

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

Wednesday, July 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

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 June 3, 2009, is presented for approval. Approval receives and files the minutes of June 3rd, 2009, Board of Directors meeting.
- B. Approval of Warrant Register - Request for Approval of Warrant Register Dated July 1, 2009
- C. May 2009 Local Agency Investment Fund Statement
- D. Status Report from Lobbyist – Edington, Peel & Associates
- E. Sixth Amendment to Agreement Between Gateway Cities Council of Governments and The Dardanelle Group
- F. Second Amendment to the I-710 EIR/EIS Memorandum of Understanding (MOU)

CONSENT CALENDAR ACTION:

A MOTION TO APPROVE THE RECOMMENDATIONS FOR CONSENT CALENDAR ITEMS A THROUGH F.

VIII. REPORTS

- A. Presentation on MTA Long Range Transportation Plan (LRTP) by Brad McAllester, Executive Officer and David Yale, Deputy Executive Officer

15 Min

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

- B. Presentation on SB 696, Regarding Air Emissions Permits and Possible Action

20 Min

SUGGESTED ACTION:

- C. Los Angeles River Metals TMDL – Implementation Plan – Jurisdictional Group # 1

5 Min

SUGGESTED ACTION: A MOTION TO HEAR REPORT, APPROVE THE MEMORANDUM OF AGREEMENT AND AUTHORIZE THE GCCOG BOARD PRESIDENT TO EXECUTE; AND/OR GIVE DIRECTION TO STAFF.

D. SB 346 (Kehoe) – Phase Out of Copper in Brake Pads (TMDL related)

5 Min

SUGGESTED ACTION: A MOTION TO HEAR REPORT, RECOMMEND THE BOARD OF DIRECTORS ENDORSE SB 346 AND DIRECT PRESIDENT TO SEND A LETTER OF SUPPORT TO THE GCCOG'S ASSEMBLY DELEGATION; AND/OR GIVE DIRECTION TO STAFF.

10 Min

E. Proposed 2009-2010 Gateway Cities Council of Governments Budget

SUGGESTED ACTION: A MOTION TO APPROVE PROPOSED 2009-2010 BUDGET AND ADOPT RESOLUTION

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 – Oral Report

3 Min

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

I. Conservation Corps Report – Oral Report

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

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

1. Larger Trucks – The Safe and Efficient Transportation Act

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. ELECTION OF OFFICERS

A. Election of Officers and Members of the Executive Committee

SUGGESTED ACTION: HOLD ELECTION

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, August 5, 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 MEETING
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
June 3, 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
Member Larry R. Nelson, City of Artesia
Member George Mirabal, City of Bell
Member Raymond Dunton, City of Bellflower
Member Sergio Infanzon, City of Bell Gardens
Member Bruce Barrows, 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 Kathy Salazar, City of Montebello
Member Gene Daniels, City of Paramount
Member Gracie Gallegos, City of Pico Rivera
Member Betty Putnam, City of Santa Fe Springs
Member Edward H. J. Wilson, City of Signal Hill
Member Gil Hurtado, City of South Gate
Member Greg Nordbak, City of Whittier
Member Curt Pederson, Office of Supervisor Don Knabe
Member Vincent Harris, Office of Supervisor Mark Ridley-Thomas

ABSENT: Past President Elba Guerrero, City of Huntington Park
Member Bob Kennedy, City of Avalon
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 Felipe Aguirre, City of Maywood
Member William Davis, City of Vernon
Member Erica Jacquez-Santos, Office of Supervisor Gloria Molina
Member Richard Steinke, Ex Officio Member, Port of Long Beach

ALSO PRESENT: Signal Hill City Manager Ken Farfsing, Chair, City Managers Steering Committee; La Mirada Director of Public Works Steve Forster; South Gate City Engineer Mohammad Mostahkami; Long Beach Transit Executive Director of Community and Customer Services Brynn Kernaghan; Metro Community Relations Manager David Hershensen; Jon Grace, Project Manager, MTA; Derrick Alatorre, Senior Public Affairs Officer, SCAQMD; Yvette Kirrin, Executive Director/Authority Engineer, I-5 JPA; Matt Horton, Regional Affairs Officer, SCAG; Frank Osgood, Author, Region Aroused; 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.

Member Mirabal led the Pledge of Allegiance.

The General Counsel announced that two items had come to the Board's attention since the posting of the agenda: a request from Long Beach Transit for support of a funding request under the pending federal transportation funding reauthorization; and a request from the Transportation Committee to take a position on AB 1243, listed on the agenda as an update item. It was moved by Member Hurtado, seconded by Second Vice President DuBois, to add the request from Long Beach Transit to the consideration of Item 8C on the agenda and to add the request from the Transportation Committee to the consideration of Item 8D on the agenda as emergency items that came to the Board's attention after the posting of the agenda and which require action prior to the Board's next meeting. The motion was approved unanimously.

There were no public comments made.

There were no matters from staff.

It was moved by Member Barrows, seconded by Second Vice President DuBois, to approve the consent calendar as presented. The motion was approved unanimously.

Member Daniels reported that the COG had received five nominations for the two open community member seats on the MTA Governance Sector Council and that the Transportation Committee was recommending the appointment of Jo Ann Eros-Delgado and Harley D. Rubenstein to fill those seats. He said that two elected officials had indicated interest in the two open elected official seats and that the Transportation Committee was recommending the appointment of Downey Mayor Pro Tem Anne M. Bayer and Compton Councilwoman Lillie Dobson to those seats. It was moved by Second Vice President DuBois, seconded by Member Gurule, to approve the recommendations of the Transportation Committee and to submit those nominations to the MTA Board of Directors for final approval. The motion was approved unanimously.

The Executive Director reviewed a list of projects that had been submitted to the COG's

Congressional offices for potential funding under the federal transportation funding reauthorization bill. He identified those projects which would be eligible to use Measure R funding for the required match. He referred the Board to the request by Long Beach Transit for support of its funding request under the federal transportation funding reauthorization.

Member Hurtado asked which projects are new and whether they would compete for funds with existing projects. COG Engineer Jerry Wood responded that virtually all of the funding requests fit in with existing projects, with the exception of the truck inspection facility and the air quality monitoring stations. He said these latter two submittals are independent projects that grew out of the I-710 Major Corridor Study.

Member Nordbak asked whether the Long Beach Transit request would jump over other COG projects that are seeking funding. The Executive Director responded that the Long Beach Transit request would be funded out of transit funding, not highway funding, which would be the source of the COG's requests. He said that the request from Long Beach Transit is for COG support of its request, but that it would not be a COG project.

It was moved by Member Mirabal, seconded by Member O'Donnell, to approve the list of projects submitted for funding under the federal transportation funding reauthorization bill and to endorse the submittal by Long Beach Transit for federal transportation reauthorization funding. The motion was approved unanimously.

Jerry Wood presented a summary of AB 1243 by Assemblymember Bonnie Lowenthal. He said the bill would put the COG on an equal footing with Caltrans and the California Highway Patrol regarding the location of a truck inspection facility. Member Daniels said that a truck inspection facility has been a goal of the I-710 Project Committee almost from the beginning of the project because of concerns about safety. Member O'Donnell asked what the bill does specifically. Mr. Wood responded that it forms a de facto commission of Caltrans, the California Highway Patrol, and the COG. Member Wilson asked what the bill would require to happen. Mr. Wood said that it requires the three agencies to collaborate on the location of a truck inspection facility. It was moved by Member Dobson, seconded by Member Hurtado, to receive and file the report. The motion was approved unanimously.

COG Director of Regional Planning Nancy Pfeffer presented a report on SB 375. She gave some background on the law and the study for the COG that is currently underway. She reviewed the survey of the cities being conducted by the consultant team. She said the key question is whether the COG should accept delegation to implement a Sustainable Communities Strategy for the subregion. She said the consultant will help the COG determine whether SCAG's "soft target" for the subregion is reasonable. She said SCAG wants to know by September whether the COG will accept delegation. A question to be studied is what liability the COG takes on if it accepts delegation.

Member Mirabal asked whether other COGs are dealing with the same issue. The Executive Director responded that, because SCAG is so large, the state legislation included the delegation option for the SCAG subregions.

Ms. Pfeffer referred the Board to a draft comment letter from the COG to the State Regional Targets Advisory Committee and SCAG regarding SB 375. She said the two major points were that the RTAC consider local land use particulars and that a statewide target for greenhouse gas emissions be no more than 5 million metric tons, so that it is an achievable number. Member Nordbak asked where the 5 million metric tons number originated and asked who drafted the comment letter. Ms. Pfeffer responded that the California Air Resources Board had adopted the number pursuant to AB 32 and that she had drafted the comment letter. It was moved by Member Nordbak, seconded by Member Nelson, to approve the draft comment letter and direct that it be sent to the Regional Targets Advisory Committee and to SCAG. The motion was approved unanimously.

Signal Hill City Manager Ken Farfsing presented an update on AB 139. He said that, because of opposition from the City of Los Angeles and others, the author had withdrawn the bill. He said that the COG's public works representatives would be meeting with the City of Los Angeles to arrive at a consensus of a fair funding formula and then approach the County with the proposal.

The Deputy Executive Director presented a status report on the release of the truck drivers funded by the ports of Los Angeles and Long Beach. He said that a series of workshops for the truckers had been held and that the releases were proceeding. He said that, in addition to the release, the Port of Long Beach would be exempting all port trucks funded through the Gateway Cities program would be exempted from the gate fee if they are equipped with a retrofit device to be installed at the expense of the Port of Long Beach.

Matt Horton presented a report from SCAG. He said that tomorrow SCAG's Annual Retreat would take place at Lake Arrowhead. He said three policy committees would be electing new chairs.

There was no report from the League of California Cities.

There was no report from the California Contract Cities Association.

Yvette Kirrin presented a report from the I-5 JPA. She said the JPA is working with Caltrans on an extensive review of the plans for the Carmenita Rd. bridge. She said it should be under construction in eighteen months, with Alondra Blvd. following six months later. Member Wilson asked whether these projects are design/build. Ms. Kirrin responded that the JPA does not have the authority to do design/build projects.

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 there is hope that issues regarding SB 696, which concerns the current permit moratorium, would be resolved that week. He announced that the AQMD's annual leaf blower exchange program would be starting soon. Member Wilson asked for an update on the lawn mower exchange program. Mr. Alatorre responded that the program has

concluded and 400 lawn mowers had been given out.

Alex Clifford presented a report from the Metro Gateway Cities Service Sector. He said that the MTA Board had approved the budget for fiscal year 2009-10. He said that the budget included cuts of 190,000 service hours across the system. He said it included 35,000 out of approximately 2 million service hours in the Gateway Cities subregion. He said the cuts will probably come from trip thinning, stretching out service. He said that MTA Executive Director Art Leahy is committed to resolving the budget, which is using one-time revenues in order to balance.

Member Nelson asked for an update on the parking situation at the Artesia Blvd. Blue Line station. Mr. Clifford responded that he thought they had arrived at a deal with the church for use of its parking lot, but that it had wanted to close the lot at 6:00 p.m. He said he will now be looking to working with the City of Compton on another potential solution.

COG Director of Regional Planning Nancy Pfeffer presented a report from the Coalition for America's Gateways and Trade Corridors. She said the Coalition is seeking to get a dedicated freight corridor program within the federal transportation reauthorization legislation.

Member Wilson presented a report from the Conservancy Committee. He said that the Rivers and Mountains Conservancy Board had voted to oppose AB 139. He said they still don't know if they will be able to approve any projects because of the State's unresolved budget problem.

Jerry Wood presented a report from the I-710 EIR/EIS Project Committee. He referred the Board to a handout that summarized recent activities on the project. He said that a number of early action projects are to receive funding under Measure R in a time frame to be determined.

Jerry Wood presented a report from the SR-91/I-605/I-405 Corridor Cities Committee. He referred the Board to a handout which summarized recent activities on the project. He said that recommendations concerning "hot spots" projects that may be funded under Measure R will be going to the Committee at its June 18 meeting.

Second Vice President DuBois presented a report from the Transportation Committee. She summarized the previous week's meeting of the MTA Board of Directors which dealt with a contractor who was supposed to deliver 100, then 50, light rail cars but had failed to perform. She said the matter was continued to late July. She said that the MTA contract with the Sheriff's Department had been approved for three years, with options for two one-year extensions. She said that the MTA was expecting a reduction of \$6.6 billion in Long Range Transportation Plan revenues.

Ken Farfaring discussed an item which had been added to the Transportation Committee's agenda that recommended that the COG President send a letter opposing the Department of Finance's proposal that the State shift local gas tax revenues in order to balance the

State budget. He said the Transportation Committee had voted to recommend that the COG formally oppose the proposed shift. It was moved by Member Barrows, seconded by Member Nelson, to oppose the propose shift of local gas tax revenues and to authorize the President to send letters to the Governor and the state legislators stating the Board's position. The motion was approved unanimously.

There were no matters from the Board of Directors.

President Bayer announced that the next meeting of the Board would be held on July 1 and that it will be the Annual Meeting at which the election of officers and adoption of the budget will occur.

Adjournment: It was the consensus of the Board to adjourn the meeting at 7:15 p.m.

Respectfully submitted,

Richard Powers, Secretary

VII. CONSENT CALENDAR
ITEM B
Approval of Warrant Register

**VII. CONSENT CALENDAR
ITEM C
May 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

June 24, 2009

[PMIA Average Monthly Yields](#)

Account Number:

GATEWAY CITIES COUNCIL OF
 TREASURER
 16401 PARAMOUNT BOULEVA

Transactions

May 2009 Statement

[Tran Type Definitions](#)

Effective Date	Transaction Date	Tran Type	Confirm Number	Authorized Caller	Amount
5/8/2009	5/8/2009	RD	1223166	JACK JOSEPH	200,000.00

Account Summary

Total Deposit:	<input type="text" value="200,000.00"/>	Beginning Balance:	<input type="text" value="930,517.05"/>
Total Withdrawal:	<input type="text" value="0.00"/>	Ending Balance:	<input type="text" value="1,130,517.05"/>

**VII. CONSENT CALENDAR
ITEM D**

**Status Report from Lobbyist – Edington,
Peel & Associates Inc.**

Monthly Report by Jim Dykstra to Gateway Cities COG - June 23, 2009

I and the firm Edington, Peel & Associates provided a range of services in support of the Gateway Cities Council of Governments. These included participation in a number of meetings, telephonic, email and fax exchanges and other communications.

*I continued close coordination with Gateway Cities COG staff regarding efforts on behalf of the Gateway Cities COG's priorities and interests in the 111th Congress. I also continued to coordinate with the staff of the I-5 Joint Powers Authority on the I-5 widening initiative, the COG's number one priority.

*Efforts focused to a significant degree on follow up regarding the requests submitted by the Gateway Cities COG to elected Representatives in the House of Representatives for the Transportation Reauthorization Act, which is under consideration in the House Transportation and Infrastructure Committee. COG staff and I have worked closely together in preparation and submittal of the forms. High Priority Program request forms were submitted to Representatives Lucille Roybal-Allard, Linda Sanchez, Grace Napolitano (a member of the Transportation and Infrastructure Committee), Laura Richardson (who also serves on the Transportation Committee), and Dana Rohrabacher. I confirmed that all Members submitted Gateway Cities requests to the committee and provided that information to COG staff.

*I also continued to closely monitor the Fiscal Year 2010 Appropriations process. These efforts included follow up regarding the request submitted by the Gateway Cities COG and the I-5 JPA to Reps. Roybal-Allard and Napolitano for funding in the FY10 Transportation appropriations bill for the I-5 widening project. Both Members included the full Gateway Cities/I-5 JPA request for \$5 million for the I-5 widening project in their submissions to the Appropriations Committee.

*I participated on Gateway Cities' behalf in conference calls of the Coalition for America's Gateways and Trade Corridors regarding the surface transportation reauthorization bill. In addition, I provided to COG staff information I received regarding the bill, including the draft text of the measure, which is scheduled to be marked up on June 24 by the House Transportation and Infrastructure Committee.

*I have also continued discussions and email exchanges with staff of Reps. Napolitano, Richardson, Rohrabacher, and Roybal-Allard, as well as other key congressional staff, regarding legislative priorities for the Gateway Cities COG.

*As part of my responsibilities, I closely monitor legislation, as well as seminars, hearings, meetings and publications of key interest to legislators and senior executive branch officials for articles and information pertinent to the project and of possible interest and importance to member cities of the Gateway Cities COG. I attend Senate and House committee hearings, follow Senate and House floor proceedings, and track legislative initiatives pertinent to Gateway Cities COG interests and priorities.

**VII. CONSENT CALENDAR
ITEM E**

**Sixth Amendment to Agreement Between
Gateway Cities Council of Governments
and The Dardanelle Group**

TO: Board of Directors

FROM: Richard Powers, Executive Director

SUBJECT: Sixth Amendment to Agreement Between Gateway Cities Council of Governments and The Dardanelle Group

Background

The Gateway Cities Council of Governments has contracted with the Dardanelle Group since 2001 for assistance with the Truck Impacted Intersection Project Phase I and Phase II. The attached agreement extends the term of the agreement until June 30, 2011, which is the anticipated completion date for all Phase II projects. Services provided under this contract are reimbursed through the grant proceeds that fund the Truck Impacted Intersection projects.

Recommended Action

It is recommended that the Board of Directors approve the attached sixth amendment to the agreements with the Dardanelle Group for services related to the Truck Impacted Intersection Project.

**SIXTH AMENDMENT TO AGREEMENT BETWEEN
GATEWAY CITIES COUNCIL OF GOVERNMENTS AND
THE DARDANELLE GROUP**

The **AGREEMENT** entered into as of November 15, 2001 by and between THE DARDANELLE GROUP, Inc. (**CONSULTANT**) and the Gateway Cities Council of Governments (**COG**) is hereby amended as follows:

TERM

This Agreement shall terminate no later than June 30, 2011, unless extended by both Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this SIXTH AMENDMENT to the AGREEMENT as of July 1, 2009.

GATEWAY CITIES COUNCIL OF
GOVERNMENTS

BY: _____

Anne M. Bayer
President

ATTEST:

Richard R. Powers, Secretary

THE DARDANELLE GROUP, INC.

BY: _____

Kathleen Jackson, President

**VII. CONSENT CALENDAR
ITEM F**

**Second Amendment to the I-710 EIR/EIS
Memorandum of Understanding (MOU)**

TO: Board of Directors

FROM: Richard Powers, Executive Director

SUBJECT: Second Amendment to the I-710 EIR/EIS Memorandum of Understanding (MOU)

Background

At the February 2009 meeting of the Board of Directors the Second Amendment to the I-710 EIR/EIS Memorandum of Understanding (MOU), which enables the addition of the Southern California Edison Company as an ex-officio non-voting member of the Project Committee, was presented to you for approval. Since that time the funding partners' attorneys have also reviewed the MOU in preparation of approval by their governing boards and have had a substantial number of revisions. Though the revisions are substantial, not substantive, the COG attorney has recommended that we return the agreement for approval by the COG Board in its final form.

Recommended Action

Approve the Second Amendment to the I-710 EIR/EIS Memorandum of Understanding in its final revised form by funding partners and approved by COG attorney.

SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING

AMONG

DISTRICT 7 OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION,

THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS,

THE GATEWAY CITIES COUNCIL OF GOVERNMENTS,

AND

**THE LOS ANGELES COUNTY LACMTAPOLITAN TRANSPORTATION
AUTHORITY**

This Second Amendment (“Amendment”) to the Memorandum of Understanding (“MOU”) regarding an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Interstate 710 (I-710) Corridor, is dated January 5, 2009, and made by and between District 7 of the California Department of Transportation (“STATE”), the Southern California Association of Governments (“SCAG”), the Gateway Cities Council of Governments (“GCCOG”), and the Los Angeles County Metropolitan Transportation Authority (“LACMTA”). The STATE, SCAG, GCCOG and LACMTA shall individually be referred to herein as “Party” and shall collectively be referred to herein as the “Parties.”

RECITALS:

- A. STATE, SCAG, GCCOG, and LACMTA desiring to prepare a Project Report and Environmental Document for the I-710 Corridor (the “PROJECT”) and intending to work cooperatively to conduct and complete an appropriate Project Report (“PR”) and a combined EIR/EIS entered into that certain Memorandum of Understanding, dated 10/12/06, which has been amended as of January 12, 2007 (as amended, hereinafter collectively referred to as the “Existing MOU”), which Existing MOU establishes the I-710 Project Governance Structure.
- B. In furtherance of the purposes of the STATE, SCAG, GCCOG, and LACMTA desire to amend the Existing MOU as provided herein.

AGREEMENT:

NOW, THEREFORE, the Parties agree as follows:

1. Paragraph 8(b)(1) to the Existing MOU is hereby deleted in its entirety and replaced by the following:
 - 1) The I-710 EIR/EIS Project Committee shall have the authority to name, as ex-officio members, additional governmental agencies, upon a finding by a two-thirds vote of the members of the Committee that the resources and/or expertise of such an agency constitutes an important resource for resolving matters currently under consideration by the Committee. Additionally, the Committee shall have the authority to name, as ex-officio members, non-governmental agencies, provided that a letter of support has been submitted to the Committee on behalf of such agency from at least one Party to this MOU, and upon a finding by a two-thirds vote of the members of the Committee that the resources and/or expertise of such non-governmental agency constitutes an important resource for resolving matters currently under consideration by the Committee.

2. Except as expressly amended hereby, the Existing MOU remains in full force and effect as originally executed. All rights and obligations of the Parties under the Existing MOU that are not expressly amended by this Amendment shall remain unchanged by this Amendment.

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

GATEWAY CITIES COUNCIL OF GOVERNMENTS

Richard Powers, Executive Director

Date

Approved as to form:

Richard D. Jones, General Counsel for GCCOG

Date

DISTRICT 7 OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

Douglas Failing, District Director

Date

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

Hasan Ikhata, Executive Director

Date

Approved as to form:

Joann Africa, Acting Chief Counsel for SCAG

Date

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

Arthur T. Leahy, Chief Executive Officer

Date

Approved as to form:

Robert E. Kalunian

Acting County Counsel

Deputy County Counsel

Date

VIII. REPORTS

ITEM A

**Presentation on MTA Long Range
Transportation Plan by Brad McAllester,
Executive Officer and David Yale, Deputy
Executive Officer**

VIII. REPORTS
ITEM B

**Presentation on SB 696, Regarding Air
Emissions Permits and Possible Action**

TO: Board of Directors

FROM: Richard Powers, Executive Director

SUBJECT: Presentation on SB 696, Regarding Air Emissions Permits and Possible Action

Background

Senator Rod Wright introduced Senate Bill 696 in 2009. This bill would affect the way the South Coast Air Quality Management District (AQMD) issues air emissions permits to a variety of sources. The bill was introduced in response to a court decision that found some of the AQMD's procedures for using emission reduction credits were not in compliance with the California Environmental Quality Act. The ability to obtain emission reduction credits is typically essential to the issuance of an air permit.

Issue

Speakers representing positions both for and against SB 696 will present their views to the Board:

- In favor of the bill, two staff members of the South Coast AQMD:
Mohsen Nazemi, Deputy Executive Officer, Engineering & Compliance
William Sanchez, Senior Public Affairs Manager
- In opposition to the bill:
Gerry Hertzberg, Policy and Political Director, Los Angeles County Supervisor Gloria Molina, First District

Attachment

The following documents are attached:

- Text of SB 696 as amended
- Senate staff analysis of the bill

Recommended Action

Each Member Agency evaluates the issue and makes an individual determination as to its position.

**VIII. REPORTS
ITEM C**

**Los Angeles River Metals TMDL –
Implementation Plan – Jurisdictional
Group #1**

TO: Board of Directors

FROM: Richard Powers, Executive Director

BY: Ken Farfsing, Chair City Managers Steering Committee

SUBJECT: Los Angeles River Metals TMDL – Implementation Plan – Jurisdictional Group #1

Background

In September of 2007, the Los Angeles Regional Water Quality Control Board adopted regulations limiting the concentrations of certain metals (e.g. cadmium, copper, lead, selenium, and zinc) in the Los Angeles River and its major tributaries. These regulations were subsequently approved by the State Water Resources Control Board in June of 2008 and became effective on October 29, 2008. These federally required regulations, known as Total Maximum Daily Loads (TMDLs), are based on metal concentrations reported as toxic to aquatic life, potentially “impairing” a water body. The 42 watershed cities, along with Los Angeles County and Caltrans, are now required to monitor and take proactive steps to improve the water quality of the Los Angeles River with respect to the discharges of these metals.

In this TMDL, the Regional Board divided the watershed into six sections (reaches) based on river characteristics, and each reach became a Jurisdictional Area. Agencies representing each of these areas planned cooperatively to prepare a Coordinated Monitoring Plan (CMP), which was approved by the GCCOG Board in April of 2008. Without the coordinated monitoring plan, cities might have individually needed to prepare a monitoring plan, install auto sampling equipment, at an average installation cost of \$75,000 and procure laboratory services at \$50,000 per year. The Board of Directors approved the GCCOG’s participation as the CMP “administrator” on May 7, 2008 and, by October, monthly water quality samples were being collected and analyzed. The GCCOG also approved providing fiduciary management for administrative oversight of the TMDL’s related scientific studies in May of 2006.

The TMDL also required submission of draft Jurisdictional Implementation Plans (IP) to the Regional Board by January 11, 2010, with final plans due by July 11, 2010. The City of Los Angeles and the County of Los Angeles had planned to take the lead in preparing the six Coordinated Implementation Plans. The County was to have prepared the plans for the lower river (Groups One and Two), while the City of Los Angeles was to have prepared the plans for the upper river (Groups Three, Four, Five and Six). The other cities were led to assume that they would be responsible to contribute their fair share of plan development costs, based on the funding formula used for the CMP and the special scientific studies.

Recently, the County decided to prepare one implementation plan for all of unincorporated territories in the watershed, comprising approximately 80 square miles and 13% of the

urban watershed. This County decision, led the City of Los Angeles, consisting of 282 square miles and 45% of the urban watershed, to proposed preparation of its own implementation plan as well.

These decisions have effectively stranded the remaining 41 watershed cities, giving them little time to support and develop implementation plans. The remaining cities can develop individual plans, like the County or the City of Los Angeles, or a single, Coordinated Implementation Plan, which stretches across the watershed.

The TMDL Jurisdictional/Reach One planning area extends upstream, along the Los Angeles River, from the estuary at Willow Avenue in Long Beach to just above the Compton Creek. This area includes parts of Carson, unincorporated County areas, Caltrans and the GCCOG Cities of Compton, Huntington Park, Los Angeles, Long Beach, Lynwood, Signal Hill, South Gate and Vernon. Once the County decided to prepare an unincorporated area plan, the eight remaining Reach One cities formed a Technical Committee to prepare recommendations for consideration by the affected City Managers.

This Committee decided to submit a Coordinated Implementation Plan for the remaining cities, but determined that it would be difficult to prepare a plan for such a large group. Caltrans is unsure as to whether it will participate with each Jurisdictional effort, join with the County or City of Los Angeles, or prepare its own plan. The San Gabriel Valley Council of Governments has agreed to administer the Implementation Plan for the Group Two cities, which includes several GCCOG cities. The Jurisdictional Group One cities are requesting that the GCCOG assist in the administration of the development of the Group One Implementation Plan. It is estimated that the implementation plan will cost the eight cities over \$200,000 to develop.

CIP – Memorandum of Agreement

The Memorandum of Agreement for the preparation of the Reach One Coordinated Implementation Plan (R1 CIP – MOA)) is similar to the previous two agreements approved by the GCCOG Board. As with these agreements, the GCCOG will invoice all of the cities for the costs of preparing the implementation plan. The GCCOG would be responsible for collection of the funds and payment of the consultant. Similar to these other agreements, this MOA contains a payment of \$10,000 in administrative fees to the GCCOG. Exhibit A outlines the cost percentage of each of the participating cities. It is estimated that the implementation plan will cost over \$200,000 to prepare. Exhibit B contains the draft scope of work for the plan.

Attachments

Proposed Memorandum of Agreement and Funding Exhibits

Recommended Action

Approve the Memorandum of Agreement and authorize the GCCOG Board President to execute.

MEMORANDUM OF AGREEMENT
BETWEEN
THE GATEWAY CITIES COUNCIL OF GOVERNMENTS
AND
THE CITY OF INSERT CITY

REGARDING THE ADMINISTRATION AND COST SHARING FOR THE DEVELOPMENT
OF THE COORDINATED IMPLEMENTATION PLAN FOR THE LOS ANGELES RIVER
AND TRIBUTARIES METALS TMDL (REACH 1 AND COMPTON CREEK)

This Memorandum of Agreement (“Agreement”) is made and entered into as of the date of the last signature set forth below by and between the Gateway Cities Council of Governments, a California joint powers authority (“GCCOG”), and the City of INSERT CITY, a California municipal corporation (“City”); (hereinafter "Party" or "Parties") with respect to the following:

RECITALS

WHEREAS, the mission of the GCCOG includes environmental planning and providing technically sound science and analyses to its member cities and agencies; and

WHEREAS, seven of the GCCOG’s member cities are located within Reach 1 of the Los Angeles River and Compton Creek watersheds and the GCCOG has established effective working relationships with the adjacent Councils of Governments; and

WHEREAS, the GCCOG has previously entered into interagency agreements, successfully partnering with various cities, SCAG, and CALTRANS to undertake projects and studies of regional significance; and

WHEREAS, the GCCOG is currently administering the Coordinated Monitoring Plan and the Special Studies for the Metals TMDL for the Los Angeles River; and

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region (“Regional Board”) adopted the Los Angeles River and Tributaries Metals Total Maximum Daily Load (“TMDL” or “Los Angeles River Metals TMDL”) in September of 2007, with the intent of improving water quality in the Los Angeles River and its tributaries; and

WHEREAS, the Parties recognize that the TMDL is not self-enforcing, but could be legally enforceable once incorporated into the National Pollutant Discharge Elimination System Permit for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges; and

WHEREAS, this TMDL regulates the discharge of runoff from, nine cities and the County unincorporated areas tributary to Reach 1 of the Los Angeles River and CALTRANS, herein referred to as collectively the “Regulated Entities” or singularly a “Regulated Entity”, requiring a high degree of organization and cooperation from the local watershed agencies; and

WHEREAS, this TMDL requires the preparation of a Coordinated Implementation Plan (“CIP”) by the Regulated Entities that is designed to reduce the amount of metals pollutants in the Los Angeles River and its tributaries, in addition to proving compliance with the TMDL waste load allocations for both wet and dry weather; and

WHEREAS, the County of Los Angeles and the City of Los Angeles will be independently preparing separate CIPs; and

WHEREAS, a Los Angeles River Metals TMDL Reach 1 Technical Committee, consisting of representatives from the Regulated Entities, has been established with the purpose of preparing and submitting the CIP to the Regional Board; and

WHEREAS, the Regulated Entities agree to prepare a draft CIP by January 11, 2010 and a final CIP by July 11, 2010, and to adopt and provide initial funding of this Agreement; and

WHEREAS, the CIP requires administrative services that the Regulated Entities desire the GCCOG to perform, including contracting for the development of both the draft and final CIP and other related activities; and

WHEREAS, the GCCOG has agreed to provide such administrative services to the Regulated Entities to facilitate the successful development of the CIP; and

WHEREAS, the Regulated Entities have agreed to share in fully funding the costs of the CIP, including those costs incurred by the GCCOG in administering this Agreement, based on the cost allocation formula contained in Exhibit A and the estimated Implementation Plan in Exhibit B of this Agreement; and

WHEREAS, the GCCOG and the Regulated Entities agree to employ consultants as needed to prepare the CIP, and the Regulated Entities are willing to pay the consultants for their services through the GCCOG; and

WHEREAS, GCCOG will execute similar cost-sharing agreements with all other participating Regulated Entities before this agreement becomes enforceable, unless stated otherwise elsewhere in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the Parties do hereby agree as follows:

Section 1. Recitals. The recitals set forth above are fully incorporated as part of this Agreement.

Section 2. Purpose. The purpose of this Agreement is to provide a mechanism whereby the Regulated Entities cooperatively fund the development of the CIP and provide funding to the GCCOG, such that the GCCOG can administer the necessary professional services contracts to

develop the CIP on behalf of the Regulated Entities.

Section 3. Cooperation. The Parties shall fully cooperate with one another to attain the purposes of this Agreement.

Section 4. Voluntary Nature. Individual Regulated Entities have the option of requesting approval from the Regional Board to prepare a separate Implementation Plan. This Agreement is voluntarily entered into for the development of the CIP and will be applicable to only those Regulated Entities signatory to this Agreement.

Section 5. Term. The term of this Agreement shall remain and continue in effect until completion of the CIP and acceptance of the CIP by the Regional Board.

Section 6. Coordinated Implementation Plan. The Los Angeles River Metals TMDL CIP shall include: implementation methods, an implementation schedule, proposed milestones, and any applicable revisions to the TMDL effectiveness monitoring plan.

Section 7. Assessment for Proportional Costs of the CIP. The City agrees to provide funds to the GCCOG in the amount shown in Exhibit A and the estimated development costs in Exhibit B. The GCCOG will invoice the City as set forth in Section 9 below, based on allocated CIP costs, which includes an estimated \$10,000 for administrative costs incurred by the GCCOG in the performance of its duties under this Agreement. The GCCOG administrative costs include compensation for staff time, audit expenses, and costs incurred in administering agreements. Any overpayment or underpayment of the CIP costs shall be credited or billed to the City upon acceptance of the CIP by the Los Angeles Regional Water Quality Control Board. Should any city decide not to participate in the CIP, each remaining city's costs will be proportionally increased based upon on the land areas as shown on Exhibit A.

Section 8. Role of the GCCOG. The GCCOG shall enter into substantially and materially similar agreements with each of the Regulated Entities to effectuate the CIP, invoice and collect from the Regulated Entities the estimated amounts identified in Exhibit A.

Section 9. Invoice and Payment.

- a) The GCCOG shall invoice each Regulated Entity. The first invoice will be fifty (50) per cent of the estimated final cost of the completion of the CIP. Payment of this 50 percent is due upon signing of this agreement with the understanding that all Regulated Entities will execute the agreement not later than July 30, 2009. The second, third and fourth invoices for twenty (20), twenty (20) and ten (10) per cent respectively of the estimated cost shall be sent to the Regulated Entities by the GCCOG on or about October 15, 2009, January 15, 2010 and June 1, 2010 respectively
- b) Late Payment Penalty – As of October 15, 2009, any payment that is late shall be subject to interest on the original amount due from the date that the payment first became due. The interest rate shall be equal to the Prime Rate in effect when the payment first became due plus one percent for any payment that is made from 1 to 30 days after the due date.

The Prime Rate in effect when the payment first became due plus five (5) percent shall apply for any payment that is made from 31 to 60 days after the due date. The Prime Rate in effect when the payment first became due plus ten (10) percent shall apply for any payment that is made more than 60 days after the due date. The rates shall, nevertheless, not exceed the maximum allowed by law.

- c) Delinquent Payments– A Regulated Entity’s payment is considered to be delinquent 60 days after being invoiced by the GCCOG. The following procedure may be implemented to attain payments from the delinquent Regulated Entity or Entities per instructions from the Technical Committee: 1) verbally contact/meet with the manager from the delinquent Regulated Entity or Entities, 2) submit a formal letter to the delinquent Regulated Entity or Entities from the GCCOG attorney, and 3) notify the Regional Board that the delinquent Regulated Entity or Entities are no longer a participating member of the CIP. If a Regulated Entity or Entities remain delinquent after the above procedures, then any delinquent amount(s) will be distributed in the following invoice amongst all remaining Regulated Entities proportionate to each Entity’s area as it relates to the overall remaining total Regulated Entities area, excluding the delinquent Regulated Entity or Entities and all references to the delinquent Regulated Entity will be removed from the CIP. The Technical Committee will revise Exhibit A to show the recalculated costs for each participating Regulated Entity; these revised exhibits will be sent to the GCCOG and included with the invoices to the Regulated Entities.

- d) Interest Accrual – Any interest accrued on the funds collected per this Agreement during the term of this Agreement shall be redeposited into the appropriate account and used for development of the CIP. The GCCOG shall report on an annual basis to the Technical Committee the amount of interest accrued by the CIP account(s).

Section 10. Independent Contractor.

- a) The GCCOG is and shall at all times remain a wholly independent contractor for performance of the obligations described in this Agreement. The GCCOG officers, employees and agents performing such obligations shall at all times be under the GCCOG’s exclusive control. The Regulated Entities shall not have control over the conduct of the GCCOG or any of its officers, employees or agents, except as set forth in this Agreement. The GCCOG, and its officers, employees, or agents are not and shall not be deemed to be employees of the Regulated Entities.

- b) No employee benefits shall be available to the GCCOG in connection with the performance of its obligations under this Agreement. The GCCOG is solely responsible for the payment of salaries, wages, other compensation, employment taxes, worker’s compensation, or similar taxes for its employees for performing obligations hereunder.

- c) The Regulated Entities will retain control of the consultant(s)’ work product and the schedule for submitting the CIP to the Regional Board. The GCCOG will use reasonable

efforts to work with the Regulated Entities to ensure that the draft CIP is submitted by January 11, 2010 and the final CIP is submitted by July 11, 2010. However, the Regulated Entities recognize that the draft CIP is due by January 11, 2010 and that this deadline might not be met despite the best efforts of the GCCOG and the Regulated Entities.

Section 11. Indemnification.

To the fullest extent permitted by law, the City and the GCCOG agree to save, indemnify, defend, and hold harmless each other from any and all liability, claims, suits, actions, arbitration proceedings, administrative proceedings, and regulatory proceedings, losses, expenses, or any injury or damage of any kind whatsoever, whether actual, alleged or threatened, attorney fees, court costs, and any other costs of any nature without restriction incurred in relation to, as a consequence of, or arising out of, the performance of this Agreement, and attributable to the fault of the other. Following a determination of the percentage of fault and or liability by agreement between the Parties or a court of competent jurisdiction, the Party responsible for liability to the other will indemnify the other Party to this Agreement for the percentage of liability determined. The GCCOG will be held harmless from any Regional Board Notice of Violations or third-party litigation resulting from failure of the Regulated Entities to meet the compliance deadlines in the Los Angeles River Metals TMDL for submission of the draft and final CIP.

Section 12. Termination of Agreement.

Either Party may terminate this Agreement for any reason, in whole or part, by giving the other Party thirty (30) days written notice thereof. The City shall be responsible for the allocated costs of CIP activities incurred up to the date of the termination. GCCOG shall notify in writing all Regulated Entities within fourteen (14) days of receiving written notice from any Regulated Entity that intends to terminate this Agreement. The remaining Regulated Entities shall be responsible for increasing their cost contribution proportionally based upon the land area as shown in Exhibit A.

Section 13. Miscellaneous.

- a) Notices. All notices which any Party is required or desires to give hereunder shall be in writing and shall be deemed given when delivered personally or three (3) days after mailing by registered or certified mail (return receipt requested) to the following address or as such other addresses as the Parties may from time to time designate by written notice in the aforesaid manner:

To GCCOG:

INSERT Official
INSERT Title
INSERT Street Address
INSERT City, CA Zip

To **City** of **INSERT CITY**:

INSERT City Official
INSERT Title
INSERT Street Address
INSERT City, CA Zip

- b) Separate Accounting and Auditing. The GCCOG agrees to establish a separate account to track the revenues from the Regulated Entities and the expenses from of the CIP. Quarterly financial statements and the annual audit will be made available to all of the participating Regulated Entities.
- c) Binding Effect. This Agreement shall be binding upon and inure to the benefit of each Party to this Agreement and their respective heirs, administrators, representatives, successors and assigns.
- d) Amendment. The terms and provisions of this Agreement may not be amended, modified or waived, except by an instrument in writing signed by the Parties.
- e) Waiver. Waiver by any Party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party to any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement.
- f) Law to Govern; Venue. This Agreement shall be interpreted, construed, and governed according to the laws of the State of California. In the event of litigation between the Parties, venue in the state trial courts shall lie exclusively in the County of Los Angeles.
- g) No Presumption in Drafting. The Parties to this Agreement agree that the general rule that an Agreement is to be interpreted against the Party drafting it, or causing it to be prepared shall not apply.
- h) Entire Agreement. This Agreement constitutes the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements, whether written or oral, with respect thereto.
- i) Severability. If any term, provision, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and this Agreement shall be read and constructed without the invalid, void, or unenforceable provision(s).
- j) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to both Parties to this Agreement.
- k) Legal Representation. All Parties have been represented by counsel in the preparation and negotiation of this Agreement. Accordingly, this Agreement shall be construed according to its fair language.

- 1) Agency Authorization. Each of the persons signing below on behalf of a Party represents and warrants that he or she is authorized to sign this Agreement on behalf of such Party.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on their behalf, respectively, as follows:

DATE: _____

CITY OF INSERT CITY

City Official

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

DATE: _____ GATEWAY CITIES
COUNCIL OF GOVERNMENTS

Anne M. Bayer, President

ATTEST:

Richard Powers, Secretary

EXHIBIT A

LOS ANGELES RIVER METALS TMDL
COORDINATED IMPLEMENTATION PLAN
COST ALLOCATION FORMULA

(showing cost allocation for every \$100,000 in costs)

<i>Agency Name</i>	<i>Acres in Jurisdictional Group¹</i>	<i>Percent of Jurisdictional Group Acreage</i>	<i>Share Per \$100,000</i>	<i>Cost Share Percentage</i>
<i>Carson</i>	125.59	1.37%	\$3,318.15	3.32%
<i>Caltrans</i>	389.50	4.25%	\$5,621.09	5.62%
<i>Compton</i>	3,839.73	41.88%	\$35,728.62	35.73%
<i>Huntington Park</i>	815.24	8.89%	\$9,336.15	9.34%
<i>Long Beach</i>	1,186.13	12.94%	\$12,572.66	12.57%
<i>Lynwood</i>	664.98	7.25%	\$8,024.98	8.02%
<i>Signal Hill</i>	229.79	2.51%	\$4,227.42	4.23%
<i>South Gate</i>	1,613.83	17.60%	\$16,304.91	16.30%
<i>Vernon</i>	302.97	3.30%	\$4,866.02	4.87%
Total:	9,167.76	100.00%	\$100,000.00	100.00%

The percent area is calculated by excluding the areas for LA County and the City of Los Angeles. The amounts shown are estimates only. Actual costs will be based on the cost sharing formula, the number or participating regulated entities and are contingent upon accurate acreage information and final contracting cost from consultant(s) and GCCOG.

EXHIBIT B

SCOPE OF WORK

1. Characterization of Current and Historic Metal Pollutant Loads
Review existing sampling results from sources including:
 - a. WER Study – Cities of Burbank and Los Angeles
 - b. Trends and Status - City of Los Angeles
 - c. Mass emissions station – County of Los Angeles
 - d. Coordinated Monitoring Program – Los Angeles River Technical Committee

2. Characterization and Evaluation of Potential Pollutant Sources
Review and investigation sources and contributions of metal pollutants
 - a. Lands use characterization information (City of Los Angeles' existing GIS watershed data)
 - b. Specific sources (i.e: copper sulfate exposed galvanized metal, irrigation, etc.)
 - c. Aerial deposition - various scientific studies
 - d. Industrial sites - state's GIASP program
 - e. Construction sites - state's GCASP program

3. Source Control Pollutant Reduction Strategies
Investigate the impact of municipal source control measures to meet compliance goals
 - a. Street sweeping,
 - b. Public Outreach,
 - c. Water Conservation, etc.

4. Treatment Pollutant Reduction Strategies
Investigation of the effectiveness of treatment controls
 - a. Existing Treatment controls (infiltration, capture and reuse, filtration, etc.)
 - b. Evaluation of the effectiveness of various treatment system and locations
 - c. Recommendations for regional or sub-regional treatment systems

5. Compliance Monitoring
Evaluation and determination of the need, location and design of additional (Tier 3) monitoring stations

6. Report Preparation and Schedule
Draft Report submitted to the Regional Board on or before January 11, 2010
Final Report incorporating Regional Board comments submitted by July 11, 2010

Cost:Not to Exceed \$200,000

VIII. REPORTS

ITEM D

**SB 346 (Kehoe) – Phase Out of Copper in
Brake Pads (TMDL related)**

TO: Board of Directors

FROM: Richard Powers, Executive Director

BY: Ken Farfsing, Chair, City Managers Steering Committee

SUBJECT: SB 346 (Kehoe) – Phase Out of Copper in Brake Pads (TMDL related)

Background

SB 346 is sponsored by Sustainable Conservation on behalf of the Brake Pad Partnership, a collaborative effort among brake manufacturers, environmentalists, regulators and the cities to understand the impacts of brake pad wear from vehicles on water bodies. Last year, the Partnership completed a series of laboratory and environmental studies which indicate that the brake pad dust found in urban runoff is a substantial contributor to copper toxicity in the San Francisco Bay. According to the studies, copper from brake pads accounts to up to fifty-percent of copper discharged in the San Francisco Bay from urban watersheds. It is anticipated that other urban watersheds experience the same impacts.

Elevated copper levels occur in several of the watersheds in the Gateway Cities, including the Los Angeles River, the San Gabriel River, the Los Cerritos Channel and the Dominguez Channel. Dissolved copper is toxic to phytoplankton (the base of the aquatic food chain). These elevated levels have required the adoption of several copper Total Daily Maximum Loads (TMDLs) by the Regional Water Board. The TMDLs require local government to reduce copper levels in urban runoff to harmless levels over the next several years. The TMDLs outline strategies to reduce the copper levels by infiltration of storm water or by treatment technologies.

Both strategies are extremely expensive. The ubiquity of copper in the urban environment, and the technical difficulty and impracticality of treating stormwater to remove dissolved copper, means that compliance with copper TMDLs will not be feasible without serious source reduction efforts. The Regional Water Board estimates compliance costs for the Los Angeles River Metals TMDL is \$1.6 billion for local government over a twenty-two year period.

During the 1970s, lead was recognized as a major health problem. High levels of lead in the environment were traced back to vehicle tailpipes, from lead additives in gasoline. The federal government concentrated on controlling lead at the source as the most cost-effective environmental program. Lead was removed from gasolines and over time substantial health and environmental improvements have resulted. SB 346 has taken this model developed for the phase out of lead in gasoline and applied it to the phase out of copper in vehicle brake pads. The Brake Manufacturers Council and its members (primarily manufacturers of original brake pads) have agreed to introduce reformulated brake pads,

which will significantly reduce the source of copper in our watersheds.

SB 346 requires that the copper in brake pads sold in California be reduced to no more than 5% by weight by 2021, and to more than 0.5% by 2032. The bill also creates limits and monitoring requirements for other brake pads materials. A small fee will be placed on each brake pad to cover outreach, enforcement, copper control measures, monitoring and mitigation. The goal is to improve California's water quality and help local government meet their TMDL requirements in a timeframe that is aggressive, but realistic for brake and vehicle manufacturers.

Several of the Gateway Cities are participating in the Sustainable Conservation efforts, including the Cities of Artesia, Bell, Bell Gardens, Bellflower, Cerritos, Commerce, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Paramount, Pico Rivera, Santa Fe Springs, Signal Hill, South Gate, Vernon and Whittier. SB 346 passed the Senate Floor two weeks ago and is now moving through the Assembly Committee process, with a possible floor vote after the August recess.

Attachments

Proposed Endorsement Letter

Recommended Action

The Board of Directors should endorse SB 346 and direct the President to send of a letter of support to GCCOG's State Assembly delegation.

DRAFT SUPPORT LETTER

June ____, 2009

The Honorable _____
California State Assembly
State Capital
10th and L Street
Sacramento, CA 95814

Re: SB 346 (Kehoe) Support

Dear Assembly Member _____:

The Gateway Cities Council of Governments is writing to request your support of SB 346, which would reduce the copper in brake pads sold in California by 5% by weight in 2021 and to no more than 0.5% by 2031. We also support the legislation's prohibition of the use of lead, asbestos and several other toxic substances in brake pads as well. The reformulation of brake pads is far from an academic exercise, since even in small amounts, copper is toxic to aquatic life.

As you are aware, the Gateway Cities Council of Governments comprises 27 cities and the unincorporated areas of Southeast Los Angeles County, representing over 2.1 million residents. Several of our local rivers and streams have high levels of copper, including the Los Angeles River, the San Gabriel River, the Los Cerritos Channel and the Dominguez Channel. Scientific studies have shown that much of the copper in urban watersheds originates from the fine dust generated from the use of brake pads. This fine copper dust cannot be easily removed from urban runoff. The only technically sensible and feasible solution is to stop the pollution at its source by reformulating brake pads.

The State Board has established Total Daily Maximum Loads (TMDLs) for several of our region's water bodies. These regulations mandate stringent copper removal requirements on local government, which we believe are unachievable. Since local governments cannot regulate the copper content of brake pads, if copper content is not regulated by the state, local governments face stormwater treatment expenditures estimated to exceed billions of dollars in our region. Our local regional water board estimated compliance costs of \$1.6 billion for the Los Angeles River alone.

SB 346 is based on a collaborative effort among brake pad manufacturers, environmentalists, stormwater management agencies and water pollution regulators to reformulate brake pads. SB 346 creates a workable balance between necessary innovation, manufacturing timelines, and the stringent water quality compliance requirement facing California's cities and counties. It is a true "win-win" situation for all of the stakeholders.

California's local governments are facing extraordinary challenges in cleaning up the state's stormwater. Controlling pollutants, like copper in brake pads, at their sources will be a key step towards solving California's water pollution problems. Thank you for both your environmental leadership and recognizing there are practical solutions to solving California's water quality problems. We request your support of SB 346.

Sincerely,

Anne Bayer
President

cc: Mr. Richard Powers, Executive Director
City Managers

**VIII. REPORTS
ITEM E**

**Proposed 2009-2010 Gateway Cities
Council of Governments Budget
(enclosed)**

TO: Board of Directors
FROM: Gerald M. Caton, Treasurer
DATE: July 1, 2009
SUBJECT: Proposed Fiscal Year 2009-2010 Budget

The proposed Fiscal Year 2009-10 Budget for the Gateway Cities Council of Governments is sensitive to the current economic downturn and difficult times for our member cities. As such, there are no proposed increases in city dues or assessments, and there are no increases in any of the COG labor accounts. A major change from previous years' budgets is that the Gateway Cities Truck Fleet Modernization Program has now formally ended. The ports of Long Beach and Los Angeles have released all of the truckers funded under the program from their contractual obligations and the COG's budget no longer has a Clean Air Program Fund. Despite its termination, the program has been a success in that over 600 older models, heavily polluting diesel trucks were eliminated from the roads, producing a significant benefit to the subregion's air quality.

The COG will continue to provide engineering and staff support to two major freeway corridor projects. The I-710 EIR/EIS project is approximately half way completed as we begin the new fiscal year. Work has been completed to narrow the range of alternatives to be analyzed and the intensive environmental studies are now underway. Significant levels of community involvement are incorporated into the project and COG staff is supporting these efforts. Initial studies on the SR-91/I-605/I-405 Major Corridor Study have been completed, and efforts are underway to develop scopes of work for corridor "hot spots" projects. COG staff is working with our federal representatives to obtain funding to get these projects to the stage where they will be eligible for construction funding through federal or Measure R sources as they become available.

All of the Phase I Truck Impacted Intersection projects, as well as the first three intersections under Phase II have now been completed and work will continue on additional intersections in Phase II throughout this year and next. When completed, over 50 intersections in virtually all of the cities in the subregion will have been improved by way of the funding received by the COG for these projects.

The Homeless Services Needs Assessment and Strategy, funded by the County of Los Angeles, has now been completed. The strategic plan that emerged from this study will serve as the basis for anticipated ongoing provision of programs for the homeless in cities in our subregion.

The Budget includes funding for a Coordinated Monitoring Plan for a series of technical studies aimed at determining site specific levels of toxic metals (also known as TMDL studies) within the Los Angeles River watershed. This project is funded by contributions

from cities in the watershed, including the City of Los Angeles, County of Los Angeles, and cities in the San Gabriel Valley. The work will be performed by the City and County of Los Angeles.

Recommended Action

It is recommended that the Board of Directors adopt the proposed Fiscal Year 2009-10 Budget.

RESOLUTION NO. 2009-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
GATEWAY CITIES COUNCIL OF GOVERNMENTS
APPROVING AND ADOPTING THE 2009-2010 ANNUAL
BUDGET OF THE GATEWAY CITIES COUNCIL OF
GOVERNMENTS.**

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

SECTION 1. The Board of Directors of the Gateway cities Council of Governments (the "Board") does hereby find, determine, and declare as follows:

- a. Pursuant to the Bylaws of the Gateway Cities Council of Governments, the Board is required to adopt a budget annually.
- b. A Proposed Budget has been prepared and presented to the Board.
- c. The Board has publicly examined the 2009-2010 Proposed Budget.

SECTION 2. The 2009-2010 Annual Budget is hereby approved and adopted, as presented in the Proposed Budget, attached hereto as Exhibit "A".

SECTION 3. The Executive Director is hereby authorized to transfer funds between accounts so long as total appropriations are not exceeded.

SECTION 4. This Resolution shall be effective as of July 1, 2009.

SECTION 5. The President is hereby authorized to affix his signature to this Resolution signifying its adoption, and the Secretary, is directed to attest thereto.

SECTION 6. The Secretary to the Board shall certify to the adoption of this Resolution.

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

Anne M Bayer, President

ATTEST:

Richard Powers
SECRETARY

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) ss

X. REPORTS FROM COMMITTEES
ITEM A

Conservancy Committee
(no meeting to report)