Commission
- Orange County Affordable Housing Task Force
- Orange County Single Room Occupancy Housing Task Force
- Orange County Animal Care Community Outreach Committee

Ms. Genis is also involved with a number of nonprofit organizations, including the boards of the Bolsa Chica Land Trust, Stop Polluting Our Newport, and Orange County Fairgrounds Preservation Society, the group which successfully fought to stop the sale of the Orange County Fairgrounds .

Sandra Genis is a planning consultant with over thirty years of experience in public and private sector planning with special expertise in the areas of environmental analysis and housing, working primarily with citizens' groups and governmental agencies. She is a graduate of Stanford University.



**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**May 23, 2013**

**Subject:**                   **Appointment of Mike Balsamo as Primary Ex-Officio Member to the Orange County Council of Governments Board of Directors Representing the Private Sector and Steven Schuyler as Alternate Ex-Officio Member Representing the Private Sector**

**Summary:**               The Orange County Council of Governments, through provisions identified in its Bylaws, allows for Ex-Officio, non-voting members, to be appointed representing defined business, community and non-profit sectors.

At the January 24, 2013 meeting of the Board of Directors, Steven Schuyler, Vice President for Government Affairs, Building Industry Association of Southern California, was appointed as an Ex-Officio Member of the Board of Directors, representing the Private Sector.

Due to recent staff transitions, Ex-Officio Member Schuyler has requested that he be designated as the Alternate Member of the Board of Directors representing the Private Sector and that Mike Balsamo, Chief Executive Officer, Building Industry Association of Southern California, Orange County Chapter, be designated as the Primary Member of the Board of Directors.

The requested change is in accordance with the approved Bylaws of the Orange County Council of Governments.

**Recommendations:**

- A. Approve Appointment of Mike Balsamo as Primary Ex-Officio Member to the Orange County Council of Governments Board of Directors Representing the Private Sector
- B. Approve Appointment of Steven Schuyler as Alternate Ex-Officio Member to the Orange County Council of Governments Board of Directors Representing the Private Sector

**Staff Contact:**       Gwenn Norton-Perry, Executive Director  
909-573-4333  
[gwennnortonperry@msn.com](mailto:gwennnortonperry@msn.com)



**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**May 23, 2013**

**Subject:** **Approve No-Fee Facility Use Agreement between the Orange County Transportation Authority and the Orange County Council of Governments**

**Summary:** The Orange County Council of Governments has been operating under an Administrative Agreement with the Orange County Transportation Authority that expires June 30, 2013. Since the January 24, 2013 appointment of a new Executive Director for the Council of Governments was executed, the Agreement will no longer be applicable.

In recent months, while extensive progress and efforts have been made to ensure that the Orange County Council of Governments become more self-sustaining, the continued utilization of Orange County Transportation Authority's facilities for Board of Directors and other meetings would prove beneficial to both agencies.

As a result, a No-Fee Facility Use Agreement was developed to address continued use of Orange County Transportation Authority facilities as well as limited support services. The Facility Use Agreement was presented to the Orange County Transportation Authority Executive Committee on May 6, 2013 as well as the Board of Directors on May 13, 2013. The item was approved unanimously by the Board of Directors as well as the Subcommittee.

The following represents an overview of the provisions of the Agreement.

OCTA will provide, at no cost, to OCCOG:

- An Office/Cubicle and Parking for the Executive Director
- Meeting Facilities
- Phone Line
- Limited Computer Network Support
- Telephone Conference Bridge Access
- Basic Printing Resources (Business Cards, Letterhead, Fact Sheets, 2-Color Items)
- Invoicing and Administration of OCCOG dues and CDR Assessments
- Auditor Services for OCCOG through Fiscal Year 2012-2013
- Administration of all Federal Grants Awarded to OCCOG and Related Contracts

The Agreement, to be approved and signed by both parties, would take effect July 1, 2013, and may be terminated at any time by either entity with a 120-day notice.

**Recommendation:** Approve and Authorize Chairman to Sign the No-Fee Facility Use Agreement between the Orange County Transportation Authority and the Orange County Council of Governments.

**Attachments:**

- A. No-Fee Facility Use Agreement
- B. OCTA Staff Report dated May 6, 2013

**Staff Contact:** Gwenn Norton-Perry, Executive Director  
909-573-4333  
[gwennnortonperry@msn.com](mailto:gwennnortonperry@msn.com)



**DRAFT COOPERATIVE AGREEMENT NO. C-3-1702**  
**BETWEEN**  
**ORANGE COUNTY TRANSPORTATION AUTHORITY**  
**AND**  
**ORANGE COUNTY COUNCIL OF GOVERNMENTS**  
**FOR**  
**NON-FEE FACILITY USE AGREEMENT**

**THIS COOPERATIVE AGREEMENT** (hereinafter referred to as "COOPERATIVE AGREEMENT"), is effective this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the Orange County Transportation Authority ("AUTHORITY"), a public corporation of the State of California and the Orange County Council of Governments ("OCCOG"), a public joint powers entity of the State of California.

**RECITALS:**

**WHEREAS**, on July 1, 2009, OCCOG and AUTHORITY entered into Cooperative Agreement No. C-9-0496 ("ORIGINAL AGREEMENT") in which AUTHORITY agreed to provide of staff to administer the functions of the OCCOG. The ORIGINAL AGREEMENT expires on June 30, 2013; and

**WHEREAS**, OCCOG has requested that AUTHORITY continue to provide specified support services and use of specified AUTHORITY facilities to administer the functions and activities of OCCOG; and

**WHEREAS**, AUTHORITY is willing to continue to provide limited administration support for OCCOG functions and activities as provided in this COOPERATIVE AGREEMENT; and

**WHEREAS**, AUTHORITY'S Board of Directors approved this COOPERATIVE AGREEMENT on \_\_\_\_\_, 2013.

NOW THEREFORE, it is mutually understood and agreed by AUTHORITY and OCCOG as follows:

1           **ARTICLE 1. RESPONSIBILITIES OF OCCOG**

2           A.     Provide an executive director and clerical staff and all other positions required in  
3 the OCCOG Joint Powers Agreement, Bylaws and other formally adopted policies, contracts and  
4 applicable regulations, as necessary to operate the day-to-day functions of the OCCOG, except  
5 for those staff services provided by AUTHORITY pursuant to Article 2 below.

6           B.     Provide legal counsel to advise and represent OCCOG.

7           C.     Appoint an OCCOG representative to the Center for Demographic Research  
8 (“CDR”).

9           **ARTICLE 2. RESPONSIBILITIES OF AUTHORITY**

10          A.     Provide, at AUTHORITY’S cost, an office (cubicle or full office, depending on  
11 availability) with office furniture to include a desk, chair, and those additional facilities set forth in  
12 Attachment A, attached hereto and incorporated herein (“Attachment A”).

13          B.     Provide, at AUTHORITY’S cost, one parking pass and a building access badge for  
14 the executive director of the OCCOG. AUTHORITY shall further provide access to AUTHORITY’S  
15 parking structure and provide parking validation for other OCCOG representatives, which shall be  
16 paid by OCCOG at actual cost to AUTHORITY.

17          C.     Provide, at AUTHORITY’S cost, Information Systems (IS) support, including  
18 internet connection, network printing, basic telephone service needs, including unlimited local and  
19 nationwide calls, in the same manner as provided to the OCCOG contract executive director  
20 before the approval of this COOPERATIVE AGREEMENT.

21          D.     Provide, at AUTHORITY’S cost, telephone conference bridge access.

22          E.     Provide, at AUTHORITY’S cost, basic printing resources limited to OCCOG identity  
23 (business cards, letterhead, etc.), 2-color items, and single sheet documents that may include fact  
24 sheets and similar materials. AUTHORITY will not provide large quantities of copies  
25 (approximately 250 copies or more per print request or per week) or any binding or collating  
26 services for copies without prior approval by the OCCOG EMC representative from AUTHORITY  
27 or his/her designee.  
28

1 F. Provide, at AUTHORITY'S cost, for the use of AUTHORITY'S conference or  
2 meeting rooms, as available; provided that AUTHORITY shall retain priority over scheduling of any  
3 such room.

4 G. Administer, on OCCOG's behalf, all federal grants awarded to OCCOG and related  
5 contracts, which services shall include, but not be limited to, overseeing, documenting and  
6 addressing all legal obligations and processing of federal grants awarded directly to OCCOG and  
7 issuing request for proposals and overseeing the contracts for expenditure of the grant funds;  
8 provided that any non-transportation grant may be administered by OCCOG or another agency.  
9 AUTHORITY shall further provide documentation to OCCOG upon completion of services for any  
10 particular grant, or within 10 days of OCCOG's request therefor, verifying compliance with all grant  
11 requirements. If needed, AUTHORITY shall be authorized to charge a reasonable amount for its  
12 administrative fees to provide the federal grant administration services, provided such fees do not  
13 exceed maximum administrative allowable authorized under the applicable grant. To this end,  
14 AUTHORITY and OCCOG entered into a separate grant pass-through agreement that shall  
15 remain in place to allow AUTHORITY to perform these functions.

16 H. Administer, at AUTHORITY'S cost, invoicing of OCCOG dues and CDR  
17 assessments on OCCOG's behalf. This task covers only the compilation of dues and fees of both  
18 OCCOG and CDR, mailing and an accounts receivable ledger only.

19 I. Cause to be performed by a qualified auditor, at AUTHORITY'S cost, the audit of  
20 OCCOG'S finances for OCCOG'S Fiscal Year 2013-14.

21 J. The facilities and support provided by AUTHORITY, as described in Article 2 A-I  
22 (above), are further described in Attachment A.

23 **ARTICLE 3. JOINT RESPONSIBILITIES OF OCCOG AND AUTHORITY**

24 A. AUTHORITY and OCCOG will each maintain a sponsor membership with the CDR  
25 and use the CDR for demographic forecasts.

26 B. AUTHORITY and/or OCCOG may elect to participate in regional monitoring and  
27 planning activities outside of those covered by this COOPERATIVE AGREEMENT. In that case,  
28

1 AUTHORITY and/or OCCOG may each independently support those activities with monetary and  
2 resources other than those specified in this COOPERATIVE AGREEMENT.

3 **ARTICLE 4. INDEMNIFICATION**

4 A. OCCOG shall defend, indemnify, and hold harmless the AUTHORITY, its officers,  
5 directors, agents, and employees, from all liability, claims, losses and demands, including defense  
6 costs and reasonable attorneys' fees, whether resulting from court action or otherwise, arising out  
7 of the negligent acts or omissions of OCCOG, its officers, directors, agents, or employees, in the  
8 performance of this COOPERATIVE AGREEMENT.

9 B. AUTHORITY shall defend, indemnify, and hold harmless the OCCOG, its officers,  
10 directors, agents, and employees, from all liability, claims, losses and demands, including defense  
11 costs and reasonable attorneys' fees, whether resulting from court action or otherwise, arising out  
12 of the negligent acts or omissions of AUTHORITY, its officers, directors, agents, or employees, in  
13 the performance of this COOPERATIVE AGREEMENT.

14 **ARTICLE 5. ASSIGNMENT**

15 Neither party shall assign the performance of this COOPERATIVE AGREEMENT, nor any  
16 part thereof, nor any monies due hereunder, without prior written consent of the other party.

17 **ARTICLE 6. TERM OF COOPERATIVE AGREEMENT**

18 This COOPERATIVE AGREEMENT shall commence upon execution by both parties and  
19 shall continue in full force and effect unless terminated earlier by any party. AUTHORITY or  
20 OCCOG may terminate this COOPERATIVE AGREEMENT, without cause, by delivering written  
21 notice of termination to the other party not less than one hundred twenty (120) calendar days  
22 before the date of termination.

23 **ARTICLE 7. ENTIRE AGREEMENT**

24 This COOPERATIVE AGREEMENT contains the entire understanding between the parties  
25 relating to the obligations of the parties described in this COOPERATIVE AGREEMENT. All prior  
26 or contemporaneous agreements, understandings, representations and statements, oral or written,  
27 are merged into this COOPERATIVE AGREEMENT and shall be of no further force or effect.  
28

1 Each party is entering into this COOPERATIVE AGREEMENT based solely upon the  
2 representations set forth herein and upon each party's own independent investigation of any and  
3 all facts such party deems material.

4 **ARTICLE 8. AUTHORITY TO EXECUTE THIS COOPERATIVE AGREEMENT**

5 The persons executing this COOPERATIVE AGREEMENT warrant and represent that they  
6 have the authority to execute this COOPERATIVE AGREEMENT on behalf of their principal and  
7 have the authority to bind such party to the performance of its obligations hereunder.

8 IN WITNESS WHEREOF, the parties hereto have caused this COOPERATIVE  
9 AGREEMENT to be executed the day and year written below.

10

11 **ORANGE COUNTY COUNCIL OF**  
12 **GOVERNMENTS**

**ORANGE COUNTY TRANSPORTATION**  
**AUTHORITY**

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

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

14 \_\_\_\_\_, Chair

Darrell Johnson,  
Chief Executive Officer

15 Date: \_\_\_\_\_

Date: \_\_\_\_\_

16

17 APPROVED AS TO FORM

APPROVED AS TO FORM

18

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

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

20 Fred Galante,  
General Counsel

Kennard R. Smart, Jr.,  
General Counsel

21

APPROVAL RECOMMENDED

22

23

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

24

\_\_\_\_\_, Chief of Staff

25

Date: \_\_\_\_\_

26

27

28

Attachment A

OCCOG/AUTHORITY No-Fee Facility Use Agreement No. C-3-1702

(Further Defined Terms)

**AUTHORITY, at its cost, agrees to provide OCCOG the following facilities and support throughout the term of this Agreement:**

**Office or Cubicle:** Depending on availability, AUTHORITY will provide an office or cubicle commensurate with an AUTHORITY Principal, a desk and chair with limited filing space within the office itself.

**Telephone:** AUTHORITY will provide one phone with one phone line. OCCOG will not be charged for work-related phone calls made within the continental United States.

**Building/Parking Employee Badge:** AUTHORITY shall provide the OCCOG Executive Director a photo identification badge and building/parking access pass for building access to AUTHORITY Administrative building. Additional OCCOG parking validation for OCCOG visitors/board will be paid for by OCCOG.

**Computer/IS Support:** AUTHORITY will provide a desktop PC for OCCOG use at AUTHORITY offices. The desktop computer will allow for limited AUTHORITY network connection. Specifically, an AUTHORITY e-mail, internet connection and access to established OCCOG files will be included. No printer or printer cartridges will be provided by AUTHORITY. Access to AUTHORITY network printers and support for the ability to print will be permitted. PowerPoint set up for OCCOG Board or OCCOG TAC meetings will be supported by AUTHORITY IS, however, no electronic voice or video recordings of OCCOG Board or other meetings will be provided by AUTHORITY under this agreement. Telephone conference bridges will be provided by AUTHORITY at the request of the OCCOG Executive Director. AUTHORITY shall further maintain a link on AUTHORITY's website that instantly redirects those users seeking OCCOG information to OCCOG's separate website.

**Meeting rooms:** AUTHORITY shall provide, at the request of the OCCOG Executive Director, conference rooms for meetings of the OCCOG Board of Directors, OCCOG Technical Advisory Committee, OCCOG Executive Management Committee and other business meetings pertaining to OCCOG; provided that AUTHORITY use of meeting rooms shall have priority.



***May 6, 2013***

***To:*** Executive Committee

***From:*** Darrell Johnson, Chief Executive Officer

***Subject:*** No-Fee Facility Use Agreement with the Orange County Council of Governments

***Overview***

The Orange County Transportation Authority and the Orange County Council of Governments entered into an administrative agreement in June 2009 that stipulated the Orange County Transportation Authority would administer the agency through June 2013. With the appointment of a new Executive Director by the Orange County Council of Governments Board of Directors, this agreement is no longer necessary and will expire on June 30, 2013. A No-Fee Facility Use Agreement with the Orange County Council of Governments is presented for the Orange County Transportation Authority Board of Directors consideration that would provide limited use of Orange County Transportation Authority facilities.

***Recommendation***

Authorize the Chief Executive Officer to execute a cooperative agreement between the Orange County Transportation Authority and the Orange County Council of Governments to provide the Orange County Council of Governments limited use of Orange County Transportation Authority facilities.

***Discussion***

With the completion of the 2012 Regional Transportation Plan/Sustainable Communities Strategy, which included the first-ever Orange County Subregional Sustainable Communities Strategy, the objectives that prompted the Orange County Transportation Authority (OCTA) to enter into an administrative agreement with the Orange County Council of Governments (OCCOG) has been achieved.

In January 2013, the OCCOG Board of Directors (Board) retained the services of an independent contractor to serve as OCCOG Executive Director. Since that time, OCTA staff has been working to fully transition administrative services to the new Executive Director effective July 1, 2013, coinciding with the expiration of the current administrative agreement.

OCCOG is a dues-supported, voluntary organization that serves as a subregional planning agency to the Southern California Association of Governments (SCAG). To assure continued coordination with local jurisdictions as well as with SCAG on regional transportation planning issues, continued OCTA involvement with OCCOG is recommended. While OCCOG has become more self-sustaining, the use of OCTA facilities for OCCOG Board and related meetings, as well as for an office for the OCCOG Executive Director, would greatly benefit OCCOG and its members while providing a continued public benefit.

To summarize, the agreement stipulates that OCTA will provide, at no cost to OCCOG, an office and meeting facilities, a phone line, limited computer network support, and parking and building access for the OCCOG Executive Director. Aside from the annual billing to OCCOG member agencies (one invoice) for OCCOG dues which has been requested by OCCOG, no additional administrative support is included in the proposed cooperative agreement. Per the existing agreement, OCTA is responsible for audit services of OCCOG's fiscal year 2012-13 financial statements scheduled to occur in late 2013. As the designated recipient for federal transportation funds in Orange County, OCTA is also responsible for current and future federal transportation grants secured by OCCOG as outlined in a separate cooperative revenue agreement between OCTA and OCCOG.

The proposed agreement would take effect July 1, 2013, and may be terminated at any time by either entity with a 120-day notice.

### ***Summary***

Since June 2009, OCTA has served as administrator of OCCOG. With the appointment of a new OCCOG Executive Director by the OCCOG Board who will oversee the administration of OCCOG, administrative services from OCTA are no longer necessary. OCCOG seeks a No-Fee Facility Use Agreement with OCTA for use of OCTA facilities for meetings and office space.



***Attachment***

- A.     Draft Cooperative Agreement No. \_\_\_\_\_ Between  
Orange County Transportation Authority and Orange County Council of  
Governments for Non-Fee Facility Use Agreement

Prepared by:

David Simpson  
Principal Government Relations  
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(714) 560-5570

Approved by:

Lance M. Larson  
Executive Director,  
Government Relations  
(714) 560-5908



**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**May 23, 2013**

**Subject:**                   **Discussion and Review of Proposed 2013-2014 Work Plan for the Orange County Council of Governments**

**Summary:**               As a key component of the 2012-2013 Orange County Council of Governments Work Plan, the Agency adopted a Work Plan that would continue to implement increasing stages of self-sufficiency for the organization. Additionally, the current Agreement between the Orange County Transportation Authority and the Orange County Council of Governments will expire on July 1, 2013.

A No-Fee Facility Use Agreement was previously addressed in the Action Items for today's Board of Directors Agenda of May 23, 2013 which delineates facility and other key components of the transition of the Orange County Council of Governments from the Orange County Transportation Authority.

In January 2013, the Orange County Council of Governments, as a milestone in their adopted Work Plan, hired an Executive Director to assist the agency in developing goals and objectives toward the creation of a self-sustaining entity. The extensive Work Plan task items for the previous Fiscal Year have been addressed under the direction of the Orange County Council of Government's Executive Director Dave Simpson and will continue to evolve throughout the 2013-2014 Fiscal Year under the direction of the new Executive Director.

The attached documents outline the Proposed Orange County Council of Governments Milestones and Work Plan for Fiscal Year 2013-2014. Additionally, the Board-approved Work Plan for 2012-2013 has also been included for reference .

**Recommendations:**

- A. Review Proposed Fiscal Year 2013-2014 Work Plan for the Orange County Council of Governments.
- B. Provide Revisions to Proposed Fiscal Year 2013-2014 Work Plan for Final Presentation and Adoption by the Board of Directors at the June 27, 2013 Meeting.

**Attachments:**

- A. Proposed Fiscal Year 2013-2014 Work Plan for the Orange County Council of Governments
- B. Adopted Fiscal Year 2012-2013 Work Plan for the Orange County Council of Governments

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**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**DRAFT WORK PLAN AND ORANGE COUNTY  
COUNCIL OF GOVERNMENTS MILESTONES  
FOR FISCAL YEAR 2013-2014**

**2016 RTTP/SCS**

- Monitor and Provide Advocacy in the Development of the SCAG 2016 RTP/SCS
- Determine OCCOG/OCTA Delegation for 2016 SCS
- Provide Direction and Administration if Delegation Proceeds

**OCCOG/OCTA Bike Planning**

- Continue to Provide Assistance and Monitoring of Joint OCTA/OCCOG Bike Planning Efforts

**SCAG**

- Attend and Monitor all SCAG Regional Council Meetings
- Participate and Attend Meetings of the SCAG Subregional Representatives, SCAG Technical Working Group and SCAG Executive Director Meetings
- Provide Policy Direction and Briefings to OCCOG Board of Directors, as appropriate, for SCAG Meetings of the Regional Council, Policy Committees and other Ad-Hoc Committees

**OCCOG Administration**

- Establish and Manage the Development of all OCCOG Board of Directors Agendas with the Concurrence of the Executive Committee
- Manage Clerical/Clerk Functions in Support of OCCOG Activities
- Manage Treasurer/Bookkeeper Function
- Finalize No-Fee Facility Use Agreement between OCCOG and OCTA

- Finalize Memorandum of Understanding between OCCOG and City of Garden Grove for the Provision of Clerk Services to the Board of Directors
- Provide Support to the Center for Demographic Research Management Oversight Committee
- Revise Bylaws for OCCOG as Recommended by Executive Management Committee

## **South Coast Air Quality Management District**

- Continue to Monitor all South Coast Air Quality Management District Policies and Regulations affecting OCCOG Member Agencies
- Participate in Committees and TAC Committees, as Appropriate

## **Advocacy**

- Collaborate with Southern California Subregions and Stakeholders to Enhance Advocacy and Funding Efforts
- Continue to Monitor State and Federal Legislation, through Member Agencies, CALCOG, OCTA and Others that Impact OCCOG

## **Funding/Grant Opportunities**

- Assist in Programming and Administration of Federal and Other Grants
- Actively Explore Revenue Enhancement Opportunities for OCCOG and its Member Agencies

## **Community Outreach**

- Develop OCCOG Collateral and Community Relations Materials
- Coordinate Speakers Bureau Activities for Board Members

## **OCCOG Website**

- Finalize Development of Stand-Alone OCCOG Website by June 30, 2013
- Continue to Manage Enhancements to Website and Maintenance of Content to Promote OCCOG Activities and Efforts

## **Approved Orange County Council of Governments 2012 – 2013 Work Plan**

### **Background**

The Orange County Council of Governments (OCCOG) is a joint powers agency comprised of a voluntary association of member local governments and agencies in Orange County. Originally established by 30 founding member agencies in April 1996, but with roots going back as far as the 1970s under various names, member agencies recognized the public interest, convenience, and necessity in creating a separate legal entity. Known as the OCCOG, this organization was to establish a unified Orange County position in performing its charge as an official subregion of the Southern California Association of Governments (SCAG), the federally designated Metropolitan Planning Organization (MPO). Beginning in 1998, OCCOG was administered by the Orange County Division, League of California Cities.

### **What is a COG?**

Council of Governments (COG) are voluntary associations that represent member local governments, mainly cities and counties, that seek to provide cooperative planning, coordination, and technical assistance on issues of mutual concern that cross jurisdictional lines. In this sense, COGs serve to develop consensus on many issues that need to be addressed in a subregional or regional context. If properly structured, COGs duties complement and do not duplicate jurisdictional activities, and serve to unify jurisdictions and agencies on matters of mutual concern, but independent of the responsibilities traditionally exercised by the individual members within their own communities.

Jurisdictions typically agree to form COGs following discussion and negotiation on common goals and objectives, which are usually consummated by execution of a Joint Powers Agreement (JPA). In most cases, adoption of a JPA is specifically authorized by state law. In the case of California, JPA authority is granted under Section 6500 et. seq. of the Government Code.

### **Statutory and Fiscal Incentives:**

A major factor in understanding the rationale behind COGs pertains to the legal and fiscal context in which they developed. Councils of Government came into prominence during the 1960's after a series of Congressional mandates promoted area wide planning and coordination. This began first in the transportation area, but was soon followed by a regional approach to such issues as air and water quality, waste management, housing and community development, and growth forecasts.

These mandates were typically mirrored by supporting state statutes, and carried with them substantial funding support. COGs were supported by federal and state grant funds designed to target specific goals, but frequently also leaving COGs with some discretion on how such money might best be allocated. Today most COGs, particularly in larger urban or metropolitan areas, are still largely dependent on funding from state and federal sources.

An example of this is the considerable amount of money that was made available for transportation and air quality planning under the Intermodal and Surface Transportation Efficiency Act of 1991 and the subsequent Transportation Efficiency Act for the 21st Century, which accounts for a majority of planning funds utilized by COGs.

**COG Functions:**

COG responsibilities are wide-ranging, but in all cases are determined by its member jurisdictions and agencies. Activities common to many COGs include regional review of environmentally significant projects per California Environmental Quality Act; air quality planning; area wide clearinghouse for review of Federal financial assistance; regional housing needs assessment; hazardous and solid waste management; demographic projections; growth management analysis and development of subregional strategies; review of local general plan amendments; area wide water quality planning; transportation planning, modeling and programming; and general planning support and technical assistance as directed by member agencies.

**OCCOG History**

In October 2006, administrative support services of the OCCOG were transferred to the City of Mission Viejo on an interim and volunteer basis. The City of Mission Viejo provided personnel to serve as executive director, treasurer, auditor/controller, and clerk of the board at no cost to the OCCOG. Technical support was provided by a City of Mission Viejo, consultant and staff from various member cities. The legal firm of Aleshire & Wynder, LLP provided pro bono legal services for the OCCOG since October 2001 and in 2009, OCCOG entered into a contractual relationship with this firm for full legal counsel representation.

In 2009, the Orange County Transportation Authority (OCTA) entered into a cooperative agreement for administrative services with OCCOG. This agreement provides financial oversight and day to day administration required to ensure that OCCOG meets all regulatory and statutory requirements to serve as the subregional planning agency for SCAG. The administrative services agreement goes through June 2013. In conjunction with the administrative agreement, the OCTA and OCCOG boards adopted a cooperative agreement for SB 375 planning requirements and have jointly agreed to take subregional delegation to develop a Sustainable Communities Strategy (SCS) for Orange County in accordance with the provisions authorized by SB 375. Similarly, OCCOG, OCTA, and SCAG entered into a Memorandum of Understanding which further outlines the roles and responsibilities of each agency as the Orange County SCS was developed.

Currently, 39 local jurisdictions and agencies and seven ex-officio make up the member agencies of OCCOG. Member agencies include 33 cities, the County of Orange, the Transportation Corridor Agencies, the OCTA, and Orange County special districts.

**The purpose of OCCOG is to:**

- 1) Serve as the SCAG subregional organization that represents Orange County on mandated and non-mandated SCAG regional planning activities;



- 2) Develop and adopt an Orange County Projections (OCP) that serves as Orange County's official growth forecast for local and regional planning; and
- 3) Serve as a vehicle for cooperative planning for activities and issues of interest to the OCCOG member agencies.

**Key OCCOG responsibilities include:**

- Protecting Orange County interests in SCAG's development of the Regional Housing Needs Assessment (RHNA) allocation to local jurisdictions in the six-county SCAG region;
- Protecting the local, bottoms-up development of the OCP, which represents Orange County's official growth forecast for local, countywide and regional planning;
- Adopting a growth forecast, which is now required by statute to be used for RHNA allocations and for regional transportation planning; and,
- Providing input and recommendations on new requirements relating to SB 375 (Chapter 728, Statutes of 2008) and its SCS that seeks to reduce greenhouse gas emissions by shifting future and higher-intensity growth near transit stations and facilities.

The tasks outlined above are primarily conducted by OCCOG's Board of Directors (Board), OCCOG Technical Advisory Committee (TAC), and through representation of OCCOG Board Members on SCAG's governing board and policy level committees. OCCOG also has in place an executive director and additional professional level staff that support the administration of OCCOG. In October 2010, the OCTA augmented its support of OCCOG by providing a full time Executive Director at no additional cost to OCCOG.

OCCOG was previously administered by the Orange County Division - League of California Cities through in-kind staff support. At that time, OCCOG's technical and administrative services were funded indirectly through League of Cities dues and through state and federal grant funding received from SCAG and other agencies. In 2006, the California Department of Transportation (Caltrans) conducted a pre-award evaluation of OCCOG in response to proposed federal funding to be awarded. The Caltrans pre-award evaluation and findings determined certain deficiencies in OCCOG's financial management system and concluded that OCCOG was to be designated a high-risk agency and would not be eligible to receive future federal and state funding until corrective processes and procedures in financial management and administration were implemented.

OCCOG and OCTA staff have worked with Caltrans, SCAG, and the appropriate federal agencies to access an OCCOG federal grant in the amount to fund the SB 375 planning for fiscal years 2009-2010 and 2010-2011. While a "high risk" designation has been removed from OCCOG, less than \$525,000 has been used to date on the Orange County SCS (OC SCS) plan development and submission. The balance of the funds have been programmed by the OCCOG Board earlier this year. These funds will





be used for Orange County Bike Planning, a future Call for Projects in a yet to be defined scope of work (must be for countywide planning that reduces congestion), and the balance for a future OC SCS effort.

### **Looking Back**

For those that have attended OCCOG Board meetings over the last three years, it is very apparent that the organization was extremely focused on implementing SB 375 and, specifically, on developing the OC SCS and assuring it was incorporated in SCAG's 2012-2035 Regional Transportation Plan (RTP)/SCS. These tasks are complete.

The early months of 2012 saw the OCCOG TAC and Board very involved with the review of the RTP/SCS Program Environmental Impact Report (PEIR). Specifically, the inclusion of hundreds of mitigation measures that were seen by local jurisdiction as proscriptive and not in touch with SCAG's efforts to honor local control. In a very compressed timeframe OCCOG was able to work with regional partners to work with SCAG to remove all these measures from the PEIR itself and make them an appendix to the RTP/SCS, serving as a "tool box" of ideas for local jurisdictions and others to consider. This was a major accomplishment.

The current RHNA cycle has been one of the smoothest for Orange County. While this is certainly a positive outcome (to date), the behind the scenes work that went into Orange County's effort, those of Center for Demographic Research (CDR) and the OCCOG TAC, was in large part the reason why RHNA is less "eventful" than in previous cycles. To be clear, OCCOG and the OCCOG TAC have done its job for member agencies.



## **Major Focus Areas of Fiscal Year 2012-13**

1. Monitor SCAG's implementation of the 2102-2013 RTP/SCS.
2. Focused efforts on areas of concern, specifically potential new SCAG committees requested by "Move LA" coalition and others.
3. Continue participation in current RHNA cycle assuring all OC jurisdictions are represented and data is used as submitted.
4. Prepare a Request for Proposal and procure OCCOG Executive Director to be on board in Fall 2012 (pending Board approval).
5. Work with OCTA Planning staff and local jurisdictions to implement board-approved funding of OC Bike Planning efforts.
6. Develop Call for Projects for federal funds supporting Countywide Planning Studies that Reduce Orange County.
7. Discuss and explore purpose of a Metropolitan Planning Organization and what OCCOG's role is. (amended by OCCOG Board members on 6-28-12)
8. Determine OC SCS delegation for next RTP/SCS cycle.
9. Monitor all SCAG Regional Council and Committee meeting agendas and participate in policy discussions at staff, executive and elected level.
10. Define future role of OCCOG.
11. Work with OCTA on the transition of OCCOG administrative services for June 2013 and beyond.
12. Monitor all Air Quality Management District policies and regulations affecting OCCOG member agencies, especially the upcoming Air Quality Management Plan over Summer 2012.
13. Support the CDR per agreement; participate with the CDR Management Oversight Committee and related subcommittees.
14. Serve as conduit for information to and from SCAG and OCCOG member agencies.
15. Monitor state and federal legislation, primarily through California Association of Councils of Government as well as OCTA Government Relations staff.
16. Actively participate in Cap and Trade discussions at the state and federal level.
17. Coordinate with OCTA on the next Long Range Transportation Plan, ensuring full compliance with the SCS and SB 375 requirements.
18. Continue efforts along with OCTA to assure federal funds are used as defined by state and federal agencies, including supporting reporting efforts stemming from Caltrans pre-award audit findings and OCCOG's commitments on same.
19. As appropriate, explore and pursue state and federal grant opportunities that
20. Pursue possibility of holding an OCCOG General Assembly meeting in 2013 in conjunction with the Association of California Cities – Orange County.
21. Consider the establishment of an OCCOG bylaws subcommittee to review needed updates to reflect needs of OCCOG and member agencies.
22. Participate in and attend monthly OCCOG TAC, subregional Coordinator and Planning and Programming TAC monthly meetings.
23. Continue improvements needed to OCCOG website



**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**May 23, 2013**

**Subject:**                   **Discussion and Review of the Proposed Fiscal Year 2013-2014  
Orange County Council of Governments Budget**

**Summary:**               The Orange County Council of Governments proposed Fiscal Year 2013-2014 Budget is provided for Board consideration and discussion. Justifications for all line items are listed within the proposed Budget.

As approved by the Board of Directors this fiscal year, there will be no increase in membership dues. Annual Orange County Council of Governments dues will remain consistent with dues assessed for 2012-2013.

Effective July 1, 2013, the Agreement with the Orange County Transportation Authority will expire. A new, No-Fee Facility Use Agreement has been approved by the Orange County Transportation Authority and awaits approval by the Orange County Council of Governments to address the use of facilities as well as defining services to be provided by both parties. The previous Agreement with the Orange County Transportation Authority authorized the annual reimbursement to the Authority of \$141,000 annually for administrative services. This reimbursement will no longer be assessed to the Orange County Council of Governments effective July 1, 2013.

On January 24, 2013, the Orange County Council of Governments also secured the services of a new Executive Director. The contract for the Executive Director was approved by the board on that date through June 30, 2014 in an amount not to exceed \$150,000 for the entire duration of the contract.

Per the Agreement with the Orange County Transportation Authority, costs for clerk functions and accounting/bookkeeping services will be the sole responsibility of the Orange County Council of Governments effective July 1, 2013. As a cost-saving measure, an MOU is expected to be finalized by the City of Garden Grove to provide clerk services at no cost to the Orange County Council of Governments.

Previously secured Federal Grants are restricted and not included in the proposed 2013-2014 Budget. Per the Agreement, OCTA will continue to manage future contracts for Orange County Council of Governments projects approved for Federal funding, i.e., Bikeways Planning, Sustainable Communities Strategy, etc.

Per the Orange County Council of Governments Bylaws, the Board is required to adopt a resolution of support as part of the approval of annual budgets. The final 2013-2014 Budget will be brought back to the Board of Directors at the June 27, 2013 meeting for adoption of a final Budget Resolution.

**Recommendations:**

- A. Review Proposed 2013-14 Orange County Council of Governments Budget.
- B. Provide Revisions to and Comments regarding Proposed 2013-2014 Budget for Final Presentation and Adoption by the Board of Directors at its June 27, 2013 Meeting.

**Attachments:**

- A. Proposed 2013-14 Orange County Council of Governments Budget
- B. Adopted 2012-13 Orange County Council of Governments Budget
- C. Federal Grants Secured for Orange County Council of Governments
- D. Fiscal Year 2013-2014 OCCOG Annual Dues Schedule
- E. Fiscal Year 2013-2014 Cost for Demographic Research (CSUF) Schedule
- F. Annual Comparative Schedule of OCCOG Dues
- G. Comparison of CDR Fees and Annual Dues
- H. Budget to Actual Comparison for FYE June 30, 2012

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**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**Orange County Council of Governments  
Fiscal Year 2013-2014 Proposed Budget**

**Sources of Funds**

<b>Description</b>	<b>FY 2010-11 Actuals</b>	<b>FY 2011-12 Budget</b>	<b>FY 2012-13 Budget</b>	<b>FY 2013-14 Budget</b>
Membership Dues	167,800	167,800	242,216	242,216
CDR Fees	76,000	77,250	78,487	79,917
<b>Total Source of Funds</b>	<b>243,800</b>	<b>245,050</b>	<b>320,703</b>	<b>322,133</b>

**Uses of Funds**

<b>Description</b>	<b>FY 2010-11 Actuals</b>	<b>FY 2011-12 Budget</b>	<b>FY 2012-13 Budget</b>	<b>FY 2013-14 Budget</b>
Administrative Fees	141,000	141,000	208,216	105,883
CDR Fees	116,000	77,250	78,247	79,917
Legal Fees	13,545	15,000	20,000	20,000
Travel	224	2,300	2,500	2,750
CALCOG Dues	3,174	6,500	3,500	3,500
Miscellaneous	235	3,000	8,000	5,000
Website Consultant				5,000
Accounting/Bookkeeping				6,000
Clerk Services				N/C
Parking				10,000
Auditing Services				10,500
<b>Total Use of Funds</b>	<b>274,178</b>	<b>245,050</b>	<b>320,703</b>	<b>248,550</b>

**Anticipated Reserves/Discretionary Funds \$73,583**

**Notes:**

Administrative Fees for 2012-13 included \$141,000 to OCTA per Agreement, plus \$67,216 (from dues increase) to transition to a new Executive Director. Agreement with OCTA will terminate June 30, 2013. Executive Director Contract was executed on January 24, 2013 and expires on June 30, 2014 in an amount not to exceed \$150,000 for the duration of the contract.

CDR Fees are paid for by the cities and \$79,917 reflects the board-approved MOU with CDR for 2013-14.

Travel costs include mileage and parking as well as conference and training attendance (fees and travel) such as CALCOG, SCAG General Assembly and other board-approved meetings held by others.

**Orange County Council of Governments  
Fiscal year 2013-2014 Proposed Budget  
Page Two**

**Notes (Continued):**

CALCOG annual dues are split between OCCOG and OCTA.

Miscellaneous costs include office supplies, refreshments for board meetings, printing services, etc.

The website consultant costs include board-approved development of stand-alone OCCOG site, hosting fees and maintenance costs.

Accounting/Bookkeeping services were previously provided by OCTA under the Agreement. While OCTA will still provide invoicing services for OCCOG dues and CDR dues; accounting services for OCCOG will need to be contracted. It is estimated a consultant can be secured for \$50/hour.

Clerk services were previously provided by OCTA under the Agreement which expires on June 30, 2013. In an effort to reduce costs, alternative sources of providing this service were aggressively pursued. The Executive Director has a verbal agreement with the City of Garden Grove to provide clerk services, and an MOU is being finalized by OCCOG for approval by the City of Garden Grove.

Parking reimbursement for Board Members and TAC Members was previously provided by OCTA as an in-kind service. OCCOG will now be responsible for parking costs and \$10,000 is the estimated cost for parking in 2013-14. Parking for the Executive Director will be provided by OCTA under the new No-Fee Facility Use Agreement with OCTA.

Auditing Services were provided by OCTA under the Agreement and OCTA has agreed to provide said services through 2012-13. OCCOG will be responsible for Auditing fees in 2013-14 which is estimated at approximately \$10,500.

# Orange County Council of Governments: Fiscal Year 2012-13 Approved Budget

## Sources and Uses of Funds

Sources			
Description	FY 2010-11 Actuals	FY 2011-12 Budget	FY 2012-13 Budget
Membership Dues	167,800	167,800	242,216
Center for Demographic Research Fees*	76,000	77,250	78,487
<b>Total Source of Funds</b>	<b>\$ 243,800</b>	<b>\$ 245,050</b>	<b>\$ 320,703</b>

Uses			
Description	FY 2010-11 Actuals	FY 2011-12 Budget	FY 2012-13 Budget
(1) Administrative Fees	141,000	141,000	208,216
(2) Center for Demographic Research Fees*	116,000	77,250	78,487
(3) Legal Fees	13,545	15,000	20,000
(4) Travel	224	2,300	2,500
(5) CALCOG Dues	3,174	6,500	3,500
(6) Miscellaneous/Communication	235	3,000	8,000
<b>Total Use of Funds</b>	<b>\$ 274,178</b>	<b>\$ 245,050</b>	<b>\$ 320,703</b>

\*CDR fees are paid for by 34 cities (OCCOG dues and CDR fees are invoiced by OCCOG in July)

(1) Administrative Fees include \$141,000 to OCTA for Fiscal Year 2012-13 per agreement plus \$67,216 (from dues increase) for transition to a new Executive Director. Once the transition to the new Executive Director is complete, the contract with OCTA can be altered or terminated if needed. A budget amendment would come back to the OCCOG Board for consideration.

(2) \$78,487 is the FY 2012-2013 OCCOG sponsorship of CDR per board-approved MOU with CDR. The FY 2010/11 amount of \$116,000 included a one-time \$40,000 cost increase for completion of OCSCS data and mapping. Total cost of this additional project (\$80,000) was split with OCTA with OCCOG's portion funded by federal grant.

(3) FY 2012/13 increase in legal fees is needed to assure OCCOG has sufficient legal services. It is anticipated that legal services will be required on discussions of the future of OCCOG, implementation of tasks and agreements necessary for the transition of staffing services, and a complete bylaws update which are new tasks.

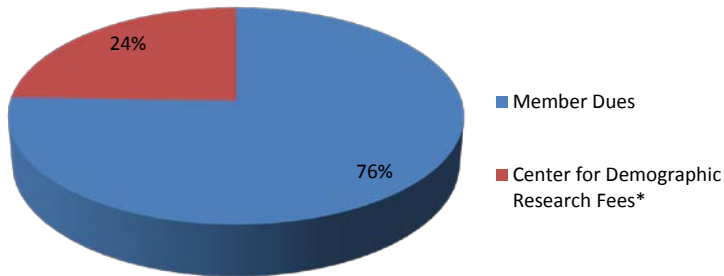
(4) These funds cover mileage, parking, and train reimbursements as well as conference and training attendance (fees and travel) such as CALCOG, SCAG General Assembly and other regional meetings held by others,

(5) CALCOG annual dues cost split with OCTA. Due to the fact that OCCOG does not have the resources to provide for legislative advocacy and depends largely on OCTA government relations staff, the Executive Director (current and future) benefit from having such a resource to call upon. CALCOG has been invaluable to the Executive Director for the latest information on state and federal legislation as well as regulation/rulemaking matters. CALCOG has strong relations with various state offices including the Brown Administration, Office of Planning and Research, ARB, and HCD.

(6) FY 2012/13 Increase covers parking validations not previously budgeted and covered by OCTA. These costs are estimated at approximately \$325/month (x 12 = \$3,900). Other miscellaneous funds are to cover modest costs of website upgrade, modest public relations/graphic, and minor unforeseen costs.

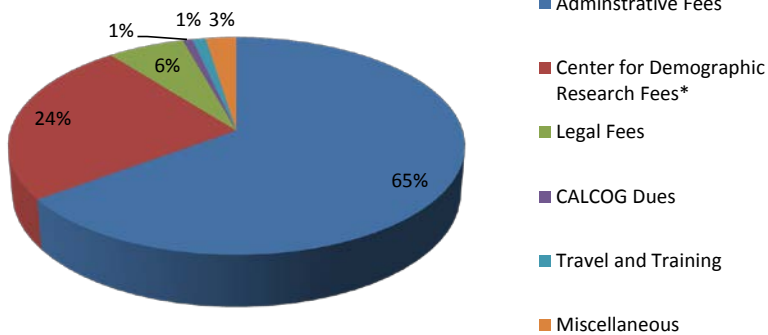
## Orange County Council of Governments: Fiscal Year 2012-13 Proposed Budget

Sources - FY 2012-13



Sources	Amount
Member Dues	242,216
Center for Demographic Research Fees*	78,487
<b>Total Source of Funds</b>	<b>\$ 320,703</b>

Uses - FY 2012-13



Uses	Amount
Administrative Fees	208,216
Center for Demographic Research Fees*	78,487
Legal Fees	20,000
CALCOG Dues	2,500
Travel and Training	3,500
Miscellaneous	8,000
<b>Total Use of Funds</b>	<b>\$ 320,703</b>

\*CDR fees are paid for by 34 cities.





**ORANGE COUNTY**

**COUNCIL OF GOVERNMENTS**

April 26, 2012

**Subject:** **OCCOG Federal Grants: Proposed Multi-Year Funding Program**  
***(Adopted by the OCCOG Board on April 26, 2012)***

**Summary:** As has been reported on previous occasions, OCCOG was awarded over \$1.9 million in federal discretionary grant funding to support regional planning studies (Attachment A). Specifically, there are three grants included in the highway and transit sections of the last federal transportation bill, Safe, Accountable, Flexible, Efficient, Transportation, Equity Act: A Legacy for Users (SAFETEA-LU). To date, \$525,000 of these funds has been obligated to the Orange County Sustainable Communities Strategy to cover consultant services to complete this task. This contract will end June 30, 2013.

There is a balance of approximately \$1.8 million (when you include the 20 percent required match) for OCCOG to program to the grant's allowable use. The federal grants will expire by December 2014, however, OCTA Government Relations staff is confident that extensions for use of the funds are possible if needed. The use of the grants funds are restricted for countywide planning efforts that lead to reduced OC congestion such as many of the strategies outlined in the OC SCS. Some preliminary engineering costs are allowed under the grants, however, the funds may not be used for efforts beyond preliminary engineering, or in any part of the construction or operation costs of projects.

**To assure all federal funds remain available, it is important that OCCOG program these funds to demonstrate need and ability.**

**Discussion:** A draft multi-year funding concept is provided below that was discussed and refined by the OCCOG Executive Management Committee on March 9, 2012 for Board discussion and possible action.

Staff recommends that the OCCOG Board adopt a funding plan for the balance of the remaining funds based on the following elements/timeline:

**June 2012                      Program funds to support Orange County Bikeways Planning Projects (\$700,000)**

This program is based on a completed pilot project in the 4<sup>th</sup> Supervisorial District. The requested funds would cover the costs of expanding similar projects to each of the Supervisorial Districts. OCTA would project manage these efforts in collaboration with OCCOG, facilitating a collaborative process involving local jurisdictions involved. This program gets federal funds flowing this year which is a request of federal agency staff. Attachment B summarizes the OC Collaborative Bikeway Planning Program. OCTA would provide the needed matching funds for this

project. Next steps would be to work with OCTA Planning staff to fund and manage four remaining projects.

**Fall 2012**

**Develop a Request for Proposals/Call for Projects for Orange County local agencies and organizations to pursue that supports projects that are aligned with allowable uses of the federal funds. (\$300,000-\$500,000)**

This effort would be defined further by the OCCOG TAC and the OCCOG Executive Management Committee and approved by the OCCOG Board of Directors. While procurement services of OCTA would be used, this Call for Projects would be a first for OCCOG in terms of developing a competitive program for OC member agencies and others to collaborate on. Additionally it provides a platform to demonstrate OCCOG abilities to manage funding programs. Next steps would be to have OCCOG staff and the OCCOG TAC develop criteria and scope of work for the RFP.

**Early 2013-2014**

**Reserve balance of funds for 2016 OC/SCS or related project. (\$650,000-\$800,000)**

The 2016 RTP/SCS effort is not as far away as one may think. It is advised that funds be reserved for a future effort that is similar to the OC SCS of this past year. Additionally, it is possible that new programs or requirements will need to be addressed and these federal funds may be used for those purposes. It may be wise to think of these funds as reserve for the unknowns that exists.

**Recommendation:**

- A. Approve multi-year funding plan concept including up to \$700,000 for the Orange County Bikeway Planning Program to be expanded to Orange County Supervisorial Districts One, Two, Three and Five. Direct staff to work with OCTA on local jurisdiction outreach and participation.
- B. Direct the OCCOG Executive Director to work with the OCCOG Executive Management Committee and the OCCOG TAC to define a potential Call for Projects for countywide planning studies in line with the criteria required by the federal grants OCCOG has secured. Return to the OCCOG Board in June for needed approvals.

**Attachments:**

- A. OCCOG Federal Grant Status
- B. Summary Points: OC Bikeways Planning Program

**Staff:**

Dave Simpson, Executive Director  
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DSimpson@octa.net

## Fiscal Year 2013-14 OCCOG Annual Dues Schedule

	City Name	City		Weighted Dues % of		Total Dues
		Population*	% Population	Total Pop.	1/3 Base Dues	
1	ALISO VIEJO	49,477	1.88%	2,452.45	2,033.50	4,485.95
2	ANAHEIM	346,161	13.18%	17,158.32	2,033.50	19,191.82
3	BREA	41,394	1.58%	2,051.80	2,033.50	4,085.30
4	BUENA PARK	81,953	3.12%	4,062.20	2,033.50	6,095.70
5	COSTA MESA	111,358	4.24%	5,519.73	2,033.50	7,553.23
6	CYPRESS	48,547	1.85%	2,406.35	2,033.50	4,439.85
7	DANA POINT	33,863	1.29%	1,678.50	2,033.50	3,712.00
8	FOUNTAIN VALLEY	56,180	2.14%	2,784.70	2,033.50	4,818.20
9	FULLERTON	138,251	5.27%	6,852.75	2,033.50	8,886.25
10	GARDEN GROVE	173,075	6.59%	8,578.89	2,033.50	10,612.39
11	HUNTINGTON BEACH	193,616	7.37%	9,597.06	2,033.50	11,630.56
12	IRVINE	231,117	8.80%	11,455.88	2,033.50	13,489.38
13	LA HABRA	61,202	2.33%	3,033.63	2,033.50	5,067.13
14	LA PALMA	15,818	0.60%	784.06	2,033.50	2,817.56
15	LAGUNA BEACH	23,105	0.88%	1,145.26	2,033.50	3,178.76
16	LAGUNA HILLS	30,703	1.17%	1,521.87	2,033.50	3,555.37
17	LAGUNA NIGUEL	64,065	2.44%	3,175.54	2,033.50	5,209.04
18	LAGUNA WOODS	16,500	0.63%	817.86	2,033.50	2,851.36
19	LAKE FOREST	78,501	2.99%	3,891.10	2,033.50	5,924.60
20	LOS ALAMITOS	11,626	0.44%	576.27	2,033.50	2,609.77
21	MISSION VIEJO	94,824	3.61%	4,700.19	2,033.50	6,733.69
22	NEWPORT BEACH	86,436	3.29%	4,284.41	2,033.50	6,317.91
23	ORANGE	138,792	5.29%	6,879.57	2,033.50	8,913.07
24	PLACENTIA	51,776	1.97%	2,566.41	2,033.50	4,599.91
25	RANCHO SANTA MARGARITA	48,550	1.85%	2,406.50	2,033.50	4,440.00
26	SAN CLEMENTE	64,542	2.46%	3,199.18	2,033.50	5,232.68
27	SAN JUAN CAPISTRANO	35,321	1.35%	1,750.77	2,033.50	3,784.27
28	SANTA ANA***					
29	SEAL BEACH	24,487	0.93%	1,213.76	2,033.50	3,247.26
30	STANTON	38,764	1.48%	1,921.43	2,033.50	3,954.93
31	TUSTIN	77,983	2.97%	3,865.42	2,033.50	5,898.92
32	VILLA PARK***					
33	WESTMINSTER	91,169	3.47%	4,519.02	2,033.50	6,552.52
34	YORBA LINDA	66,437	2.53%	3,293.11	2,033.50	5,326.62
35	COUNTY OF ORANGE**					9,000.00
36	OCTA**					9,000.00
37	TCA**					9,000.00
38	OC SANITATION DISTRICT**					7,500.00
39	ISDOC**					5,000.00
40	SOUTH COAST AQMD**					7,500.00
Incorporated Orange County Population**		2,625,593			Total Dues Owed	242,216.00

\* Population Estimate as of January 1, 2013 California State Department of Finance (www.dof.ca.gov)

\*\*Annual Dues are fixed

\*\*\*Villa Park and Santa Ana discontinued participation

\*\*\*\*Population Total excludes Santa Ana and Villa Park

Total Annual Dues per adopted budget	242,216.00
County and Agencies with fixed annual dues	(47,000.00)
Net Dues to be distributed among cities	195,216.00
1/3 Net Dues	(65,072.00)
2/3 Net Dues allocated based on population	(130,144.00)
	0.00

## Fiscal Year 2013-14 Cost for Demographic Research (CSUF) Schedule

City Name		City Population*	% Population	Weighted Fees % of Total Pop.	1/3 Base Fees	Total Fees
1	ALISO VIEJO	49,477	1.67%	890.13	783.50	1,673.63
2	ANAHEIM	346,161	11.69%	6,227.70	783.50	7,011.20
3	BREA	41,394	1.40%	744.71	783.50	1,528.21
4	BUENA PARK	81,953	2.77%	1,474.40	783.50	2,257.90
5	COSTA MESA	111,358	3.76%	2,003.42	783.50	2,786.92
6	CYPRESS	48,547	1.64%	873.40	783.50	1,656.90
7	DANA POINT	33,863	1.14%	609.22	783.50	1,392.72
8	FOUNTAIN VALLEY	56,180	1.90%	1,010.72	783.50	1,794.22
9	FULLERTON	138,251	4.67%	2,487.24	783.50	3,270.74
10	GARDEN GROVE	173,075	5.84%	3,113.75	783.50	3,897.25
11	HUNTINGTON BEACH	193,616	6.54%	3,483.30	783.50	4,266.80
12	IRVINE	231,117	7.80%	4,157.97	783.50	4,941.47
13	LA HABRA	61,202	2.07%	1,101.07	783.50	1,884.57
14	LA PALMA	15,818	0.53%	284.58	783.50	1,068.08
15	LAGUNA BEACH	23,105	0.78%	415.68	783.50	1,199.18
16	LAGUNA HILLS	30,703	1.04%	552.37	783.50	1,335.87
17	LAGUNA NIGUEL	64,065	2.16%	1,152.58	783.50	1,936.08
18	LAGUNA WOODS	16,500	0.56%	296.85	783.50	1,080.35
19	LAKE FOREST	78,501	2.65%	1,412.29	783.50	2,195.79
20	LOS ALAMITOS	11,626	0.39%	209.16	783.50	992.66
21	MISSION VIEJO	94,824	3.20%	1,705.96	783.50	2,489.46
22	NEWPORT BEACH	86,436	2.92%	1,555.05	783.50	2,338.55
23	ORANGE	138,792	4.69%	2,496.97	783.50	3,280.47
24	PLACENTIA	51,776	1.75%	931.49	783.50	1,714.99
25	RANCHO SANTA MARGARITA	48,550	1.64%	873.45	783.50	1,656.95
26	SAN CLEMENTE	64,542	2.18%	1,161.16	783.50	1,944.66
27	SAN JUAN CAPISTRANO	35,321	1.19%	635.45	783.50	1,418.95
28	SANTA ANA	329,915	11.14%	5,935.42	783.50	6,718.92
29	SEAL BEACH	24,487	0.83%	440.54	783.50	1,224.04
30	STANTON	38,764	1.31%	697.39	783.50	1,480.89
31	TUSTIN	77,983	2.63%	1,402.97	783.50	2,186.47
32	VILLA PARK	5,900	0.20%	106.15	783.50	889.65
33	WESTMINSTER	91,169	3.08%	1,640.20	783.50	2,423.70
34	YORBA LINDA	66,437	2.24%	1,195.25	783.50	1,978.76
ORANGE COUNTY POPULATION		2,961,408	100.00%		<b>Total Dues</b>	<b>79,917.00</b>

\* Population Estimate - January 1, 2012 California State Department of Finance ([www.dof.ca.gov](http://www.dof.ca.gov)). Provided by D Diep, CSUF.

Base Fees - 1/3 of total Fees	26,639.00
Fees Based on Population - 2/3 of total fees	53,278.00
Total CDR Fees per adopted budget	<u>\$79,917.00</u>

# OCCOG Dues

	<b>Member Agency</b>	<b>FY 11-12 OCCOG Dues</b>	<b>FY 12-13 OCCOG Dues</b>	<b>FY 13-14 Proposed OCCOG Dues</b>
1	ALISO VIEJO	3,879.96	4,451.62	4,485.95
2	ANAHEIM	5,000.00	18,756.65	19,191.82
3	BREA	3,456.00	4,048.20	4,085.30
4	BUENA PARK	5,000.00	6,042.25	6,095.70
5	COSTA MESA	5,000.00	7,473.08	7,553.23
6	CYPRESS	3,858.75	4,431.44	4,439.85
7	DANA POINT	3,115.18	3,723.90	3,712.00
8	FOUNTAIN VALLEY	4,244.76	4,798.75	4,818.20
9	FULLERTON	5,000.00	8,715.75	8,886.25
10	GARDEN GROVE	5,000.00	10,463.01	10,612.39
11	HUNTINGTON BEACH	5,000.00	11,393.99	11,630.56
12	IRVINE	5,000.00	12,800.43	13,489.38
13	LA HABRA	4,502.01	5,043.54	5,067.13
14	LA PALMA	2,199.31	2,852.39	2,817.56
15	LAGUNA BEACH	2,568.89	3,204.06	3,178.76
16	LAGUNA HILLS	2,960.13	3,576.36	3,555.37
17	LAGUNA NIGUEL	4,645.61	5,180.18	5,209.04
18	LAGUNA WOODS	2,231.57	2,883.08	2,851.36
19	LAKE FOREST	5,000.00	5,877.17	5,924.60
20	LOS ALAMITOS	1,987.61	2,650.95	2,609.77
21	MISSION VIEJO	5,000.00	6,658.75	6,733.69
22	NEWPORT BEACH	5,000.00	6,262.56	6,317.91
23	ORANGE	5,000.00	8,785.56	8,913.07
24	PLACENTIA	4,000.40	4,566.22	4,599.91
25	RANCHO SANTA MARGARITA	3,860.80	4,433.39	4,440.00
26	SAN CLEMENTE	4,672.06	5,205.35	5,232.68
27	SAN JUAN CAPISTRANO	3,182.21	3,787.67	3,784.27
28	SANTA ANA	5,000.00		
29	SEAL BEACH	2,641.97	3,273.60	3,247.26
30	STANTON	3,366.22	3,962.77	3,954.93
31	TUSTIN	5,000.00	5,793.65	5,898.92
32	VILLA PARK*	1,697.39	2,374.78	
33	WESTMINSTER	5,000.00	6,485.46	6,552.52
34	YORBA LINDA	4,729.17	5,259.69	5,326.62
35	COUNTY OF ORANGE	5,000.00	9,000.00	9,000.00
36	OCTA	5,000.00	9,000.00	9,000.00
37	South Coast AQMD	5,000.00	7,500.00	7,500.00
38	TCA	5,000.00	9,000.00	9,000.00
39	OC Sanitation District	5,000.00	7,500.00	7,500.00
40	OC Special Districts (ISDOC)	5,000.00	5,000.00	5,000.00
	<b>Total</b>	<b>\$ 167,800.00</b>	<b>\$ 242,216.25</b>	<b>\$ 242,216.00</b>

\* Villa Park did not pay FY2012/13 dues.

# Comparison of CDR Fees and Annual Dues

FY2012-13 vs FY2013-2014

Organization	CDR Fees FY2012-13	Annual Dues FY2012-13	Total FY2012-13	CDR Fees FY2013-14	Annual Dues FY2013-14	Total FY2013-14	Increase (Decrease)
1 ALISO VIEJO	1,642.50	4,451.62	6,094.12	1,673.63	4,485.95	6,159.58	65.46
2 ANAHEIM	6,896.28	18,756.65	25,652.93	7,011.20	19,191.82	26,203.02	550.09
3 BREA	1,498.94	4,048.20	5,547.14	1,528.21	4,085.30	5,613.51	66.37
4 BUENA PARK	2,221.19	6,042.25	8,263.44	2,257.90	6,095.70	8,353.60	90.16
5 COSTA MESA	2,743.30	7,473.08	10,216.38	2,786.92	7,553.23	10,340.15	123.77
6 CYPRESS	1,629.76	4,431.44	6,061.20	1,656.90	4,439.85	6,096.75	35.55
7 DANA POINT	1,369.47	3,723.90	5,093.37	1,392.72	3,712.00	5,104.72	11.35
8 FOUNTAIN VALLEY	1,764.08	4,798.75	6,562.83	1,794.22	4,818.20	6,612.42	49.59
9 FULLERTON	3,219.55	8,715.75	11,935.30	3,270.74	8,886.25	12,156.99	221.69
10 GARDEN GROVE	3,846.27	10,463.01	14,309.28	3,897.25	10,612.39	14,509.64	200.36
11 HUNTINGTON BEACH	4,200.49	11,393.99	15,594.48	4,266.80	11,630.56	15,897.36	302.88
12 IRVINE	4,756.60	12,800.43	17,557.03	4,941.47	13,489.38	18,430.85	873.82
13 LA HABRA	1,854.27	5,043.54	6,897.81	1,884.57	5,067.13	6,951.70	53.89
14 LA PALMA	1,049.27	2,852.39	3,901.66	1,068.08	2,817.56	3,885.64	(16.02)
15 LAGUNA BEACH	1,178.76	3,204.06	4,382.82	1,199.18	3,178.76	4,377.94	(4.88)
16 LAGUNA HILLS	1,315.13	3,576.36	4,891.49	1,335.87	3,555.37	4,891.24	(0.25)
17 LAGUNA NIGUEL	1,904.53	5,180.18	7,084.71	1,936.08	5,209.04	7,145.12	60.41
18 LAGUNA WOODS	1,060.57	2,883.08	3,943.65	1,080.35	2,851.36	3,931.71	(11.94)
19 LAKE FOREST	2,160.17	5,877.17	8,037.34	2,195.79	5,924.60	8,120.39	83.05
20 LOS ALAMITOS	975.44	2,650.95	3,626.39	992.66	2,609.77	3,602.43	(23.96)
21 MISSION VIEJO	2,448.16	6,658.75	9,106.91	2,489.46	6,733.69	9,223.15	116.24
22 NEWPORT BEACH	2,301.92	6,262.56	8,564.48	2,338.55	6,317.91	8,656.46	91.98
23 ORANGE	3,228.98	8,785.56	12,014.54	3,280.47	8,913.07	12,193.54	179.00
24 PLACENTIA	1,679.86	4,566.22	6,246.08	1,714.99	4,599.91	6,314.90	68.82
25 RANCHO SANTA MARGARITA	1,629.85	4,433.39	6,063.24	1,656.95	4,440.00	6,096.95	33.71
26 SAN CLEMENTE	1,913.74	5,205.35	7,119.09	1,944.66	5,232.68	7,177.34	58.25
27 SAN JUAN CAPISTRANO	1,393.61	3,787.67	5,181.28	1,418.95	3,784.27	5,203.22	21.94
28 SANTA ANA	6,610.04	-	6,610.04	6,718.92	-	6,718.92	108.88
29 SEAL BEACH	1,203.50	3,273.60	4,477.10	1,224.04	3,247.26	4,471.30	(5.80)
30 STANTON	1,455.56	3,962.77	5,418.33	1,480.89	3,954.93	5,435.82	17.49
31 TUSTIN	2,133.99	5,793.65	7,927.64	2,186.47	5,898.92	8,085.39	157.75
32 VILLA PARK	874.04	2,374.78	3,248.82	889.65	-	889.65	(2,359.17)
33 WESTMINSTER	2,385.45	6,485.46	8,870.91	2,423.70	6,552.52	8,976.22	105.31
34 YORBA LINDA	1,941.73	5,259.69	7,201.42	1,978.76	5,326.62	7,305.38	103.96
35 COUNTY OF ORANGE**	-	9,000.00	9,000.00	-	9,000.00	9,000.00	-
36 OCTA	-	9,000.00	9,000.00	-	9,000.00	9,000.00	-
37 TCA	-	9,000.00	9,000.00	-	9,000.00	9,000.00	-
38 OC SANITATION DISTRICT	-	7,500.00	7,500.00	-	7,500.00	7,500.00	-
39 ISDOC	-	5,000.00	5,000.00	-	5,000.00	5,000.00	-
40 SOUTH COAST AQMD	-	7,500.00	7,500.00	-	7,500.00	7,500.00	-
	78,487.00	242,216.25	320,703.25	79,917.00	242,216.00	322,133.00	1,429.75

Assumes Total Annual Dues remain unchanged for FY2013-14

Assumes Santa Ana and Villa Park do not pay annual membership dues for FY2013/13

Assumes Santa Ana and Villa Park continue to pay their proportionate share of CDR Fees for FY2013/14

**Orange County Council of Governments  
Budget to Actual Comparison  
FYE June 30, 2012**

	Budget	Actuals	Variance	
Membership Dues	167,800	162,800	(5,000)	Santa Ana
Center for Demographic Research Fees	77,250	77,238	(12)	Rounding
Total Revenues	<u>245,050</u>	<u>240,038</u>	<u>(5,012)</u>	
Administrative Fees and Staff to OCTA	141,000	141,000	-	
Center for Demographic Research Fees	77,250	77,238	(12)	
Legal Fees	15,000	12,315	(2,685)	
Travel	2,300	1,770	(530)	
CALCOG Dues	6,500	3,978	(2,523)	
Miscellaneous	3,000	670	(2,330)	
	<u>245,050</u>	<u>236,971</u>	<u>(8,080)</u>	



**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**May 23, 2013**

**Subject:** **Community-Based, Public-Private, Infrastructure Financing Models**

**Summary:** This brief presentation by Table Rock Capital focuses on a unique, community-based, public/private partnership financing model using the City of Rialto in San Bernardino County as a case study. The speaker was a featured panelist at the recent Southern California Association of Government's General Assembly.

The City of Rialto was successful in securing \$177 MM in private capital (raised off-balance sheet) to overhaul its water and wastewater system; fund stalled Redevelopment Agency projects; and install lifetime performance efficiencies and savings into the City's infrastructure.

Launched in November of 2012, this agreement was the first of its kind in the country and may be of benefit to Orange County Council of Governments member agencies seeking alternative financing mechanisms for capital improvement projects.

**Recommendation:** Information Only/No Recommended Action

**Attachment:** *Water World* Article Featuring City of Rialto

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March 2013

## *Big Deal: Public-Private Concession Brings Relief to Struggling Water Wastewater System*

*Challenged by aging infrastructure, financial constraints, and outdated systems, Rialto sought a partnership that could infuse much-needed investment into the water and wastewater infrastructure while allowing the city to retain ownership of its system.*

**By Steve Lambert**

Pete Fox could see it coming. The city he was raised in and had served for 30 years - Rialto, CA - was heading toward a water and wastewater crisis: Aging infrastructure; an out-of-date SCADA system; staff reductions caused by the kind of financial hardship that is more common than not among California cities.

Like many communities in Southern California's Inland Empire - most notably San Bernardino, which has filed for bankruptcy protection - Rialto was especially hard hit by the recession and the state-mandated elimination of redevelopment financing. Unemployment hovers in the 14 percent range, and general fund revenues have dropped by \$8.5 million - or 15 percent - since 2007.

"We were holding things together with band aids and we were very vulnerable," Fox said from his office at the city's wastewater plant. "We were blessed that we didn't have a catastrophic event.

"Then this comes about, and we have the resources, the expertise and the institutional knowledge to respond quickly when problems arise and rebuild for the future. It couldn't have come at a better time."

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Fox was referring to a 30-year public-private concession agreement in Rialto that secured approximately \$35 million in cash for economic development, \$41 million in funding for water and wastewater system improvements and associated jobs, and gained the expertise of a professional water company to deliver system and service improvements. While commonly utilized in Europe and Asia to build and operate essential infrastructure, this concession-type agreement is less common in the United States.

The agreement is being hailed as a model program for municipalities in California and elsewhere faced with financial challenges, water and wastewater infrastructure problems, and erosion in public confidence.

"Our community needs jobs. This plan creates jobs, directly and indirectly," said Mike Story, city administrator for Rialto. "It also creates opportunities



*Pete Fox, Rialto's water superintendent, says the partnership 'couldn't have come at a better time.'*

for broader economic development, and allows us to address basic structural and operational needs that residents expect us to fix.”

The public-private concession agreement teams Ullico Inc., Table Rock Capital and Veolia Water West Operating Services with the city, leveraging private capital and expertise with a strong local knowledge base and a detailed timeline to fix and replace water and sewer lines, develop necessary new infrastructure and improve cost efficiencies.

Washington, DC-based Ullico, through its infrastructure business, is the majority equity investor in the newly formed Rialto Water Services (RWS). San Francisco-based Table Rock is co-owner of RWS. Veolia, which had operated Rialto's wastewater system for the past decade, now operates both water and wastewater.

The \$41 million will be used to finance a capital improvement program, improving the cost efficiency, compliance, water quality and reliability of the water and wastewater systems. The capital program will create 445 construction jobs. All affected city employees have accepted jobs at Veolia.

“We’ve worked with Rialto for almost 10 years and have established a relationship of trust that supports the community's economic vitality,” said Laurent Auguste, president and CEO of Veolia Water Americas. “Rialto is taking the right step in restoring and improving its infrastructure, and we’re excited for the opportunity to help them through our new role.”

Fox, who now works for Veolia as project manager, said he sees positive changes already. As an example, because water and wastewater employees all work under the same umbrella, expertise can be shared and problems - wherever they occur - can be addressed in a timely manner.

“The nice thing is, through this concession agreement, there is a commitment to address problems that need to be fixed, and we have the oversight and streamlining to make it happen,” Fox said. “We’re also not starting with new people. We have the institutional knowledge and we’re all on the same page. It all relates to public health. We can’t have any delays whatsoever.”

Edward M. Smith, president and CEO of Ullico, the only labor-owned insurance and investment company in the world, said the 445 jobs created as a result of the capital improvement plan will go to members of the local building and construction trades.

“We believe that investing in infrastructure requires applying best practices like having long-term public and private partners, building strong, community-driven solutions and having local partners, including local unions and local union contractors,” Smith said. “Our program focuses on investing in projects where the municipal partners and our investment partners share this philosophy.”

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*‘Our community needs jobs. This plan creates jobs, directly and indirectly. It also creates opportunities for broader economic development, and allows us to address basic structural and operational needs that residents expect us to fix.’*

**Mike Story, City Administrator, Rialto**

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What also distinguishes the Rialto plan is that the city retains full ownership of the water and wastewater systems, water rights and public authority for rate setting. On a practical level, it allows the city and community to retain an invaluable asset while also serving as a true, long-term partner with a significant voice in managing expectations.

“At the end of the day, regardless of whose name is on the sign, people are going to come to us if they're not happy,” said Story. “We need to retain ownership and be an active partner.”

Sonia M. Axter, managing director of infrastructure investment at Ullico, takes a similarly holistic view. “It is important that infrastructure assets - designed to last 50 or even 100 years - be viewed as long-term businesses essential to a community, and not simply as construction projects,” she said. “These assets are important to the provision of basic services, such as clean water and electricity, and critical to the long-term economic health of a community.”

To that end, the concession agreement provides lease payments back to the city supporting additional economic development and jobs locally. Projects that had been threatened as a result of the loss of redevelopment funds - a Wal-Mart supercenter and a multimillion-dollar mixed-use development at the current Rialto Airport site, for example - are now moving along.

“With the loss of redevelopment financing, creative partnerships such as these are increasingly critical to communities that want to restore infrastructure, gain efficiencies and get a competitive edge when it comes to creating jobs and economic growth,” said Peter Luchetti, principal at Table Rock Capital.

For Fox, a Rialto resident for life, it’s a great message and even better reality.

“This is my community, and to be part of something that will keep it moving forward for years to come is truly something special.”



**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**

**May 23, 2013**

**Subject: Report from the Technical Advisory Committee**

**Summary:** The OCCOG TAC Chair report provides the Orange County Council of Governments Board of Directors (Board) and update on the activities of the OCCOG Technical Advisory Committee (TAC).

**Background:** Since the last OCCOG Board of Directors meeting, the OCCOG Technical Advisory Committee met on May 7, 2013. The agenda for the May 7, 2013 meeting is included as Attachment A.

The OCCOG TAC meeting discussion on May 7, 2013 included an overview of the following items:

- An update from the Center for Demographic Research;
- An update from the Orange County Transportation Authority on the Long Range Transportation Plan;
- An update on the Southern California Association of Governments meetings of April 4, 2013 and the SCAG General Assembly of May 2-3, 2013;
- An update on the April 25, 2013 Orange County Council of Governments Board of Directors meeting; and
- A technical discussion regarding the 2016 Regional Transportation Plan/Sustainable Communities Strategy. This included preliminary discussion on the advantages and disadvantages of pursuing subregional delegation for a 2016 Orange County SCS. TAC members were asked to review the materials from the 2012 SCS process including the RFP for the Orange County SCS, the SCAG Framework and Guidelines that outlined the requirements of a subregional SCS, and the lessons learned and return to the June 4, 2013 meeting with any comments or questions. The TAC has committed to prepare a list on the advantages and disadvantages of pursuing subregional delegation for the OCCOG Executive Director that can be provided to the OCCOG Board and OCTA.

The OCCOG TAC is expected to discuss the following items at the June 4, 2013 meeting:

- An update from the Center for Demographic Research, including distribution of the Orange County Projections 2014 (OCP-2014) 2012 Base Year Review Packets;
- Continued technical discussion on delegation for the 2016 Orange County Sustainable Communities Strategy;
- An update on the OCTA Long Range Transportation Plan; and
- An update on the Southern California Association of Governments and Orange County Council of Governments.

OCCOG TAC Chair Marika Poynter, City of Irvine, will be available at the OCCOG Board meeting to overview and clarify items discussed at the May 7, 2013.

**Recommendation:** Receive and File

**Attachment:** OCCOG TAC Agenda from the May 7, 2013 meeting

**Staff Contact:** Marika Poynter, OCCOG TAC Chair, City of Irvine  
949/724-6456  
[mpoynter@cityofirvine.org](mailto:mpoynter@cityofirvine.org)



**ORANGE COUNTY  
COUNCIL OF GOVERNMENTS**  
*Technical Advisory Committee*

**Meeting Date / Location**

**Tuesday, May 7, 2013  
9:00 a.m. – 12:00 p.m. Noon  
Orange County Transportation Authority Headquarters  
600 South Main Street  
Orange, California 92863**

**Agenda Item**

**Staff**

**Page**

**INTRODUCTIONS**

(Chair Marika Poynter,  
City of Irvine)

**PUBLIC COMMENTS**

(Chair Poynter)

The agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not include what action will be taken. The Technical Advisory Committee may take any action which it deems appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

At this time members of the public may address the TAC regarding any items within the subject matter jurisdiction, which are not separately listed on this agenda. 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. Comments shall be limited to three minutes per person and an overall time limit of twenty minutes for the Public Comments portion of the agenda.

Any person wishing to address the TAC on any matter, whether or not it appears on this agenda, is requested to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the TAC Chair prior to an individual being heard. Whenever possible, lengthy testimony should be presented to the TAC in writing and only pertinent points presented orally. A speaker's comments shall be limited to three minutes.

**ADMINISTRATION**

- |    |  |                 |          |
|----|--|-----------------|----------|
| 1. | <b>OCCOG TAC Meeting Minutes</b>   | (Chair Poynter) | <b>1</b> |
|    | ♦ <b>Draft OCCOG TAC minutes for April 2, 2013 meeting</b>                                     |                 |          |
|    | <u>Recommended Action:</u> Approve OCCOG TAC minutes of April 2, 2013, as presented or amended |                 |          |

**PRESENTATIONS, DISCUSSION AND ACTION ITEMS, REPORTS**

- |    |  |   |          |
|----|--|---|----------|
| 2. | <b>Center for Demographic Research Update</b>          | (Ms. Deborah Diep,<br>Director, Center for<br>Demographic<br>Research) –10<br>minutes | <b>5</b> |
|    | <u>Recommended Action:</u> Receive report. Discussion. |   |          |

Agenda Item	Staff	Page
<b>3. OCTA Long Range Transportation Plan Update</b>  <u>Recommended Action:</u> Receive report.	(Mr. Greg Nord, OCTA) – 10 minutes	6
<b>4. Southern California Association of Governments and Orange County Council of Governments Update</b> <ul style="list-style-type: none"> <li>◆ April 4, 2013 SCAG Policy Committee &amp; Regional Council meetings (includes SCS Subcommittee Recommendations update)</li> <li>◆ April 11, 2013 SCAG Technical Working Group Meeting</li> <li>◆ April 25, 2013 Orange County Council of Governments Board of Directors Meeting</li> <li>◆ May 2-3, 2013 SCAG General Assembly</li> <li>◆ April 2013 SCAG data request for Existing (2012) Land Use and General Plan land use and zoning data</li> </ul> <u>Recommended Action:</u> Receive report. Discussion.	(Ms. Gwenn Norton-Perry, OCCOG Executive Director, and Ms. Diep) –60 minutes	7
<b>5. 2016 RTP/SCS- Technical Discussion on Delegation for 2016 Orange County Sustainable Communities Strategy</b>  <u>Recommended Action:</u> Discussion.	(Chair Poynter and Ms. Norton-Perry) – 60 minutes	8

## REPORT FROM THE CHAIR

## REPORT FROM THE OCCOG EXECUTIVE DIRECTOR

## MATTERS FROM OCCOG TAC MEMBERS

## ANNOUNCEMENTS FROM OCCOG TAC NON-MEMBERS

- CalTrans California Transportation Plan 2040 (CTP) by Ms. Aileen Kennedy, CalTrans

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## ITEMS FOR NEXT MEETING

- ◆ Distribution of OCP-2014 2012 Base Year Review Packets
- ◆ Continuation of Technical Discussion on Delegation for 2016 Orange County Sustainable Communities Strategy

## IMPORTANT DATES OR UPCOMING EVENTS

- ◆ May 23, 2013: Orange County Council of Governments Board of Directors Meeting
- ◆ June 4, 2013: Subregional Coordinators Group
- ◆ June 6, 2013: Southern California Association of Governments Regional Council and Policy Committee Meetings

**ADJOURNMENT**

**Adjourn to: June 4, 2013  
Orange County Transportation Authority Headquarters  
600 South Main Street  
Orange, California 92863**



## **ORANGE COUNTY COUNCIL OF GOVERNMENTS**

### **May Report from the Executive Director**

#### 2016 Orange County Sustainable Communities Strategy

The deadline for Subregions to sign a letter of intent to accept SCS delegation and submit the documents to SCAG are due January 2014. The OCCOG TAC is slated to make a presentation before the OCCOG Board of Directors at the June 27, 2013 Board of Directors meeting regarding the SCS process.

#### Memorandum of Understanding

An MOU between the City of Garden Grove and OCCOG relating to no-cost clerk services has been prepared for approval by both agencies. The City-approved MOU will be presented to OCCOG at the June 27, 2013 meeting for final approval.

#### OCCOG Bylaw Revisions

Our legal counsel is currently revising the OCCOG bylaws and the changes will be presented to the Board of Directors at the June 27, 2013 meeting.

#### SCAG Policy Committee Vacancies

OCCOG currently has six (6) SCAG Policy Committee vacancies on the following committees: CEHD, Transportation, and Energy and Environment. A letter has been sent to Orange County City Managers in an effort to solicit Orange County elected officials to fulfill these vacancies.

#### Upcoming OCCOG Presentations

Presentation from Urban Land Institute Regarding Orange County Demographics and Impacts on the Region is scheduled for Board of Directors meeting on June 27, 2013).

Presentation from Mobile Source Air Pollution Reduction Review Committee/Clean Air Transportation Funding Regarding 2013-2014 Work Program and call for Projects (TAC Scheduled for July 2, 2013 and Board of Directors Scheduled for July 25, 2013).

Presentation from CALCOG Executive Director Bill Higgins is tentatively slated for the September 26, 2013 Board of Directors Meeting.

#### Executive Director Vacation Schedule

I will be out of the Country August 29, 2013 – September 8, 2013 to attend my daughter's wedding. Dave Simpson will be available to assist in my absence.





MEMO

May 14, 2013

To: Members of the Board of Directors

From: Darrell Johnson, Chief Executive Officer

Subject: **Governor's May Revision Budget Proposal Released**

This morning, Governor Brown released his updated budget proposal for fiscal year (FY) 2013–14 otherwise known as the May Revision (May Revise). As required by state statute, the Governor is required to submit an updated budget to the Legislature by May 14th of every year. For FY 2013-14, Governor Brown's proposal estimates that General Fund revenues will be approximately \$98 billion and expenditures will total approximately \$96.3 billion, including the creation of a \$1.1 billion General Fund reserve.

Much of the Governor's proposal is centered on education, with a focus on increased funding to K-12 schools and community colleges as well as the implementation of the Local Control Funding Formula which provides a higher level of funding to schools that serve foster youth, students of low income families, and English learners. The May Revise also dedicates billions towards paying down the state's "Wall of Debt" which will reduce the state's debt liability to less than \$27 billion this year, down from \$35 billion in 2011. The Governor's proposal also stresses the need to address other liabilities such as the unfunded liabilities for state employee pensions as well as the billions of dollars in deferred maintenance on critical infrastructure that allows for the movement of goods throughout the state.

#### Transportation Component of the Governor's Budget Proposal

##### State Transit Assistance

The Governor's proposal does not make any changes to State Transit Assistance (STA) projections provided in the January budget proposal. Staff reported to the Board of the Directors in February that STA projections would total \$391.2 million for FY 2013-14. The Orange County Transportation Authority is anticipated to receive approximately \$24.7 million if revenues meet projections.

## Capital-Outlay Support

A reduction of \$36.3 million and 184 positions for engineering, design, and construction oversight activities is proposed within the Department of Transportation's (Caltrans) Capital Outlay Support Program, reflecting a decrease in funding due to the reduction of work under Proposition 1B as well as the expiration of temporary funding sources such as the federal American Recovery and Reinvestment Act. The proposed staffing level will establish a 90/10 percentage split of state staff to contracted consultants.

## Zero-Base Budget Review

Under Governor Brown's Executive Order B-13-11, the Department of Finance (Finance) was directed to modify the state's budget process to increase efficiency and focus on accomplishing program goals. Pursuant to this order, Finance and Caltrans embarked on a four-year plan that conducts a zero-base analysis of all Caltrans programs including its Equipment and Stormwater programs which were examined earlier this year. As a direct result of this analysis, both programs will see budgetary and staffing adjustments.

The Governor has proposed a reduction of \$12.8 million and 41 state positions to the Caltrans Equipment Program which would reduce staffing levels to be consistent with the anticipated management needs of the state's equipment inventory. The reduction in funding and staff to the Program would be coupled with a one-time augmentation of \$10.3 million in operating expenses to replace equipment.

The Stormwater Program under the proposal would have \$2.1 million redirected from contract services to fund 25 new positions to implement Caltrans' new National Pollution Discharge Elimination System. The staff would assess total maximum daily load requirements, address areas of biological significance, and perform additional maintenance and reporting activities.

## Increased in Operating Expenses for Amtrak

The May Revision provides an increased level of funding to intercity rail service operated by Amtrak by \$18.6 million. This increase is needed to comply with federal rail operating requirements. Under the federal Passenger Rail Investment and Improvement Act of 2008, all short distance Amtrak corridor services are required to be 100 percent state-supported. The state only currently pays 70 percent of the Pacific Surfliner's operating expenses.

Staff will continue to review all budget documents as they become available and a verbal update will be provided at the May 16 Legislative and Communications Committee meeting. If you desire to review the full text of the Governor's May Revise, it can be found at <http://www.ebudget.ca.gov/>. If you have any questions, please do not hesitate to contact me.

DJ: bb

c: Executive Staff

May 14, 2013  
Issue #52

## MAY REVISE UPDATE

### **Governor Releases Revised FY 2013–14 Budget**

*Proposes Shifting Enterprise Zone Funding to Three New Economic Development Programs; Borrows \$500 Million in Cap-and-Trade Revenues for General Fund*

Gov. Jerry Brown unveiled his revised budget for FY 2013–14 at a news conference on Tuesday morning by characterizing his revised budget as grounded in prudence and restraint. “For first time in more than a decade we have a balanced budget and it’s solid,” proclaimed Gov. Brown.

Explaining changes to his education and health care proposals dominated most of the almost-75 minute event, with the press also peppering the Governor and Department of Finance (DOF) Director Ana Matosantos on projections for the remainder of FY 2012–13 and the fiscal year that begins July 1.

Revenue projections in the May Revise for the remainder of FY 2012–13 are \$2.8 billion higher than the Governor’s January budget projection. That increase, however, is considered temporary. For FY 2013–14, state revenues are projected to decrease by \$1.3 billion compared to the Governor’s January projection. Contributing to the revenue decline is the end of the federal two-percent payroll tax holiday and sequestration.

The Revise also recognizes the future uncertainty and risk for California’s budget. The state must make higher contributions into the CalPERS system starting in FY 2015–16 to pay down the \$38 billion unfunded liability for state employees’ pensions. Additionally, the cost for retired state employees’ health care is projected to rise by 59 percent, totaling \$63.8 billion in unfunded liability for future obligations. At the same time, tens of billions of dollars of maintenance on critical infrastructure has been deferred.

The Governor’s January budget proposal and the May Revise are available at [www.ebudget.ca.gov](http://www.ebudget.ca.gov).

### **Enterprise Zones**

While framing it as a “*modernization of the state’s job creation and economic development incentives*,” the details of the May Revise and follow-up discussions with the Administration reveal a plan to eliminate Enterprise Zones. Jurisdictions with a current Enterprise Zone designation would wind down activities as funds are re-purposed. Administration representatives told the League that the plan could include allowing any issued Enterprise Zone hiring tax credits to continue for the full five years.

The proposal shifts the current \$700 million allocated for the Enterprise Zone program away from specific geographic areas in favor of providing three new statewide incentives including:

- A sales tax credit for the purchase of manufacturing equipment. The sales tax credit (*the state’s share*) would be eligible to all businesses at the time of purchase, as opposed to filing an income tax return. Administration officials represent this proposal as an expansion of a credit that is currently offered in Enterprise Zones.

- The Governor's Office of Business Development (Go-Biz) would be authorized to offer \$100 million or more a year in income tax credits that can be negotiated with employers based upon the number of jobs created, the size of the business, and other factors.
- An additional \$255 million from an existing undersubscribed "hiring tax credit" would be converted into a new hiring credit focused on census tracts with the highest 20 percent of unemployment and poverty for jobs offering at least two times the minimum wage (approximately \$16 per hour).

Budget trailer bill language is not yet available, but such changes would likely require a two-thirds legislative vote. An Administration official conveyed that the Governor did not support the Enterprise Zone Program and that should the above proposals be rebuffed, remaining zones should expect continued regulatory efforts and audits of their activities.

### **Proposition 39**

The Governor continues to propose to allocate all Proposition 39 energy efficiency funding, now estimated at \$462.5 million, to K-12 and community colleges, and to score these allocations against the state's Prop. 98 school funding requirements. The only significant revision is a \$50 million allocation to the Energy Commission to assist smaller school districts.

The Legislative Analyst previously questioned the appropriateness of counting these expenditures against Prop. 98, and dedicating all revenues to schools. Several pieces of legislation propose alternative allocations: AB 29 (Williams), AB 39 (Skinner and Pérez), SB 39 (de León and Steinberg), and SB 64 (Corbett). However, SB 64 is the only measure that specifically allows local governments to compete for energy efficiency projects funding. Cities are encouraged to continue to support this important bill.

### **Cap-and-Trade**

The Governor's May revise proposes to loan approximately \$500 million of cap-and-trade proceeds to the General Fund to be paid back with interest and appropriated in FY 2014–15. The delayed allocation also allows the California Air Resources Board to refine the Investment Plan and to update the Scoping Plan, both scheduled this year.

The League has been actively involved in supporting two cap-and-trade expenditure proposals:

- AB 416 (Gordon) creates the Local Emission Reduction Program and allocates non-transportation-related cap-and-trade revenues to local governments for grants and other financial assistance to develop and implement GHG-emission reduction projects.
- AB 574 (Lowenthal) creates the Sustainable Communities Infrastructure Program and allocates funding from the transportation-related cap-and-trade revenues to integrate transportation and public infrastructure investments to reduce GHG emissions.

Both these proposals set up the framework for programs, but neither is contingent on an appropriation in FY 2013–14. Cities should continue to support these proposals.

### **Transportation**

The May Revise makes minimal changes to transportation-related funding compared to the Governor's January budget. As required by Executive Order B-13-11, Caltrans has completed a zero-based budget review in two additional areas, resulting in two additional actions:

- Equipment Program: A reduction of \$12.8 million and 41 state positions to reflect saving associated with the fleet reduction, and a one-time augmentation of \$10.3 million in operating expenses to replace equipment.
- Stormwater Program: A redirection of \$2.1 million from contract services to fund 25 new positions to implement CalTrans' new National Pollution Discharge Elimination System (NPDES) stormwater permit.

### **Public Safety**

Local Assistance Grant Funding: There is no change in front-line public safety funding for cities as described in the January budget. The figure remains \$27.5 million. The May Revise augments

the \$20 million grant for local assistance for realignment implementation by \$4 million in the current fiscal year, for a total allocation of \$24 million in FY 2012–13. The budget increases the local assistance grant to \$27.5 million in FY 2013–14.

The May Revise does however include several additional “realignment-related” expenditures:

- \$72.1 million increase in funding to county probation departments for continued implementation of SB 678 Community Corrections Performance Incentive Act. This funding incentivizes reductions in the number of adult felony probationers going to prison for either new crimes or probation violations.
- \$15.4 million increase to Corrections for Expansion of Fire Camps (response to federal court order to downsize prison population). The funding increase would accommodate an additional 1300 inmates.

The May Revise also reduced the projected amount counties will receive in FY 2013–14 for public safety realignment by \$21 million.

### **Funding Available from Redevelopment Dissolution**

The Governor’s January budget projected that the state would realize General Fund savings from the dissolution of redevelopment agencies in the amount of \$2.1 billion in FY 2012–13 and \$1.1 billion in FY 2013–14. The May Revise has altered those figures somewhat based on the Recognized Obligation Payment Schedules (ROPS) reviews conducted by DOF.

The Administration projected in January that over a two-year period (FY 2012–13 and FY 2013–14), counties would receive approximately \$1.6 billion, cities \$1.2 billion, and special districts \$400 million. The May Revise now projects that counties will receive \$1.4 billion (net reduction of \$200 million), cities will receive \$1.1 billion (net reduction of \$100 million), and special districts \$500 million (net increase of \$100 million). In each case, the figures represent unrestricted funding that can be used by local governments to fund police, fire, and other critical public services.

### **Implementation of Federal Health Care**

Rather than expand county-based assistance programs, the May Revise proposes a state-based expansion of the Medi-Cal program to accommodate for the newly eligible individuals under the federal Affordable Care Act. The state plans to work with counties over time to monitor implementation. Actual savings incurred by counties due to a reduction in their case loads for existing state mandated indigent care will be redirected to support expansions of county responsibility for other human services programs. Counties continue to remain concerned with several critical details of this proposal that may reduce funding levels or shift costs.

### **Federal Sequestration Impacts**

The May Revise proposes several responses to recent federal sequestration:

- Backfilling losses to social services programs funded through the Social Services Block Grant (Title XX), Special Education Program, and Early Start Part C Grant Reallocation Program.
- Increasing by \$73 million funding for the Labor and Workforce Development Department, which brings the agency’s funding level to \$17.6 billion. This increase was necessary in part to accommodate for sequestration reductions including: loss of Unemployment Insurance (UI) emergency extension benefits for workers that have exhausted regular UI benefits and the reduction in available UI administration funding by an additional \$31.2 million in 2013–14.
- Proposing budget control language that will provide flexibility to decrease spending authority and make any reductions in spending subject to legislative review.
- The sequester has also resulted in General Fund offsets related to Build America Bonds subsidy payments and the State Criminal Alien Assistance Program.

### **Significant Changes to State Programs**

Higher Education: The Governor proposes three years of tuition and funding stability for University of California and California State University. Additional base funding will be provided to these institutions in exchange for a cap on tuition and various improvements to graduation rates, community college transfers, and reduced cost per degree.

Adult Education: An earlier proposal to restructure the adult education system was withdrawn; instead a funding augmentation is proposed to transition to a new adult education partnership program over the next two years that will better coordinate adult education efforts and focus on critical areas of instruction.

CalWORKS: Increased funding for CalWORKS of \$48.3 million for job training and subsidized employment opportunities to assist getting Californians back to work under reforms adopted last year that limit adult access to cash assistance and employment services to 24 months.

Secretary of State: The Governor proposes to increase of \$112 million and 559 positions to eliminate backlogs and maintain an average of five business day processing time for business filings until the implementation of an automated business filing system.

### **Next Steps**

The League will continue to analyze this budget proposal and provide additional information to cities as necessary.