

**GATEWAY CITIES COUNCIL OF GOVERNMENTS
JOINT MEETING OF THE BOARD OF DIRECTORS and
EXECUTIVE COMMITTEE**

Wednesday, April 1, 2009

5:30 p. m. Buffet

6:00 p. m. Meeting

Gateway Cities Council of Governments

16401 Paramount Boulevard

Paramount, California

AGENDA

STAFF REPORTS AND OTHER WRITTEN DOCUMENTS ARE AVAILABLE IN THE GATEWAY CITIES COUNCIL OF GOVERNMENTS OFFICES, 16401 PARAMOUNT BOULEVARD, PARAMOUNT, CALIFORNIA. ANY PERSON HAVING QUESTIONS CONCERNING ANY AGENDA ITEM MAY CALL THE COG STAFF AT (562) 663-6850.

FOR YOUR INFORMATION: The Board of Directors will hear from the public on any item on the agenda or an item of interest that is not on the agenda. The Board of Directors cannot take action on any item not scheduled on the agenda. These items may be referred for administrative action or scheduled on a future agenda. Comments are to be limited to three minutes for each speaker, unless extended by the Board of Directors, and each speaker will only have one opportunity to speak on any one topic. You have the opportunity to address the Board of Directors at the following times:

- A. **AGENDA ITEM:** at this time the Board of Directors considers the agenda item OR during Public Comments, and
- B. **NON-AGENDA ITEMS:** during Public Comments, comments will be received for a maximum 20-minute period; any additional requests will be heard following the completion of the Board of Directors agenda; and
- C. **PUBLIC HEARINGS:** at the time for public hearings.

Please keep your comments brief and complete a speaker card for the President.

- I. CALL TO ORDER**
- II. ROLL CALL – BY SELF INTRODUCTIONS**
- III. PLEDGE OF ALLEGIANCE**
- IV. AMENDMENTS TO THE AGENDA** - This is the time and place to change the order of the agenda, delete or add any agenda item(s).
- V. PUBLIC COMMENTS** - Three minutes for each speaker.

VI. MATTERS FROM STAFF

- A. Invitation to Attend the Fifteenth Annual California State University, Long Beach Economic Forecast Conference, Thursday, May 14, 2009, 7:30-10:00 AM at the Hyatt Regency Long Beach

VII. CONSENT CALENDAR: All items under the Consent Calendar may be enacted by one motion. Any item may be removed from the Consent Calendar and acted upon separately by the Board of Directors.

- A. Approval of Minutes – Minutes of the Board of Directors Meeting of March 4, 2009, is presented for approval. Approval receives and files the minutes of March 4th, Board of Directors meeting.
- B. Approval of Warrant Register - Request for Approval of Warrant Register Dated April 1, 2009
- C. February 2009 Local Agency Investment Fund Statement
- D. Approve First Amendment to the Funding Agreement by and Among the Gateway Cities Council of Governments, I-5, MTA, Port Long Beach, Port Los Angeles, and Caltrans for the I-710 EIR/EIS Report for the I-710 from Ocean Boulevard to SR-60 – Adds Southern California Edison as Ex-Officio Members to the I-710 EIR/EIS Project Committee
- E. Consideration of Agreement for Consulting Services Between Gateway Cities Council of Governments and Edington, Peel & Associates, Inc.

CONSENT CALENDAR ACTION:
A MOTION TO APPROVE THE RECOMMENDATIONS FOR CONSENT CALENDAR ITEMS A THROUGH E.

VIII. REPORTS

- A. Gateway Cities Homeless Strategy
 - 1. Report Summary
 - 2. Resolution No. 2009-01 - A Resolution of the Board of Directors of the Gateway Cities Council of Governments Approving the Gateway Cities Homeless Strategy

15 Min

SUGGESTED ACTION: A MOTION TO HEAR REPORT AND ADOPT RESOLUTION APPROVING HOMELESS STRATEGY OR GIVE DIRECTION TO STAFF

- B. Truck Intelligent Transportation Systems (ITS) – Presentation by Jan Hellaker, Vice-President Business Development and Government Programs, Volvo Technology North America,

15 Min

SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF AND RECEIVE AND FILE

C. Proposed Amendment to AB 139 – Special Storm Water Fee Legislation

3 Min

SUGGESTED ACTION: A MOTION APPROVE RECOMMENDATION OR GIVE DIRECTION TO STAFF

D. Status Report and Consideration of a Special Meeting Regarding Consultant Selection for Gateway Cities Sustainable Community Strategy Under California Senate Bill 375 (2008) Initial Strategy Assessment

3 Min

SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

IX. REPORTS – COMMITTEES/ AGENCIES – ALL COMMITTEE / AGENCY REPORTS ARE LIMITED TO 3 MINUTES UNLESS ADDITIONAL TIME IS GRANTED BY THE BOARD PRESIDENT

A. Matters from Southern California Association of Governments (SCAG) – Oral Report

3 Min

SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

B. Matters from the League of California Cities – Oral Report

3 Min

SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

C. Matters from California Contract Cities Association – Oral Report

3 Min

SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

D. Matters from The I-5 Consortium Cities Joint Powers Authority – Oral Report

3 Min

SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

E. Matters from the Orangeline Development Authority – Oral Report

3 Min

SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

F. Matters from the South Coast Air Quality Management District (AQMD) – Oral Report

3 Min

SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

G. Matters from the Metro Gateway Cities Service Sector – Oral Report

3 Min SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

H. Matters from the Coalition for America's Gateways & Trade Corridors

3 Min SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

X. REPORTS FROM COMMITTEES

A. Report from the Conservancy Committee – No Meeting to Report

3 Min SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

B. Report from the I-710 EIR/EIS Project Committee – Oral Report

3 Min SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

C. Report from the SR-91/I-605/I-405 Corridor Cities Committee – Oral Report

3 Min SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

D. Report from the Transportation Committee – Oral Report

3 Min SUGGESTED ACTION: A MOTION TO HEAR REPORT, POSSIBLE ACTION AND/OR GIVE DIRECTION TO STAFF

XI. MATTERS FROM THE BOARD OF DIRECTORS

XII. MATTERS FROM THE PRESIDENT

XIII. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION – GOVERNMENT CODE SECTION 54956.9 (b).

XIV. ADJOURNMENT

NOTICE: New items will not be considered after 9:00 p.m. unless the Board of Directors votes to extend the time limit. Any items on the agenda that are not completed will be forwarded to the next regular Board of Directors meeting scheduled for Wednesday, May 6, 2009, 6:00 PM.

IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE COG OFFICE AT (562) 663-6850. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE COUNCIL OF GOVERNMENTS TO MAKE REASONABLE ARRANGEMENT TO ENSURE ACCESSIBILITY TO THIS MEETING.

VII. CONSENT CALENDAR
Item A
Approval of Minutes

**MINUTES OF THE JOINT MEETING OF THE
BOARD OF DIRECTORS OF THE
GATEWAY CITIES COUNCIL OF GOVERNMENTS
AND THE EXECUTIVE COMMITTEE OF THE BOARD OF DIRECTORS
Gateway Cities Council of Governments
16401 Paramount Boulevard
Paramount, California
March 4, 2009**

President Bayer called the meeting to order at 6:01 p.m.

PRESENT: President Anne M. Bayer, City of Downey
First Vice President Gordon Stefenhagen, City of Norwalk
Second Vice President Diane DuBois, City of Lakewood
Immediate Past President Elba Guerrero, City of Huntington Park
Member Larry R. Nelson, City of Artesia
Member George Mirabal, City of Bell
Member Raymond Dunton, City of Bellflower
Member Jim Edwards, City of Cerritos
Member Lillie Dobson, City of Compton
Member Frank Gurule, City of Cudahy
Member Stan Carroll, City of La Habra Heights
Member Pete Dames, City of La Mirada
Member Patrick O'Donnell, City of Long Beach
Member Felipe Aguirre, City of Maywood
Member Gene Daniels, City of Paramount
Member Gracie Gallegos, City of Pico Rivera
Member Betty Putnam, City of Santa Fe Springs
Member Gil Hurtado, City of South Gate
Member Greg Nordbak, City of Whittier
Member Curt Pederson, Office of Supervisor Don Knabe
Member Erica Jacquez-Santos, Office of Supervisor Gloria Molina
Member Ron Fisher, Office of Supervisor Mark Ridley-Thomas

ABSENT: Member Bob Kennedy, City of Avalon
Member from the City of Bell Gardens
Member Joe Aguilar, City of Commerce
Member Victor Farfan, City of Hawaiian Gardens
Member from the City of Long Beach
Member Maria Teresa Santillan, City of Lynwood
Member Kathy Salazar, City of Montebello
Member Edward H. J. Wilson, City of Signal Hill
Member William Davis, City of Vernon
Member Richard Steinke, Ex Officio Member, Port of Long Beach
ALSO PRESENT: La Mirada Director of Public Works Steve Forster; Lakewood
Director of Community Development Jack Gonsalves; Long Beach Manager of

Government Affairs Tom Modica; South Gate City Engineer Mohammad Mostahkami; Luis Marquez, Senior Deputy, Office of Senator Alan Lowenthal; Metro Gateway Cities Service Sector General Manager Alex Clifford; Metro Community Relations Manager David Hershenson; Alex Kenefick, Watershed Coordinator, Los Angeles and San Gabriel Rivers Watershed Council; Luis Cetina, Senior Regional Affairs Manager, Metropolitan Water District; Derrick Alatorre, Senior Public Affairs Officer, SCAQMD; Kristine Guerrero, Public Affairs Manager, League of California Cities; David Hayes, Project Manager, State of California Coastal Conservancy; Matt Horton, SCAG; Brian Dietrick, Senior Engineer, Los Angeles County Sanitation Districts; Ramon Grijalva, President, Addison Burnet Group; Daryl Fleming, President, The eTrans Group, Inc.; Leslie Winner, President, Strategy Workshop; Frank Osgood, Author, Region Aroused; Marian Putnam, Santa Fe Springs; GCCCOG Executive Director Richard Powers; GCCCOG General Counsel Richard D. Jones; GCCCOG Deputy Executive Director Jack Joseph; GCCCOG Director of Regional Planning Nancy Pfeffer; GCCCOG Consultant Engineer Jerry Wood.

Roll was taken through self-introductions.

Immediate Past President Guerrero led the Pledge of Allegiance.

The General Counsel announced that a matter involving potential litigation regarding the San Pedro Bay Clean Air Program and the Gateway Cities funded trucks had arisen since the posting of the agenda and could not wait for the next regular meeting of the Board. He said he was asking for a vote of the Board to determine that a closed session item regarding potential litigation be added to the agenda. It was moved by Member Hurtado, seconded by Member Mirabal, to find that the need for a closed session had arisen since the posting of the agenda and required immediate action by the Board. The motion was approved unanimously.

There were no public comments made.

The Executive Director announced the results of the 2009 SCAG District elections:

District 23—Artesia Councilmember Larry R. Nelson (representing Artesia, Cerritos, Hawaiian Gardens, and Norwalk)

District 25—Downey Councilmember David Gafin (representing Downey and South Gate)

District 27—Cudahy Vice Mayor Frank Gurule (representing Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, and Vernon)

District 29—Long Beach Vice Mayor Val Lerch (representing Avalon and Long Beach)

District 31—La Habra Heights Mayor Stan Carroll (representing La Habra Heights, La Mirada, Pico Rivera, and Santa Fe Springs)

It was moved by Second Vice President DuBois, seconded by Member Hurtado, to approve

the consent calendar as presented. The motion was approved unanimously.

Brian Dietrick, Los Angeles County Sanitation Districts Senior Engineer, gave a presentation regarding the Districts' Clearwater Program, aimed at providing cost-effective and environmentally sound wastewater and recycled water supply services in the county. He described a key component of the program is to construct a new pipeline outlet to the ocean to relieve the stress on the two aging outlet systems.

Member Nelson asked where the excavated land goes. Mr. Dietrick responded that he did not yet know the answer, but that it will need to be determined when the construction phase is reached. Member Dobson asked the source of funding for the project. Mr. Dietrick said that it would be funded by sewer fees on the property tax bill. Member Mirabal asked if the end result would be three tunnels. Mr. Dietrick responded that it is the probable result. Member Mirabal asked what the total estimated cost of the project is. Mr. Dietrick said the cost would be between \$1 billion and \$2 billion, not including the cost of repairing the existing tunnels.

It was moved by Second Vice President DuBois, seconded by Member Nelson, to receive and file the report. The motion was approved unanimously.

Ramon Grijalva, President of the Addison Burnet Group introduced Daryl Fleming of The eTrans Group to give a presentation regarding the potential use of the Los Angeles River to move cargo from the ports upriver to local rail yards and intermodal facilities by barges using a conveyer system. Mr. Fleming said the principle is if you can move goods by barge, do it, because water does a lot of the lifting, making it very energy efficient.

Second Vice President DuBois asked where the water would come from. Mr. Grijalva answered that one way is to have pipelines that bring water up from the ocean; another would be to capture storm water; or some combination of the two. Member Gurule asked about the estimated costs of the system. Mr. Grijalva said that the costs have not yet been worked out. He said inflatable dams would cost about \$4.7 million each; windmills would cost about \$4 million each. He said the project would cost millions rather than hundreds of millions because much of the infrastructure already exists. Member Mirabal asked what the advantage is of a conveyer system over a lock system. Mr. Grijalva responded that a conveyer system allows for continual motion, but that it hadn't been engineered yet.

It was moved by Member Nelson, seconded by Member Dobson, to receive and file the report. The motion was approved unanimously.

Matt Horton presented a report from SCAG. He introduced himself as the new representative from SCAG to the Gateway Cities. He said that tomorrow there would be a joint meeting of the policy committees regarding SB 375 implementation.

Kristine Guerrero presented a report from the League of California Cities. She said a booklet regarding the Federal Economic Stimulus bill had been sent to all cities. She said it would be updated weekly. She passed out copies of the League's Annual Report.

There was no report from the California Contract Cities Association.

There was no report from the I-5 JPA.

There was no report from the Orangeline Development Authority.

Derrick Alatorre presented a report from the South Coast Air Quality Management District. He said that a presentation regarding the District's permit moratorium would be made to the Gateway Cities city managers and planning directors.

Alex Clifford presented a report from the Metro Gateway Cities Service Sector. He said that tomorrow the Sector Governance Council will receive the staff's response to the public comments received regarding the proposed service changes.

There was no report from the Conservancy Committee.

Jerry Wood presented a report from the I-710 EIR/EIS Project Committee. He said that the Project Committee would next be meeting on April 30. He reported that the air quality health risk assessments and traffic modeling are proceeding. He said that the community participation process is currently very active.

Jerry Wood presented a report from the SR-91/I-605/I-405 Corridor Cities Committee. He said the Technical Advisory Committee is currently looking at a feasibility study regarding scopes of work on congestion relief projects that could be funded under Measure R.

Second Vice President DuBois presented a report from the Transportation Committee. She said cities should keep in mind the April 17 deadline for the Call for Projects. She thanked the Board for the motion encouraging a better distribution of Federal Stimulus funds by the MTA to cities. She said it was a very successful effort. Karen Heit reported that the situation keeps changing regarding the May 18 deadline to obligate all funds. She also reported that the ridership relief program had been expanded.

There were no matters from the Board of Directors.

President Bayer congratulated the Board members who had won their city council elections. She announced that 20 people had signed up so far for the April 29 Port tour, but that there was still time to sign up. She reminded everyone to turn their clocks forward one hour on Sunday.

It was the consensus of the Board to adjourn to closed session at 7:05 p.m.

The Board returned from closed session at 7:28 p.m. The General Counsel announced that the Board had met in closed session to discuss potential litigation regarding the Gateway Cities Clean Air Program regarding trucks funded by the ports and that no action had been taken.

Adjournment: It was the consensus of the Board to adjourn the meeting at 7:29 p.m.

Respectfully submitted,

Richard Powers, Secretary

VII. CONSENT CALENDAR
ITEM B
Approval of Warrant Register

**VII. CONSENT CALENDAR
ITEM C**

**February 2009 Local Agency Investment
Fund Statement**



Local Agency Investment Fund
 P.O. Box 942809
 Sacramento, CA 94209-0001
 (916) 653-3001

www.treasurer.ca.gov/pmia-laif
 March 24, 2009

GATEWAY CITIES COUNCIL OF GOVERNMENTS

PMIA Average Monthly Yields

TREASURER
 16401 PARAMOUNT BOULEVARD
 PARAMOUNT, CA 90723

Account Number: 40-19-045

Transactions

[Tran Type Definitions](#)

February 2009 Statement

Effective Date	Transaction Date	Tran Type	Confirm Number	Authorized Caller	Amount
2/9/2009	2/9/2009	RW	1211298	JACK JOSEPH	-140,000.00

Account Summary

Total Deposit:	0.00	Beginning Balance:	1,065,829.42
Total Withdrawal:	-140,000.00	Ending Balance:	925,829.42

**VII. CONSENT CALENDAR
ITEM D**

**Approve First Amendment to the
Funding Agreement by and Among the
Gateway Cities Council of Governments,
I-5, MTA, Port Long Beach, Port Los
Angeles, and Caltrans for the I-710
EIR/EIS Report for the I-710 from
Ocean Boulevard to SR-60 –
Adds Southern California Edison as Ex-Officio
Members to the I-710 EIR/EIS Project
Committee**

TO: Board of Directors

FROM: Richard Powers, Executive Director

SUBJECT: Approve First Amendment to the Funding Agreement by and Among the Gateway Cities Council of Governments, I-5, MTA, Port Long Beach, Port Los Angeles, and Caltrans for the I-710 EIR/EIS Report for the I-710 from Ocean Boulevard to SR-60 - Adds Southern California Edison as Ex-Officio Members

Background and Summary

On February 4, 2009, the Board of Directors approved an amendment to the I-710 EIR/EIS Memorandum of Understanding among Caltrans, MTA, SCAG, and the Gateway Cities COG which permits the I-710 EIR/EIS Project Committee to add as non-voting, ex officio members of the Project Committee an agency other than a public agency if the Project Committee finds it to be an important resource to the project. This amendment permits the Project Committee to add the Southern California Edison Company, which owns a substantial portion of the right-of-way along the freeway, to the Committee.

In addition to the MOU, there is also a Funding Agreement among Caltrans, MTA, the I-5 JPA, the Port of Long Beach, the Port of Los Angeles, and the Gateway Cities COG that governs the funding and project management of the EIR/EIS. The attached amendment will bring that agreement into consistency with the amended MOU regarding the membership of the EIR/EIS Project Committee.

Recommendation

Approve the attached First Amendment to the Funding Agreement for the I-710 EIR/EIS.

**FIRST AMENDMENT TO THE FUNDING AGREEMENT BY AND AMONG
THE GATEWAY CITIES COUNCIL OF GOVERNMENTS,
I-5 CONSORTIUM CITIES JOINT POWERS AUTHORITY,
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY,
PORT OF LONG BEACH, PORT OF LOS ANGELES, AND
THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
FOR THE I-710 ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT
STATEMENT AND ENGINEERING PROJECT REPORT FOR THE I-710 FROM
OCEAN BOULEVARD TO SR-60**

This First Amendment (“Amendment”) to the Funding Agreement (“FA”) is entered into as of the date the last party executes this Amendment by and among the parties to the FA.

RECITALS

Whereas, the I-710 Governance Structure depicted in Attachment A to the FA has changed, the parties desire to amend the FA with an updated attachment.

NOW, THEREFORE, the parties agree as follows:

1. Attachment A to the FA (I-710 Project Governance Structure), shall be deleted in its entirety and replaced with Attachment A attached to this Amendment, which reflects changes to the I-710 Governance Structure.
2. Except as expressly amended hereby, the FA remains in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed and delivered as of the above date.

THE GATEWAY CITIES COUNCIL OF GOVERNMENTS

Richard R. Powers, Executive Director

Date

Approved as to form:

Richard D. Jones, General Counsel for GCCOG

Date

I-5 CONSORTIUM CITIES JOINT POWERS AUTHORITY

Michael Mendez, Chairman

Date

Approved as to form:

Steve Dorsey, General Counsel for I-5 JPA

Date

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

Art Leahy, Chief Executive Director

Date

Approved as to form:

Raymond G. Fortner, Jr.
County Counsel

Date

THE CITY OF LONG BEACH, by its Board of Harbor Commissioners

Richard D. Steinke, Executive Director

Date

Approved as to form:

Robert E. Shannon, City Attorney

Date

THE CITY OF LOS ANGELES, by its Board of Harbor Commissioners

Geraldine Knatz, Executive Director

Date

Approved as to form:

Rockard J. Delgadillo, City Attorney

Date

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Douglas R. Failing, District Director

Date

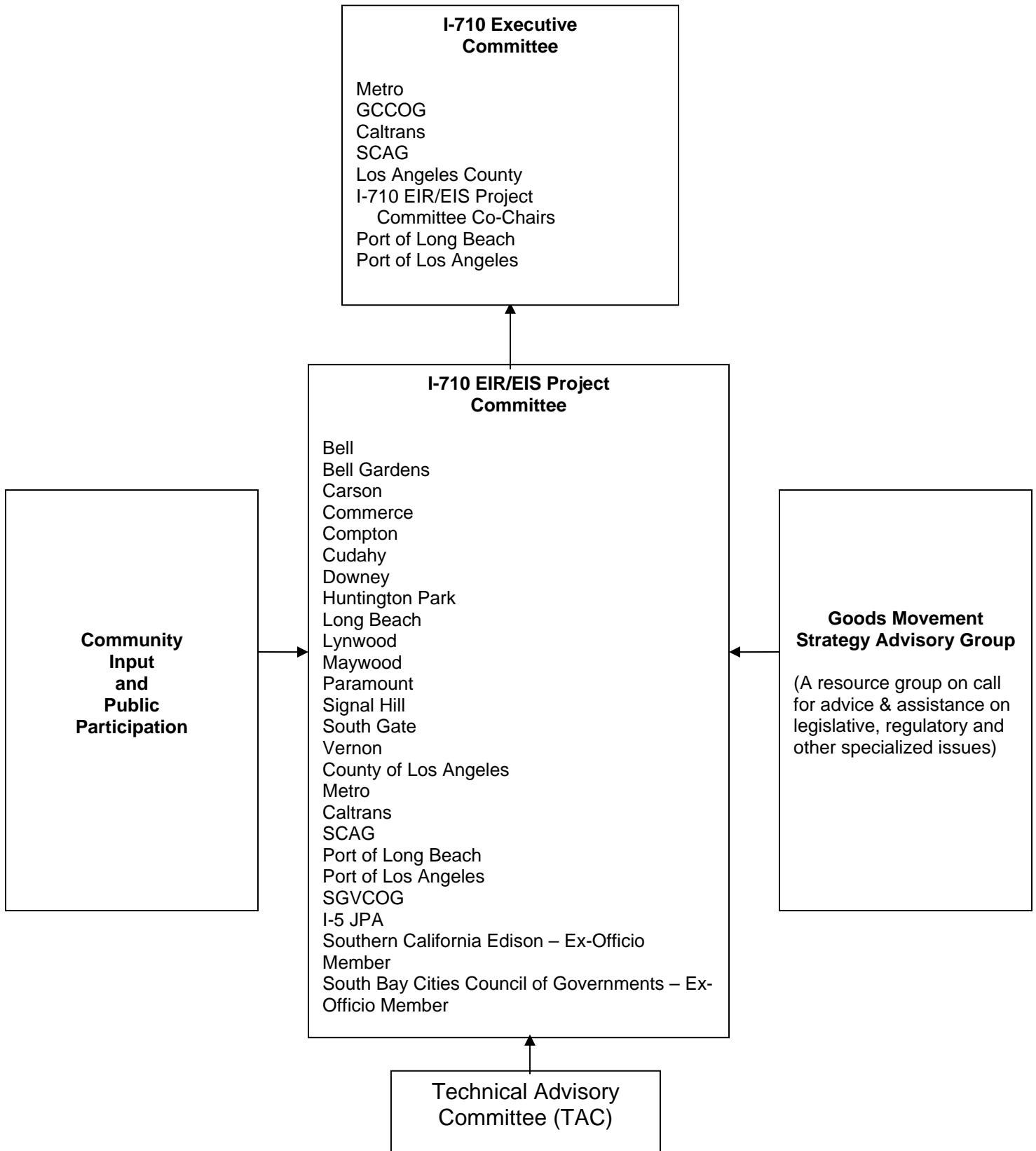
Approved as to form:

Attorney

Date

Attachment A
I-710 Project Governance Structure

Metro Board



**VII. CONSENT CALENDAR
ITEM E**

**Consideration of Agreement for
Consulting Services Between Gateway
Cities Council of Governments and
Edington, Peel & Associates, Inc.**

TO: Board of Directors

FROM: Richard Powers, Executive Director

SUBJECT: Consideration of Agreement for Consulting Services Between Gateway Cities Council of Governments and Edington, Peel & Associates, Inc.

Background and Summary

Staff is in the process of developing the proposed 2009-10 COG Budget and in that evaluation is the review of cost savings measures.

Issue

One such effort to reduce operating costs is the potential reduction in Washington advocacy costs. COG staff and the I-5 Joint Powers Authority Staff have reviewed and are recommending to both respective Boards the retention of the same firm to reduce redundancy. The COG's current costs for federal lobbying services are \$5,250 a month plus travel expenses. The cost savings to the COG would be \$12,000 annually and to the I-5 JPA would be \$9,000 annually on the base rate. Additional cost savings would be realized by the sharing of the costs of travel by both agencies.

To achieve this objective, is it envisioned to retain the services of Edington, Peel and Associates, Inc., whose principal would be Mr. Jim Dykstra, currently the lobbyist for the I-5 JPA. Mr. Dykstra has a very long and distinguished record of service to the Gateway Cities as former Chief of Staff to Congressman Steve Horn of our region. Currently, the COG is in frequent contact with Mr. Dykstra on I-5 issues.

The COG services requested would remain the same, focusing on the COG's core missions of improving the region's transportation, air quality, housing and economic health.

Should the Board support this action, it would require giving the contractually required 30 day notice to the COG's current lobbyist, Government Relations Consultants.

Attachments

1. Edington, Peel & Associates Description;
2. James H. Dykstra, William H. Edington, & Terry R. Peel Biographies; and
3. Agreement

Recommended Action

Approve the award of a contract for consultant services to Edington, Peel and Associates, Inc., and authorize staff to give the 30 day notice required in the agreement with Government Relations Consultants.

**AGREEMENT FOR CONSULTANT SERVICES
BETWEEN
GATEWAY CITIES COUNCIL OF GOVERNMENTS
AND
EDINGTON, PEEL & ASSOCIATES, INC.**

THIS AGREEMENT, entered into as to the 1st of May 2009, by and between Edington, Peel & Associates, an Independent Contractor (hereinafter referred to as "CONSULTANT") located at 1317 F Street NW, Suite 200, Washington, DC 20004 and the Gateway Cities Council of Governments, a California joint powers authority (JPA) located at 16401 Paramount Blvd., Paramount, CA 90723 (hereinafter referred to as COG)

TERM

THIS AGREEMENT shall commence on May 1, 2009. Either Party may terminate this AGREEMENT at any time with or without cause, upon thirty days (30) prior written notice to the other Party. The Parties agree to perform faithfully their obligations hereunder throughout any such period of termination notice.

SERVICES

THE CONSULTANT will serve as Washington Advocate for the COG, and will provide advisory and representation services relative to issues of interest to the COG.

THE CONSULTANT may sub-contract any of these services to subcontractors with the prior approval of the COG. The COG's approval shall not be unreasonably withheld.

FEES & EXPENSES

THE CONSULTANT will provide a monthly invoice in the amount of \$4,250.00. (Four Thousand Two Hundred and Fifty Dollars), plus expenses, on or about the first of each month.

THE COG will pay the CONSULTANT, within 30 days of receipt of each monthly invoice, the sum of \$4,250.00, plus reimbursement for out-of-pocket expenses CONSULTANT incurs in performance of services under this AGREEMENT. CONSULTANT shall document such expenses and submit such documentation with each monthly invoice. Any out-of-town travel by the CONSULTANT must receive prior authorization by the COG's Executive Director. Such authorization may be verbal or in writing.

INDEPENDENT CONTRACTOR

THE CONSULTANT is acting as an independent contractor in performance of this AGREEMENT. If the CONSULTANT retains the services of a sub-contractor, the latter will be considered an independent contractor.

LAW AND AGENCY REGULATIONS

BOTH PARTIES shall comply with all applicable Federal Laws, regulations of Federal agencies having authority in the matters covered under this AGREEMENT, and laws and regulations of the State, County, municipality and utility commissions. In the event of conflict between any of the aforementioned laws or regulations and this AGREEMENT, the former shall be superseding.

INSURANCE AND INDEMNIFICATION LIABILITY OF THIRD PERSONS

THE CONSULTANT shall procure and maintain policies, as applicable and required by law, of workers compensation insurance, comprehensive general liability (bodily injury) and comprehensive automobile liability insurance which are satisfactory in form and coverage to COG as set forth in Exhibit "A", attached hereto. Certificates of Insurance shall be provided to the COG upon request and shall clearly indicate the coverage as required.

THE CONSULTANT shall defend, indemnify and save harmless COG, its officers, employees and agents from and against liability, claims, demands, loss and damage (including attorneys' fees, court costs and other related costs and expenses) for injury to any person or persons or any damage to property arising directly or indirectly out of the performance of this AGREEMENT.

VALIDITY

THE INVALIDITY in whole or in part of any section of this AGREEMENT shall not affect the validity of other sections.

WAIVER

A WAIVER of a breach of any provision of this AGREEMENT shall not constitute a waiver of any subsequent breach of that provision or a breach of any other provision hereof. Failure of either party to enforce at any time or from time to time any provision of this **AGREEMENT** shall not be construed as a waiver thereof.

MISCELLANEOUS

THIS AGREEMENT sets forth the entire understanding of the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions and agreements. This AGREEMENT may not be amended or modified except in writing signed by an authorized officer or official of the Parties hereto.

NOTICES

ANY NOTICE or other communication, required or permitted to be given hereunder, shall be in writing and shall be deemed given when delivered by hand or sent by U.S. certified mail or telegram addressed to the Parties at the addresses below:

TO CONSULTANT: Edington, Peel & Associates
1317 F Street NW, Suite 200
Washington, DC 20004
ATTENTION: Mr. Will Edington, President

TO COG: Gateway Cities Council of Governments
16401 Paramount Boulevard
Paramount, CA 90723
ATTENTION: Mr. Richard Powers

GOVERNING LAW

THIS AGREEMENT shall be governed and construed in accordance with the laws of the State of California.

REMEDIES HEREIN shall be cumulative and in addition to any other remedies provided by law or equity.

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT as of the day and year first above written.

Edington, Peel & Associates

GATEWAY CITIES
COUNCIL OF GOVERNMENT

BY: _____
Will Edington

BY: _____
Richard R. Powers

TITLE: President

TITLE: Executive Director

DATE: _____

DATE: _____

EXHIBIT A
INSURANCE

A. Insurance requirements. Consultant shall provide and maintain insurance, acceptable to the Executive Director or General Counsel, in full force and effect throughout the term of this agreement against claims of injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Consultant, its agents, representatives or employees. Insurance is to be placed with insurers with current A.M. Best's rating of no less than a VII. Consultants shall provide the following scope and limits of insurance:

1. Minimum Scope of Insurance. Coverage shall be at least as broad as:

- (1) Insurance Services Office from Commercial General Liability coverage (Occurrence Form CG 00001)
- (2) Insurance Services Office Form number CA 0001 (Ed. 1/87) covering Automobile Liability, including code 1 "any auto" and endorsement CA 0025, or equivalent forms subject to written approval of the Gateway.

Workers' Compensation insurance as required by applicable law and Employer's Liability insurance and covering all persons providing services on behalf of the Consultants and all risks to such persons under the Agreement.

2. Minimum Limits of Insurance. Consultants shall maintain limits of insurance no less than:

- (1) General Liability: \$1,000,000 general aggregate for bodily injury, personal injury and property damage.
- (2) Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
- (3) Workers' Compensation and Employer's Liability as required and in the amounts as required by applicable law.

B. Other Provision. Insurance policies required by this Agreement shall contain the following provisions:

1. All Policies. Each insurance policy required by this paragraph 15 shall be endorsed and state that the coverage shall not be suspended, voided,

canceled by the insurer or either party to this Agreement, reduced in coverage or in limits except after 30 days' prior written notice by certified mail, returned receipt requested, has been given to gateway.

2. General Liability and Automobile Liability Coverage. Consultant's
 - (1) Gateway, and its respective elected and appointed officers, officials, and employees and volunteers are to be covered as additional insureds as respects: liability arising out of activities Consultant performs; products and completed operations of Consultant; premises owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to Gateway, and their respective elected and appointed officers, officials or employees.
 - (2) Consultant's insurance coverage shall primary insurance with respect to Gateway, and its respective elected and appointed, its officers, officials, employees and volunteers. Any insurance or self insurance maintained by Gateway, and its respective elected and appointed officers, officials, employees or volunteers, shall apply in excess of and not contribute with, Consultant's insurance. Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
 - (4) Any failure to comply with the reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to Gateway, and its respective elected and appointed officers, officials, employees or volunteers.
3. Workers' Compensation and Employer's Liability Coverage. Unless the Executive Director otherwise agrees in writing, the insurer shall agree to waive all the rights of subrogation against Gateway, and its respective elected and appointed officers, officials, employees and agents for losses arising from work performed by Consultant.

- C. Other Requirements. Consultant agrees to deposit with Gateway, at or before the effective date of this contract, certificates of insurance necessary to satisfy Gateway that the insurance provisions of this contract have been complied with. The General Counsel of Gateway may require that Consultant furnish Gateway with copies of original endorsements effecting coverage required by the Section. The certificates and endorsements are to be signed by a person authorized by the insurer to bind coverage on its behalf. Gateway reserves the right to inspect complete, certified copies of all required insurance policies, at any time.

1. Consultant shall furnish certificates and endorsements form each subcontractor identical to those Consultant provides.
2. Any deductibles or self-insured retention's must be declared to and approved by Gateway. At the option of Gateway, either the insurer shall reduce or eliminate such deductibles or self-insured retention's as respects Gateway or its respective elected or appointed officers, officials, employees and volunteers of the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration defense expenses and claims.
3. The procuring of such required policy or policies or insurance shall not be construed to limit Consultant's liability hereunder nor to fulfill the indemnification provisions and requirements of this Agreement

APPENDIX I

Informational and advocacy services shall include the following:

1. Coordination and assistance with meetings with appropriate Members of Congress and Legislative and Executive Branch staff;
2. Assist with the drafting and dissemination of written material to Members of Congress;
3. Coordination with relevant associations and other parties on policy changes and budget matters that may be considered by the Congress or Executive branch;
4. Produce a monthly report summarizing items of importance that have occurred during the previous month;
5. Attend and take part in meetings from time to time with the Gateway Cities COG's elected officials and staff, and other meetings as requested;
6. Generally, will work on areas consistent with the Gateway Cities COG core missions of improving the region's transportation, air quality, housing, and economic health.

EDINGTON, PEEL & ASSOCIATES, INC.

Edington, Peel & Associates is a broad-based government relations consulting firm which assists clients in the ethical representation of their legitimate interests at all levels of government. The company places special emphasis on the authorizing and appropriations processes of the United States Congress.

In its two-decade plus history the firm has served more than 100 clients. They include Fortune 500 companies and other major corporations in the aerospace, communications, defense, electronics, insurance, banking, energy, education, health care and transportation industries. Clients also include various industry, professional and international health and development organizations, as well as hospitals, universities and local governments.

Edington, Peel & Associates, Inc. provides its clients with results-oriented counsel in fashioning and implementing effective government relations strategies. Part of this service is the timely and thorough analysis of public policy issues and related political considerations. Equally important is direct support, including regular, substantive contact with policy-making members of the executive and legislative branches of the federal government.

CAREER BIOGRAPHY

JAMES H. DYKSTRA

James H. Dykstra has over three decades of experience in senior positions on Capitol Hill, in the Executive Branch, and in the private sector. He has served as Chief of Staff and Legislative Director to Rep. Steve Horn (R-CA), Deputy Assistant Secretary of Defense for Legislative Affairs, Republican Staff Director of the Senate Select Committee on Intelligence, Legislative Assistant to Sen. Bill Cohen (R-ME), and Press Secretary and Legislative Assistant to Rep. Bill Steiger (R-WI). In those positions, Mr. Dykstra worked with senior Executive Branch officials and senior Members of the House and Senate, including the leadership, and the authorizing and appropriations committees of both chambers. After leaving government service, he joined a government relations firm specializing in appropriations issues. He also served as Director of the Civil-Military Leadership Program for the Stennis Center for Public Service. Mr. Dykstra is a board member and past president of the organization of former House Chiefs of Staff.

**WILLIAM H. EDINGTON AND
TERRY R. PEEL
OF
EDINGTON, PEEL & ASSOCIATES**

WILLIAM H. EDINGTON served for seven years as associate staff member on the U.S. House of Representatives' Committee on Appropriations. Mr. Edington handled defense, health care, transportation, natural resources and other issues for a Subcommittee chairman of the House Appropriations Committee. He also served as a liaison with other authorizing committees and the leadership of the House. Mr. Edington additionally has been a Congressional relations and management specialist with the U.S. Department of the Treasury. He is a founder of the firm and has 26 years of experience working with the firm's clients. Mr. Edington also has responsibility for the firm's business affairs.

TERRY R. PEEL is a former senior Subcommittee staff director of the U.S. House of Representatives' Committee on Appropriations. Mr. Peel has more than 18 years of experience with the Committee on Appropriations, serving as staff director of both the Foreign Operations and Export Financing and Military Construction Subcommittees. He worked closely with the Chairman and Ranking Minority Member of these subcommittees and the full Appropriations Committee. During his time with the Committee, Mr. Peel worked jointly with senior level Democratic and Republican Members of Congress, including the leadership of both parties. He has also developed important relationships with the Executive Branch. He has worked with both the public and private sector on a wide range of economic, military, health, and other issues and projects during his career with the House of Representatives.

VIII. REPORTS

ITEM A

Gateway Cities Homeless Strategy

- 1. Report Summary**
- 2. Resolution No 2009-01 - A Resolution of the Board of Directors of the Gateway Cities Council of Governments Approving the Gateway Cities Homeless Strategy**

TO: Board of Directors

FROM: Richard Powers, Executive Director

SUBJECT: Gateway Cities Homeless Strategy

Background

In August of 2006, the Gateway Cities COG Board requested funding from the Los Angeles County Board of Supervisors to further the commitment of the cities to address the issue of homelessness in our region.

It was mutually agreed by both parties that the initial step was to develop a comprehensive plan for the Gateway Cities region. It was determined that the plan would include all interested and involved stakeholders, it would be a plan that can be supported by all of the COG cities, and seek to make an effective, lasting impact in responding to homelessness with the Gateway Cities.

Based upon the action of the Board of Supervisors the County provided \$150,000 in funding for the study which has produced the Gateway Cities Homeless Strategy before you this evening.

Issue

The Homeless Strategy report is completed and before you for your consideration. The report has been reviewed and endorsed by the COG Ad Hoc Committee on Homelessness and the Gateway Cities City Manager Steering Committee

Recommended Action

1. Hear a summary of the Homeless Strategy Report.
2. Adopt Resolution Number 2009-01, A Resolution of the Board of Directors of the Gateway Cities Council of Government Approving the Gateway Cities Homeless Strategy.

RESOLUTION NO. 2009-01

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE GATEWAY CITIES COUNCIL OF GOVERNMENTS
APPROVING THE GATEWAY CITIES HOMELESS
STRATEGY**

THE BOARD OF DIRECTORS OF THE GATEWAY CITIES COUNCIL OF GOVERNMENTS DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the Gateway Cities Council of Governments entered into an Agreement with the County of Los Angeles for administrative management of a Homeless Services Needs Assessment and Strategy Development for the Gateway Cities sub-region; and

WHEREAS, pursuant to this agreement, PATH Partners was retained to develop, in conjunction with the Gateway Cities Council of Governments, a community-driven, practical strategy that will effectively respond to and reduce the number of homeless persons in the Gateway Cities sub-region; and

WHEREAS, PATH Partners has performed a comprehensive assessment of resources in the Gateway Cities sub-region, including obtaining an inventory of existing services and housing, identifying underserved groups and areas, engaging city and community stakeholders, exploring existing funding allocations, and developing community education and engagement strategies; and

WHEREAS, the findings of this needs assessment process have resulted in the development of a strategy that embodies the values of the Gateway Cities and expresses their desired goals for creating services and approaches that effectively respond to homeless in their cities; and

WHEREAS, these findings and strategies have been embodied in the Gateway Cities Homeless Strategy;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Gateway Cities Council of Governments approves the Gateway Cities Homeless Strategy as presented by PATH Partners on this date.

PASSED, APPROVED, AND ADOPTED this 1st day of April, 2009.

Anne M. Bayer, President

ATTEST:

Richard Powers, Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss

**VIII. REPORTS
ITEM B**

**Truck Intelligent Transportation Systems
(ITS) – Presentation by Jan Hellaker,
Vice-President Business Development and
Government Programs, Volvo
Technology North America**

TO: Gateway Cities Board of Directors

FROM: Richard Powers, Executive Director

BY: Jerry Wood, COG Engineer

SUBJECT: Truck Intelligent Transportation Systems (ITS) - Presentation by Jan Hellaker, Vice-President Business Development and Government Programs, Volvo Technology North America

Background

Last year Gateway Cities completed an ITS Integration Plan for Goods Movement, working closely with Caltrans and other agencies, such as Metro. We also formed an ITS Working Group with considerable private sector participation. The ITS Integration Plan was presented to the Board of Directors in the latter part of 2008. The staff is preparing a scope of work for to implement this ITS plan for goods movement using some federal funds that were obtained. The staff is also working on implementing the Truck Communication Pilot Demonstration Project to show how real-time traffic information can be provided to truck drivers and the public sector that will be beneficial to both and not sacrifice proprietary information.

Also, as part of the COG safety initiatives adopted by the board a few years ago, work has progressed on attempts to develop permanent truck inspection sites that would service the ports along with the development of an automated truck inspection system that could inspect trucks at freeway speeds without having to stop them.

Finally, the I-710 EIR/EIS that is in progress is beginning to demonstrate the benefits of applying ITS solutions to better manage highway and freeway congestion and perhaps even reduce the requirements for the number of lanes.

Issue

While the programs listed above have been proceeding, staff continues to meet with both public and private sector parties that have an interest in the ITS Plan for Goods Movement. Recently the staff met with a representative of Volvo Group (this group includes MACK trucks and employs about 15,000 people in the US and many more around the world). Volvo Group is one of the leading pioneers in the field of intelligent transport systems starting in the late 80's. It has continued to further develop the benefits for ITS ever since.

For example, Volvo was the first truck manufacturer to launch its fleet management product about 15 years ago, and has kept refining these concepts since then. Volvo continues to be an active participant in various ITS R&D and pilot projects in Europe and the US.

Jan Hellaker, Vice-President Business Development and Government Programs, Volvo Technology North America, will be making a presentation to the GCCOG Board of Directors a summary of Volvo's ITS product range, focusing on in-vehicle fleet management and traffic information products. He will also briefly review some of their ongoing activities in the field of Wireless Roadside Inspection, where trucks can be inspected remotely, not necessarily requiring a physical inspection site. His presentation will also include a quick review of a pilot project in the Port of Gothenburg, Sweden, dealing with truck-related efficiency and security issues.

This presentation and information is not an endorsement of the Volvo projects but just part of an ongoing attempt to keep the board and others apprised of ITS applications for trucks and goods movement. However, the staff felt this information is timely and would be informative to the Board of Directors.

Recommended Action

Receive and File

VIII. REPORTS
ITEM C

**Proposed Amendment to AB 139 –
Special Storm Water Fee Legislation**

TO: Board of Directors

FROM: Ken Farfsing, Chair
City Managers' Steering Committee

SUBJECT: Proposed Amendment to AB 139 – Special Storm Water Fee Legislation

Background

The County of Los Angeles is requesting that the State approve special legislation to amend the Los Angeles County Flood Control District Act (“Act”) dealing with storm water taxation (AB- 139 – Julia Brownley). All of the Gateway Cities are including in the Flood Control District. The bill would broaden the authority of the District to permit the “levy of fees and charges for the objects and purposes” of the District. The original Act was adopted in 1915 and only authorizes the levy of property taxes, including the levy of property taxes in all of the Gateway Cities. The taxes have historically been used for the construction and operation of the region’s flood control system. AB 139 also attempts to create two separate categories of services – “storm waters” and “flood waters.”

The purposes of the District and the Act have changed substantially since 1915. The mandates on urban runoff have increased dramatically with the adoption of various State and Federal statutes, as well as case law and regulatory policies. “Urban runoff” is the term applied to flows from local storm drains, both in dry-weather and wet weather conditions. The Federal Clean Water Act’s water quality requirements are now being applied to urban runoff through the NPDES Permit and TMDL programs. These are major unfunded mandates, beyond the capability of the District, or the Cities with the District to finance. It should be noted that the requirements apply not only to storm water, but to both dry-weather runoff that is conveyed by the region’s storm drains and flood control channels to the rivers, lakes and bays.

Local governments have several options in funding the NPDES and TMDL programs, including General Funds, adopting property related assessments, special taxes subjected to the 2/3rds vote requirement, development impact fees for new development and fees based on the actual use of a service that is not property-related. The Los Angeles County Flood Control District Act only permits the levy of property tax and forecloses these other options.

As the local flood control systems is reaching over 50 years in age, maintenance costs are a demanding more of the District’s General Fund. During the last 15 years the District has devoted an increasing amount of their General Funds to finance storm water programs, including dry-weather systems designed to treat and capture runoff. However, there is a question to whether the District’s General Funds can be used for these dry-weather programs.

AB 139 is modeled after special legislation that was approved by the Contra Costa County Flood Control District and the Ventura County Flood Protection District. These special laws broadened the taxing authority of these Districts to permit the levy of fees and assessments to fund the NPDES and TMDL programs.

It is anticipated that the adoption of AB 139 would set into motion a property owner "vote" by the County Board of Supervisors to levy a storm water fee. Ballots would be mailed to property owners in the District, including all property owners in the Gateway Cities, and the Board would conduct a "protest hearing" to receive additional ballots. The storm fee would pass, if a simple majority exists after the tabulation of protests at the hearing and the mailed ballots.

GCCOG Proposed Amendment

Need for a "Local Return" & the City/County Split

Two major concerns have arisen with AB 139. The storm water fee would be levied on all parcels in both the incorporated and unincorporated areas of the District. Property owners would be paying for compliance with the NPDES and TMDL requirements. Compliance would include both regional and local programs. It is important to note that the County and the Cities are held individually liable under the legal requirements of the NPDES and TMDL programs. These facts make a strong argument for both a "local return" and a regional component for the fee. However, there is no mechanism in AB 139 to provide the local return and no discussion of a "county/city" split.

The Contra Costa County Act addressed the "county/city" split by proposing the 19% of the fee go to the District for regional projects and administration, while 81% of the fee was returned to the cities for local projects. Instead an amendment to Section 2, Item 8 (Los Angeles County Flood Control Act) dealing with taxation, this proposal would leave the taxation language alone and add a new section dealing generally with the authority to develop NPDES programs and to fund them through fees, taxes and assessments. This approach is taken from the Contra County Flood Control District special legislation. The GCCOG amendment proposes a "county share" of 10%, with the remaining 90% returned to the cities for local storm water programs.

Under the GCCOG proposal, each community would receive 90% of the fee generated in their community. Ten percent of the fee would be used by the District for administration and regional projects. Cities and groups of Cities could join with each other and the County on regional and sub regional projects. The County unincorporated territories would be treated as "cities" for the purpose of the county/city split. The District consists of 2,204,904 parcels, which 267,068 are located in unincorporated areas (approximately 12.11%). This proposal would not create "winners and losers" among the Cities and the County unincorporated territories. If the assessment is parcel based, it would establish the fees based on each jurisdiction.

It is important for many reasons to address the local return and the county/city split within AB 139.

- The Ventura County special legislation required the development of MOU's between the County and the Cities, prior to levying the fee. It has been over five years since the adoption of the special legislation and the County and Cities have yet to agree on their split. There are only 9 cities in Ventura County and there are 87 Cities in the Los Angeles County.
- The "local return" and the "City/County split" are the most important issues to the Cities and should not be pushed off to be dealt with in the fee ordinance or with "side agreements." The County staff is arguing that the ordinance establishing the vote on the fee could adequately address the local return and the split issues. However during the public hearing on the ordinance the Board of Supervisors is free to make any changes to the ordinance they feel is appropriate.
- The fee as currently proposed will be collected over a 30 year period. The Board Members and many City Councils are subject to term limits. "Side Agreements" can be changed as the "institutional memory" of a local return and split agreement fades when the original parties retire. Many of the Cities do not want a repeat of the "MTA" funding battles, protracted over the last two decades over transportation funding.
- Voters in the Cities will need to know the amount of funds going back to their communities in order to support the fee.
- The Cities are concerned that they will not be able to adopt their own separate storm water fees, if the County fee is passed first. Local voters will most likely only support one fee. So it is critical that we solve the local return and county/city split issues in AB 139.
- Many Cities will need to know the amount of their local return in order to support AB 139.
- Issue like the administration of regional projects or joint city projects can be addressed in the fee ordinance. The GCCOG proposal allows the Flood Control District and the Cities to work together with an expert body to develop and implement cost effective regional projects.
- The amendment to AB 139 will resolve potential future disputes that could arise between the Cities themselves by addressing the issue now.

- The County has made the argument that the GCCOG amendment may jeopardize the operation of the Flood Control District. The GCCOG amendment specifically supports the use of the fee money for NPDES purposes and not for diversion to flood control purposes. The District has existing property taxes and taxing authority for flood control programs. If the Cities do not make it clear what the new money is for, it could be diverted to non-NPDES programs and there may be little money left for the Cities.
- If we do not agree on what programs the new funds are to be used for, then it makes the discussion of the “City/County split” meaningless, since there is nothing to base our discussions on. If the District has other programs that they want money for, they should identify and justify these to the Cities and the public.

Attachments

Flood Control District Parcel Breakdown
AB 139
GCCOG Proposed Amendment of AB 139

Recommended Action

The City Manager’s Steering Committee is requesting that the Board of Directors support the amendment to AB 139 to require a “local return” and “split” of the storm water fee between the Cities and Los Angeles County.

VIII. REPORTS
ITEM D

**Status Report and Consideration of a
Special Meeting Regarding Consultant
Selection for Gateway Cities Sustainable
Community Strategy Under California
Senate Bill 375 (2008) Initial Strategy
Assessment**

TO: Board of Directors

FROM: Richard Powers, Executive Director

SUBJECT: Status Report and Consideration of a Special Meeting Regarding Consultant Selection for Gateway Cities Sustainable Community Strategy Under California Senate Bill 375 (2008) Initial Strategy Assessment

Background

In 2006 the state legislature passed and Governor Schwarzenegger signed AB 32, the Global Warming Solutions Act of 2006. This law's overall goal is to reduce the state's emissions of greenhouse gases (GHG) back to 1990 levels by 2020. This past fall the legislature passed, and the Governor signed SB 375, a bill that addresses the specific portion of GHG emission reductions related to the regional transportation planning process.

SB 375 calls for metropolitan planning organizations (in our case, the Southern California Association of Governments, or SCAG) to develop a Sustainable Community Strategy that will become part of the Regional Transportation Plan. This strategy will include population, housing and employment projections and infrastructure plans closely related to elements of the Regional Housing Needs Assessment (RHNA).

SB 375 allows sub-regions within the SCAG region only to undertake development of their own Sustainable Community Strategy (SCS), in collaboration with the county transportation commission (Los Angeles County Metropolitan Transportation Authority). It is the City Managers' recommendation that the Gateway Cities COG develop its own sub-regional SCS strategy.

On November 5, 2008, the Board of Directors approved the City Managers Steering Committee's recommendation that the COG retain consultant services to develop the sub-regional SCS strategy using funds raised through a flat \$5,000 fee per city for this purpose.

Status Report

The COG staff, with the help of several cities, is in the process of identifying and retaining consultant support to assist the sub-region in developing an effective strategy to comply with SB 375. The main goal of the consulting contract will be to advise the Gateway Cities on the best approach to these new planning requirements, including whether to accept delegation of the SCS.

On Feb. 10, 2009, the COG staff released a Request for Proposals. On March 16, eighteen (18) proposals were received. A reviewing team comprised of city staff from several member cities, as well as COG staff, are now reading and rating these proposals, with the goal of selecting five to six consultant teams for interviews during the first two

weeks of April. Once the interviews are held, it should be possible to select a winning team or firm to place under contract.

Timing Issues and Rationale for a Special Meeting of the Board of Directors

In the absence of any other action, the COG staff would have to wait until the May 6 Board of Directors meeting to gain approval to execute a consultant contract. Even this two- to three-week delay will be critical in the very fast-moving SB 375 process.

The California Air Resources Board under the law must convene a Regional Targets Advisory Committee (RTAC, a statewide group) to advise it on how to assign GHG emission reduction targets to the various regions of the state. This group was convened in January and has already met once each in February and March. The RTAC will again meet in April and again on May 5. Under the current schedule our consultant would miss even the May meeting.

The RTAC must conclude its deliberations and provide a report to CARB by September 2009. Furthermore, SCAG has already released for comment an initial proposed approach to the newly integrated planning process, and has requested that sub-regions decide, also by September of this year, whether they intend to pursue delegation of the SCS preparation. In order to have the most possible time and assistance in developing an appropriate sub-regional strategy for SB 375, it would be beneficial for the Gateway Cities to accelerate the process of getting the consultant under contract to the extent possible.

Recommended Action

Set a date for a special meeting of the Board of Directors/Executive Committee for the latter part of the week of April 13 to consider the selection of a consultant team to prepare a sub-regional strategy for SB 375.

**IX. REPORTS FROM
COMMITTEES/AGENCIES
ITEM H**

**Matters from the Coalition for America's
Gateways & Trade Corridors**

TO: Board of Directors

FROM: Richard Powers, Executive Director

SUBJECT: Matters from the Coalition for America's Gateways & Trade Corridors

Background

The Gateway Cities COG is a member of the Coalition for America's Gateways and Trade Corridors (CAGTC), a Washington DC-based coalition seeking to promote the consideration of freight in the nation's transportation policy.

A report will be listed monthly on the COG Board Agenda for regular updates on the activities of the organization.

The COG was broadly encouraged to join the Coalition because that body is considered as a primary entity generating new federal legislation beneficial to the interest of the Gateway Cities. We are also able to input and influence our position through this organization.

About the Coalition

The coalition was founded in 2001; the mission, according to the group's web site (www.tradecorridors.org) is "to bring national attention to the need to significantly expand U.S. freight transportation capabilities and to work toward solutions for this growing national challenge. Comprised of over 50 members, our sole purpose is to raise public recognition and Congressional awareness of this need and to promote sufficient funding in federal legislation for trade corridors, gateways, intermodal connectors and freight facilities."

Members of the Coalition, both public and private, are geographically diverse. Many are West-Coast-based, including in our region the Alameda Corridor East Construction Authority, the Los Angeles County Economic Development Corporation, Majestic Realty Company, Moffatt & Nichol Engineers, the Orange County Transportation Authority, and the Ports of Long Beach and Los Angeles, among others.

Benefits to Gateway Cities

With the prospect of federal reauthorization of the nation's transportation law this year or next, the Coalition is now actively promoting the concept of a national freight trust fund. Such a dedicated fund would help to ensure that freight-related projects can be funded as part of an efficient system supported by a national freight strategy. In the Coalition's vision, funds would be made available on the basis of merit-based criteria "designed to maximize and enhance system performance, while advancing related policy objectives such as environmental improvement."

A copy of the Coalition's "Freight 21" trust fund proposal is attached. Gateway Cities COG staff participate in the Coalition's regular conference calls and occasional meetings, and will provide the Board with brief updates at its future meetings.

Attachments

- CAGTC's National Strategic Freight Mobility Program and Trust Fund issue paper

Recommended Action

Receive and file report.

Coalition for America's Gateways and Trade Corridors

ACS Transportation Solutions
AECOM
Alameda Corridor-East Construction Authority
American Standard Companies
Cascadia Center
Chicago Metropolitan 2020
City of Chicago
Delaware River Maritime Enterprise Council
Delaware Valley Regional Planning Commission
Economic Development Coalition of Southwest Indiana
FAST Corridor Partnership (Seattle-Tacoma-Everett)
Florida East Coast Railway
Florida Ports Council
Florida Trade and Transport Council
Gateway Cities Council of Governments
Hatch Mott MacDonald
HELP, Inc.
HERZOG
HNTB
Illinois State Department of Transportation
Jacobs Carter Burgess
Los Angeles County Metropolitan Transportation Authority
Los Angeles Economic Development Corporation
Majestic Realty Co.
Memphis Chamber of Commerce
Mi-Jack Products, Inc.
Mississippi State Department of Transportation
Moffatt & Nichol Engineers
National Association of Industrial & Office Properties
National Association of Regional Councils
National Corn Growers Association

National Strategic Freight Mobility Program and Trust Fund

STATEMENT OF THE PROBLEM

According to the Bureau of Transportation Statistics, "productivity growth in freight transportation has long been a driving force for the growth of U.S. overall productivity and contributed directly to the growth of the U.S. GDP." Yet, our multimodal freight transportation system is a national asset which we have failed to appreciate and support. In recent years, chorus of voices calling for a "vision" for our transportation future has mounted sharply – nowhere is this need more pressing than in the freight system that provides for our nation's commerce.

Without a campaign of strategic investment to expand capacity and increase efficiency, U.S. productivity and global competitiveness will suffer, costs will increase and investment will lag. A new program should be established to address freight mobility, on all modes, by adding capacity and improving efficiency. We must focus on the system as a whole, rather than viewing the nation's transportation infrastructure as several different systems that occasionally interact.

RELEVANCE TO BROADER POLICY OBJECTIVES

Currently, passengers and freight in the U.S. compete for an inadequate supply of infrastructure capacity and financial resources. Both suffer. We should not replace or eliminate our current Federal surface transportation program. It should continue, supporting high quality transportation service for all Americans in every corner of the nation.

However, a new freight program would balance and separate these interests, especially if based on user fees and funding from outside the traditional sources. Such an approach need not be burdensome; for example, capturing a small fraction of the value of the commodities moved would generate considerable revenue.

The benefits of freight improvements are substantial. Sustainable goods movement lies at the center of our productivity and quality of life, not only for the availability of consumer products, but because of transportation's impact on land use, energy consumption and environmental quality. Improvements to freight infrastructure, through a combination of hard infrastructure and advancement in ITS, can result in reduced congestion, better air quality, and less time and fuel wasted. In addition, employment in the logistics sector is one of the fastest growing sources for job creation in the U.S. economy.

International trade, combined with domestic growth, has created millions of new job opportunities and a higher standard of living for Americans. But these benefits will last only if we are able to keep moving the goods.

MEETING THE NEED

A truly strategic freight mobility program would serve the economic needs of our country in the near term and for generations to come by making investment decisions that optimize freight mobility, especially at locations of national significance, unconstrained by mode or political jurisdiction. All modes and freight transportation facilities would be eligible. Corridors, gateways and integrated hubs would be the locus of activity, rather than states, counties, cities or towns. The result would be a comprehensive, free-flowing freight network unfettered by jurisdictional boundaries.

500 New Jersey Avenue, NW Suite 400 Washington, DC 20001
202-828-9100 phone 202-638-1045 fax www.tradecorridors.org

National Railroad Construction and Maintenance Association, Inc.
OnTrac
Orange County Transportation Authority
Oregon Department of Transportation
Parsons
Parsons Brinckerhoff
Port Authority of New York/New Jersey
Port of Cleveland
Port of Long Beach
Port of Los Angeles
Port of Oakland
Port of Pittsburgh
Port of San Diego
Port of Seattle
Port of Stockton
Port of Tacoma
RAILCET
River of Trade Corridor Coalition
Riverside (Calif.) County Transportation Commission
San Bernardino Associated Governments
SANDAG - San Diego Association of Governments
San Gabriel Valley Economic Partnership
Seattle Department of Transportation
Southern California Association of Governments
Spokane Regional Transportation Council
Tennessee Department of Transportation
Washington State Department of Transportation
West Coast Corridor Coalition
Wilbur Smith Associates
Will County Center for Economic Development

FEDERAL FREIGHT TRUST FUND

The Coalition for America's Gateways and Trade Corridors (CAGTC) has proposed the creation of a Federal Freight Trust Fund (FTF) to facilitate implementation of a new, strategic freight mobility program that incorporates:

A national strategy which guides long term planning

- A national "vision" and investment strategy that shapes and guides the nation's freight infrastructure system with active coordination among states, regions and localities is needed. The Office of Intermodalism, or a new office for multimodal freight should be reestablished within USDOT to administer the new freight mobility program with a particular focus on projects of national significance. Planning horizons should endeavor to anticipate freight needs extending over multiple decades and seek to smooth the path for economic growth, both domestically and internationally.

A dedicated funding mechanism(s)

- Funding for the FTF should be collected from all users of the freight system and based on revenue sources that are predictable, dedicated and sustained. FTF monies should incentivize and reward state and local investment and leverage the widest array of public and private financing.

A set of merit-based criteria for funding allocation

- The new program should select projects through merit-based criteria that identify and prioritize projects with a demonstrable contribution to national freight efficiency. Long-term funding must be made available to ensure that, once a project is approved, funds will flow through to project completion. Funds would be available to support multi-jurisdictional and multi-state projects, regardless of mode, selected on the basis of objective measures designed to maximize and enhance system performance, while advancing related policy objectives such as environmental improvement.

A partnership with the private sector

- Private participation in the nation's freight infrastructure is vital to system expansion. Federal funding should leverage private participation and provide transportation planners with the largest toolbox of financing options possible to move freight projects forward quickly and efficiently. The establishment of an advisory council made up of freight industry members and system users could assist and partner with USDOT in optimizing results from planning, coordination and evaluation processes.

NEW FEDERAL FREIGHT FEE

While all possible funding sources should be considered, the FTF would best be served by a new national freight fee as supported by the recent National Surface Transportation Policy and Revenue Study Commission's report, *Transportation for Tomorrow*. Additionally, a fair contribution — such as a portion of increased fuel taxes or the freight fees that are currently dedicated to the Highway Trust Fund, including excise taxes on truck tires and tractors — from the Federal Highway Trust Fund could appropriately reflect benefits that accrue to the broader motoring public. While the FTF would provide a dedicated source for freight project funding, participation in this program would not preclude projects from seeking funding from existing federal, state and local sources, reflecting the multiple benefits they can provide to local communities as well as to national freight movement.

Other sources, such as customs fees now going to the general fund, may also be appropriate to supplement the FTF as these fees relate directly to the infrastructure used to carry the goods against which they are assessed.

Ultimately, the price of goods should support and internalize a portion of the cost of expanding related infrastructure, such that growth in demand for moving goods delivers proportional funding for related infrastructure improvement.

About the Coalition

The Coalition for America's Gateways and Trade Corridors (CAGTC) is a diverse coalition of more than 50 public and private organizations dedicated to increasing federal investment in America's intermodal freight infrastructure. In contrast to single mode interests, CAGTC's main mission is to promote seamless goods movement transportation system across all modes to enhance capacity and economic growth.

X. REPORTS FROM COMMITTEES
ITEM A

Conservancy Committee

(no meeting to report)

