

**SBCCOG Board of Directors' Meeting
Thursday, August 26, 2010 @ 7 pm**

Light Dinner & Informal Discussion @ 6:30 pm

NOTE NEW LOCATION

**City of Rolling Hills Estates
Peninsula Center Library
701 Silver Spur Road – map attached**

To assure a quorum, if you or your alternate representative *cannot* attend the meeting, please contact
SBCCOG Executive Director Jacki Bacharach @ 310-377-8987.
PLEASE NOTE: YOU CAN ALSO FIND SBCCOG AGENDAS ON OUR WEB SITE - www.southbaycities.org

The Board of Directors, with certain statutory exceptions, can only take action upon properly posted and listed agenda items. Written materials distributed to the Board within 72 hours of the Board meeting are available for public inspection immediately upon distribution in the SBCCOG/SBESC office at 15901 Hawthorne Blvd., Suite 400, Lawndale, CA 90260, during normal business hours.
Unless otherwise noted in the Agenda, the Public can only comment on SBCCOG related business that is within the jurisdiction of cities and/or items listed on the Agenda during the Public Comment portion of the meeting (Item #V). The time limit for comments is three (3) minutes per person. Before speaking to the Board, please come to the podium and state: Your name and residence and the organization you represent, if appropriate.

AGENDA

- I. **CALL TO ORDER - Introductions (7:00 PM)**
Judy Mitchell, Chair
- II. **SALUTE TO THE FLAG**
- III. **CONFIRM POSTING OF THE AGENDA BY ROLLING HILLS ESTATES CITY CLERK**
- IV. **ANNOUNCEMENTS OF ANY CHANGES TO THE AGENDA**
- V. **COMMENTS FROM THE PUBLIC**
- VI. **CONSENT CALENDAR (7:05 PM)**
Matters listed under Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and considered separately.
 - A. **July Board Meeting Minutes (attachment) – Approve**
 - B. **LUV Agreement with Santa Monica (attachment) – Ratify Steering Committee approval**
 - C. **Support S. 3442 – Promoting Electric Vehicles Act of 2010 - Approve**
 - D. **Status of Legislation upon which SBCCOG has a position (attachments) – Receive and file**

VII. PRESENTATIONS

A. AQMD Update

1. Meet Marisa Perez, deputy to AQMD Board member Judy Mitchell

B. General Information Sharing

1. RHE City Manager & Chair of South Bay City Managers' Association Doug Prichard; RH City Manager Tony Dahlerbruch, as an at large member of the Leagues' City Manager's Department Executive Board and PVE City Manager Joe Hoefgen, the South Bay liaison to the City Manager's Department, will be at the meeting to discuss the issue of city salaries and any actions that are being taken.
2. This is the time for all members to bring up issues that they would like to discuss – possibly about the way each city is dealing with the budget shortfalls.

VIII. MONTHLY METRO REPORT

- A. Board member report by Pam O'Connor (7:50 pm)
- B. Governance Council report by Ralph Franklin, Jim Goodhart & Robert Pullen-Miles (8:00 pm)

IX. SOUTH BAY ENVIRONMENTAL SERVICES CENTER UPDATES (8:10 pm)

- A. Update on current programs and activities
- B. Status of stimulus projects, Energy Leader program & AB 811 program

XI. BOARD MEMBER ANNOUNCEMENTS (8:20 pm)

- A. I-710 Report – Susan Seamans, SBCCOG representative

XII. SBCCOG UPDATE AND COMMITTEE REPORTS – (8:25 pm)

- A. SB 375 status
- B. LUV update

XIII. AGENCY REPORTS (8:35 pm)

- A. League of California Cities (Steve Diels & Cliff Numark)
 - a. Jeffrey Kiernan, new regional representative will be present
- B. South Coast Air Quality Management District (Judy Mitchell & Stan Myles)
 1. Local Government and Business Advisory Group (VACANT)
- C. SCAG & Committees (Matt Horton)
 - a. Energy and Environment (Judy Mitchell, Mitch Ward)
 - b. Transportation (Steve Diels, Judy Dunlap)
 - c. Community, Economic, & Human Development (Susan Rhilinger & Daniel Tabor)
 - d. Regional Council (Judy Mitchell, Judy Dunlap, Susan Rhilinger)
- D. Los Angeles Regional Water Quality Control Board Report (Mary Ann Lutz)
- E. South Bay Cities City Managers' Association (Doug Prichard)
- F. South Bay Association of Chambers of Commerce (Susan Rhilinger)
- G. South Bay Economic Development Partnership (Don Brann)

XIII. UPCOMING EVENTS & ANNOUNCEMENTS (8:50 pm)

XIII. SEPTEMBER SBCCOG COMMITTEE MEETINGS & WORKING GROUPS

Consult web site for specific times and places – www.southbaycities.org

XIV. ADJOURNMENT

Next meeting - Thursday, September 23, 2010

SBCCOG MEETINGS: ATTENDANCE 2010

CITY	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10
Carson		P				
El Segundo	P	P	P		P	
Gardena	P	P	P		P	
Hawthorne	P	P	P			
Hermosa Beach	X	P			P	
Inglewood	P	P		P	P	
Lawndale	P		P		P	
Lomita	P	P	P		P	
Los Angeles	X	X	X	X	X	
Manhattan Beach	P	P	P	P	P	
Palos Verdes Estates	P	P	P	P	P	
Rancho Palos Verdes		P		P		
Redondo Beach	P	P	P	P	P	
Rolling Hills	X	X	X	X	X	
Rolling Hills Estates	P	P	P	P	P	
Torrance	P	P	P	P	P	
County of Los Angeles		P	P	P	P	

P: present

X: inactive (missed last 3 in a row)

Inactive Membership is automatically re-instated by attending a meeting

Number of Active Agencies	15	15	15	15	15	
Quorum Required (50% + 1)	8	8	8	8	8	
Number of Agencies Attending	10	14	11	8	12	

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MINUTES
SOUTH BAY CITIES COUNCIL OF GOVERNMENTS
THURSDAY, JULY 22, 2010
PENINSULA CENTER LIBRARY

Chair Mitchell called the South Bay Cities Council of Governments to order at 7:13p.m. In attendance were the following voting members:

Bill Fisher, El Segundo
Dan Medina, Gardena
Michael DiVirgilio, Hermosa Beach
Ralph Franklin, Inglewood
Robert Pullen-Miles, Lawndale
Ken Blackwood, Lomita
Anthony Misetich, Rancho Palos Verdes

Mitch Ward, Manhattan Beach
Jim Goodhart, Palos Verdes Estates
Pat Aust, Redondo Beach
Judy Mitchell, Rolling Hills Estates
Susan Rhilinger, Torrance
Steve Napolitano, County of Los Angeles

Other Elected Officials

Richard Montgomery, Manhattan Beach

Also in attendance were the following persons:

Paul Taylor – Deputy CEO, Metro
Matt Horton, SCAG
Alan Patashnick, Metro
Jacki Bacharach, SBCCOG
Marilyn Lyon, SBESC
Merna Marshall, SBCCOG Secretary
Nicki Coronado, SBCCOG
Shahrzad Sadrpour, SBCCOG

Greg Grammer, RHE
Dan Freedman, Lung Association
Mike Bohlke, Pam O'Connor's Deputy
Don Camph, Aldaron
John Parsons, SBWIB
Lan Saadatnejadi (HDR Engineering)

FLAG SALUTE - LED BY CHAIR JUDY MITCHELL

SELF-INTRODUCTIONS

CONFIRM POSTING OF THE AGENDA BY THE CITY OF ROLLING HILLS ESTATES

Jacki Bacharach confirmed that the agenda was properly posted in the City of El Segundo.

ANNOUNCEMENT OF ANY CHANGES TO THE AGENDA

Chair Mitchell noted the following changes:

Addition of another item under Item 9.C. Support of PACE financing

Addition of Item 12.C: **AB 1998, request for support from City of Manhattan Beach, presentation by Mitch Ward**

Addition of Item 13.H. **Report from John Parsons on Workforce Investment Board**

MOTION by Board Member Fisher, seconded by Board Member Goodhart to approve changes to the agenda. No objection. So ordered.

PUBLIC COMMENT -- None.

CONSENT CALENDAR

MOTION by Board Member Blackwood, **SECONDED** by Board Member Franklin, to approve the Consent Calendar as presented. No objection. So ordered.

- A. June Board Meeting Minutes – Approve**
- B. Pulled for Discussion Resolution 2010-3 Promoting Clean And Energy Efficient Motor Vehicles, Energy Independence, Zero Emission Technologies And Improved Quality Of Life In California – pulled for discussion**
- C. Support for Equitable Formula for HUD Funding for Homeless Programs - Approve**
- D. Status of Legislation upon which SBCCOG has a position – Receive and file**

Item pulled for discussion prior to action**Resolution 2010-3 Promoting Clean And Energy Efficient Motor Vehicles, Energy Independence, Zero Emission Technologies And Improved Quality Of Life In California**

In response to questions regarding the request to adopt this resolution for which a revised copy was distributed, Jacki Bacharach explained that the original resolution was changed and comments added about South Bay projects, and now the Lung Association representatives have requested to add more about zero emissions and technology. Jacki recommended the COG support the revised resolution.

In response to Board Member Goodhart's inquiry regarding whether the Lung Association's was asked to make specific changes to align with our request, Jacki Bacharach responded that she was supposed to add clauses specific to the South Bay and the Association commented on the changes after the agenda was published, but she has reviewed the comments and concurs with the changes which are minor.

MOTION by Board Member Blackwood, seconded by Board Member Goodhart, to approve Resolution No. 2010-3, as revised. No objection. So ordered.

PRESENTATIONS**Green Idea City: Hermosa Beach's Carbon Neutral Effort -- Presentation** by Hermosa Beach Mayor Michael DiVirgilio

Mayor DiVirgilio addressed the Board regarding Hermosa Beach's "Green Idea City" and their efforts to become Carbon Neutral. He explained that in order to do so, a city must account for its entire carbon footprint by offsetting all its activities that produce carbon dioxide with efforts that either remove the greenhouse gas from the atmosphere or produce no pollution at all. He said the main question to ask is: To what degree of rigor do we want to be to accountable for our carbon?

Mayor DiVirgilio explained that Hermosa Beach is a small almost all residential community of 1.3 square miles with a small tax base and almost no industry driving the tax base. He said this forces them to be innovative and this is historically true about Hermosa. Some examples include: the Lighthouse Café; "Pennywise" punk music; Greg Noll, the big-wave surfer; Warren Miller, filmmaker; volleyball; Comedy and Magic Club; 1736 House protects people from domestic violence—all started in this small town of 1.3 square miles.

Mayor DiVirgilio said Hermosa Beach is already signed on to Cool Cities—noting they have a Green Task Force with progressive policies—green building; waste; water and energy conservation; storm water infiltration; small wind energy; bike master plan; alternative fuel vehicles.

The Spark: The Fortunato family home—A home on Prospect Avenue in Hermosa that is about to break ground; retrofit to be 2200 sq. ft. and will produce more energy than it uses. He said tpartners are all donating their services to help get this home off the ground, modeling where to place the home, how to place the windows, etc., to ensure that it is protected from the sun in the summer and collects the sun in the winter. The data will be available online in order for others to leverage the information for their own use. This project gave the City the idea to do it as a municipality, then a school system, and then as a community. The real goal is to have a community that is carbon neutral.

Mayor DiVirgilio explained the purpose of becoming carbon neutral. He said it provides a new suite of options for leveraging the financial incentives and brings social benefits. This effort should keep Hermosa Beach environmental leaders - providing improved quality of life; fostering economic redevelopment and developing a more sustainable budget. He said the LA County retrofit program will be leveraged to fit Hermosa Beach, with some samples being: neighborhood competitions; measure things in different ways; appliances bought or energy projected to be saved; engage the community in a way that doesn't force them to do anything but they will get value in the short term because of the stimulus money that will help them buy appliances.

Chair Mitchell thanked Mayor DiVirgilio for his presentation, noting that the scale is an excellent example that could be adopted in other cities.

Mayor DiVirgilio said that if Hermosa's work could benefit what other cities are doing he welcomes their input and participation. He said the seed is a carbon neutral ad hoc committee that meets on Friday nights; they interact with the SBESC and they appreciate the expertise and advice from Marilyn Lyon and others at the Service Center.

Special Metro Update from Deputy Chief Executive Officer Paul Taylor

Chair Mitchell introduced Mr. Paul Taylor, Deputy CEO Metro, who spoke on behalf of Art Leahy who was unable to attend the meeting. Mr. Taylor thanked Al Patashnick and Michael Bolhke for their support over the years.

Mr. Taylor explained that the management at MTA wants to work with the COGs and bring them into what the MTA is doing because they are needed. The biggest project at the MTA is the implementation of Measure R in an equitable and accelerated way. He reviewed a number of actions taken at the Board meeting today and recently, including: the hiring of an underwriting team for bond issues that could involve as much as \$1 billion in cash flow; hoping to do it under the federal program that has a 35% interest rate subsidy, providing lower cost capital than normal; approving the highway improvement projects in the South Bay; extensions of the Green Line to LAX. He said he believes the COGs have had a major role in implementing Measure R and they count on the COG for advice and action.

Mr. Taylor said he met with Jacki Bacharach today at the Artesia Transit Center and saw a number of things that can be improved. He said he has pledged to form a task force to start taking action and it looks to be a tremendous resource that is underutilized and unattended to.

Jacki Bacharach said she held the first meeting with the consultant on SBCCOG Measure R Highway Implementation and they have pledged that by January they will have an implementation plan for early start projects. They are looking for projects that could be freeway related in that they relieve traffic on the freeways. Cities are encouraged to work with the consultants right away to identify projects in their cities for this funding and so that the list and analysis is completed in 6 months..

Mr. Taylor encouraged the cities to be forthcoming with good ideas and make lists of the things they would like to apply the revenues to. He said he believes the Board will look favorably on these uses. Using jointly the real estate the MTA owns with others for private use and he looks forward to working with the COG on what that could be.

Jacki Bacharach explained that improvements to the Artesia Transit Center are part of the Congestion Reduction Project which is the toll project on the I-110 and the concern is that the project still includes funding for a plan for getting off the freeway at Adams but not the funding for doing it.

MONTHLY METRO REPORT

Board member report by Mike Bohlke for Pam O'Connor, who was not available due to a city council meeting that ran late.

This Month Supervisor Knabe became the Chair of the MTA board of Directors and has assigned Director O'Connor to the following MTA Board Committees: Planning and Programming (Chair); Finance & Budget, Operations, and Ad Hoc Sustainability Committee (Chair).

MTA Board approved the [South Bay COG Highway Implementation Plan project](#) and the programming of \$2 million in Measure R funds for the project.

Board approval of the EIR for the HOT Lanes for I-10 and the I-110, the Board also approved the O'Connor/Knabe Board Policy amendment to ensure that in the subsequent drafting of the HOT Lanes Revenue Guidelines and Expenditure Plan for the I-110 Corridor the Artesia Transit Center will be a priority for those revenues. This will not exclude or preclude other priorities within the I-110 Corridor, but establishes early on the need to focus on the Artesia Transit Center as the primary terminus for the I-110 Hot Lanes corridor. This is just another means to bring attention to the on-going needs of the Artesia Transit Center and to ensure that it is included as a recipient of any revenue stream produced by the Hot Lanes in that Corridor.

The Board also approved the use of \$7.9M in CMAQ funds for the purchase of 8 buses for Torrance Transit's establishment of the Torrance-Long Beach Rapid Corridor, a major step for Torrance and the last element in the MTA/BRU Consent Decree's "New Service" provision that was still outstanding.

The Planning & Programming Committee took up the matter of the Artesia Transit Center's need for restrooms and a status report from the staff on the O'Connor Motion from February. Staff was instructed to return with the update on the following information:

1. A Draft proposal on revising the existing MTA restroom policy to reflect the need for public restrooms at Metro facilities that are (1) geographically remote; (2) due to such geographical remoteness can provide no access to nearby public or private restroom facilities within a reasonable walking distance, and (3) contain Sheriff Substations on the premises.
2. The Timing and cost to install restroom facilities at the Artesia Transit Center
 - a. Temporary facilities to coincide with the opening of the Sheriff substation and permanent replacement; and
 - b. On a permanent basis cost estimates for both a "brick & mortar" and the alternative of Automated self-cleaning Public Toilets
3. The Board further instructed staff to Meet and Confer with the South Bay Sector Council for their review and input on the above issues, and
 - a. Signage solutions at the Transit Center; and
 - b. Bus Bay Identification issues – which bay should people go to catch their bus.
4. Update the Committee on the status of Caltrans conveying the Artesia Transit Center property to Metro including an overview of the potential opportunities this extremely large parcel offers for joint development.

Governance Council report by Ralph Franklin & Jim Goodhart

Jim Goodhart reported on recent activities of the Governance Council.

Ralph Franklin said the SB Governance Council does their job well. He said they address their concerns with Art Leahy and get results, most recently the concerns about the Artesia Transit Station and the Crenshaw LAX Corridor that will tie into the Green Line. They also recognized the support of Pam O'Connor, Don Knabe and their staffs in helping them get their point across and work gets done.

Jacki Bacharach said she still feels that the South Bay Sector Council is different than the others in that they have a majority of non-elected officials and they have ride the bus system. Franklin mentioned that kiosks are available at the various city halls that make it easier to determine what lines to take to their destination.

Board Member Rhilinger reported that the City of Torrance has received funding for 8 new buses and a rapid bus beginning in February 2011.

In response to Jacki Bacharach's inquiry regarding the TAP card and when the MTA might be able to make a presentation to the COG, Mike Bohlke said they will be holding a lot of meetings in order to address their concerns and the deputies will meet with the respective parties.

Paul Taylor added that he said he has had several meetings with the municipal operators and he believes the real issue is the multiplicity of the expectations of what the TAP system will do. He said 95% of the needs will be covered but there will be some needs that won't be covered. He believes enough progress will be made by October or November in what the problems are that need to be resolved.

SOUTH BAY ENVIRONMENTAL SERVICES CENTER UPDATES

Update on current programs and activities

Marilyn Lyon distributed a list of upcoming events and invited everyone to participate. She reviewed one of the West Basin programs "Cash for Kitchens" where commercial kitchens receive an audit, efficiency measures and training. They also look for emergency efficiency measures that could be implemented. They have saved close to 5 million gallons of water and referred some restaurants for further audit to help with more savings.

Marilyn Lyon said the stimulus projects are moving along; consultant has worked with Torrance and Carson to identify a couple of lighting projects and SBCCOG is on track to meeting the goals with Edison. A list of the schools in all cities has been provided and they are working on energy savings. She . She asked cities not to be discouraged about the PACE (property assessments for clean energy)energy program being placed on hold. A letter to President Obama asking him to continue the PACE program for homeowners nationwide was distributed. She said the county program happens with or without PACE. The program will launch October 1st for contractors, giving them the tools to work with so they can speak to their customers. There will be a "splashy" launch state-wide in January.

Jacki Bacharach asked the COG to approve sending a letter to the Congress regarding PACE. She said because the PAE financing isn't available, other methods of financing are being worked out and could even benefit more people.

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MOTION by Board Member Medina, seconded by Board Member Pullen-Miles, to send the requested letter. No objection. So ordered.

BOARD MEMBER ANNOUNCEMENTS

Ralph Franklin: Marilyn Lyon will be coming to Inglewood for his Town Hall on August 2nd

Dan Medina: Gardena is sponsoring a drug prevention program.

SBCCOG UPDATE AND COMMITTEE REPORTS

Jacki Bacharach announced the next meeting of the Green Task Force next Thursday, July 29 at 1:30 p.m.

SB 375 status

Jacki Bacharach reported that the South Bay strategy will be brought to the Board in September for discussion of some of the ramifications of having a blueprint that is less transit oriented.

LUV update

Jacki Bacharach reported:

- the COG now has 6 vehicles, each has a GPS on board and we can see where they're going. She said staff has met with Edison regarding the data being collected to help them determine where they could install EV charging stations;
- A meeting was also held with Toyota about their EV infrastructure and new product line.
- the vehicles have been purchased through a grant with buy-back provisions whereby the vehicles will be for sale at the end of the project.

AB 1998 – Manhattan Beach

Mayor Mitch Ward asked for support of AB 1998 --- the plastic bag ban that has passed the Assembly and is moving toward the Senate. He explained that Manhattan Beach was the first city in the South Bay to ban the bags but that the ban was challenged in the courts and the Supreme Court has agreed to hear the appeal. He distributed a staff report used to draft Manhattan Beach's resolution and asked individual councils to take a position of support in addition to the COG taking a position as a whole.

In response to Chair Mitchell's inquiry whether there is time to refer to the COG's Legislative Committee, Jacki Bacharach said the deadline is August 2nd for the hearing and therefore there is no time to wait.

Chair Mitchell said she has reviewed the proposed legislation and noted that the League of Cities Board policy committee is concerned with pre-emption of local control; however, they voted to support the legislation with the proviso that there be an exemption for the point of sale; and that stores would still be required to take back plastic bags and recycle them. It was noted that AB 1998 currently repeals those provisions.

Richard Montgomery (Manhattan Beach) explained that the minimum square footage is 10,000 sq. ft. so fast-food restaurants will be exempt. This is the first time the California Growers Association and the Union also support it, but first opposed it.

Dan Medina (Gardena) said NBC news did an article on bags for larger items, noting that the company that makes them is marketing to all of the grocers to get them to use recyclable bags.

John Parsons said the issue of old reusable bags containing E. coli needs to be addressed, since people don't clean them regularly.

Board Member Franklin asked for the definition of single-use plastic bags and expressed concern regarding where do you draw the line between recyclable and "tote".

Jacki Bacharach reported that the hearing will be held August 2nd and it must pass or fail by August 31st. She said this means the COG has the constraint but cities have more time.

MOTION by Board Member Goodhart, seconded by Board Member Rhilinger, to support the bill with amendments consistent with the League recommendation. Motion passed with the following vote:

Favor: El Segundo, Gardena, Lawndale, Manhattan Beach, Palos Verdes Estates, Rolling Hills Estates, Torrance;
Opposed: Inglewood, Lomita, Redondo Beach; Rancho Palos Verdes

Abstain: County (Steve Napolitano)

Jacki Bacharach announced the need for members on the Legislative Committee, chaired by Ellen Perkins, and invited any city council member to participate.

AGENCY REPORTS

SCAG & Committees (Matt Horton)

Mat Horton reported that SCAG will go dark in August. He said there will be ARB workshops, with the Ventura workshop available for webcast.

South Bay Cities City Managers' Association (Doug Prichard)

Greg Grammer, Rolling Hills Estates, reported that the South Bay City Managers have been discussing the Bell situation and will be sending letters to the editors letting the public know that this is not what city managers are about.

Workforce Investment Board – John Parsons

John Parsons reported on several items, including but not limited to: approaching the end of the initiative introduced by Supervisor Knabe that put 10,000 people to work, noting over 10,000 jobs were created in over 3,000 companies. A lot of these people have been hired by the companies they worked for, but without additional funding some will be unemployed. County Board of Supervisors approved funding for summer youth employment.

He reported on the Rapid Response numbers: 14 companies put out more notices for layoffs and or closings; staff provides information on unemployment. He said it would be helpful if cities that know a company is closing would inform the WIB so these services can be provided before the employees are gone.

He announced the annual Alumni Breakfast on October 28th with a "Moving Mountains" theme, noting that the winner is Supervisor Knabe.

Upcoming

September 9th – Mike Jenkins presentation; going through Bill of Rights – now, 2nd amendment.

Public Utilities Commission staff – workshop before the Board meeting in October.

ADJOURNMENT

There being no further business, the meeting was ordered adjourned by Chair Mitchell at 9:20 p.m.

Respectfully submitted,

Merna Marshall
Recording Secretary

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**VEHICLE LOAN AGREEMENT BETWEEN
THE CITY OF SANTA MONICA
AND
THE SOUTHBAY CITIES COUNCIL OF GOVERNMENTS**

This Vehicle Loan Agreement (“Agreement”) is made and entered into on the 9th day of August 2010 (“Execution Date”) by and between the CITY OF SANTA MONICA hereinafter referred to as the “City” and the SOUTH BAY CITIES COUNCIL OF GOVERNMENTS, hereinafter referred to as the “SBCCOG”, and is set forth as follows:

BACKGROUND

A. The SBCCOG is conducting a South Coast Air Quality Management District (AQMD) funded demonstration project, Local Use Vehicle (LUV) Pilot Project (“Pilot Project”), on the effectiveness and acceptance of Neighborhood Electric Vehicles (“NEVs”) in reducing emissions and the impacts of NEVs on local roads. NEVs are electric vehicles limited to 25 mph and legal to operate on roads with speed limits of 35 mph or less.

B. The City shares the goals of reduced emissions and encourages the use of NEVs through free parking at meters and electric charger placement throughout the City. The City also owns 32 NEVs, used in many applications throughout the City. NEVs are less expensive than traditional municipal vehicles and are well suited for municipal service.

C. SBCCOG LUV Pilot Project will collect data to help identify the concerns and solutions for the safe, effective use of NEVs in our communities. The City seeks to obtain said data from the Pilot Project

D. The City agrees to loan, and SBCCOG agrees to accept, one NEV for a period of one year for use in the Pilot Project under the terms and conditions set forth herein.

AGREEMENT

A. TERM.

The term of this agreement will commence on the Execution Date, and shall terminate at midnight on November 30, 2011.

B. LOAN VEHICLE.

The City will loan to SBCCOG one Neighborhood Electric Vehicle, referred to as the 2009 Miles ZX40 ST, bearing vehicle identification number LECPT22B39T000245 for use by

the SBCCOG's LUV Pilot Project to increase the number of vehicles in the demonstration. In exchange, the SBCCOG will share data, best practices and lessons learned with the City. The vehicle will be used by the public, businesses and/or others participating in the SBCCOG LUV Pilot Project to collect data and feedback on the use and experience, provided such participant executes a license agreement in a form attached hereto as Exhibit 1. A GPS tracking device will be installed at no cost to City and will be removed when the vehicle is returned to the City. SBCCOG agrees to be responsible for all the costs of repairs and maintenance of the vehicle during the term of the Agreement.

C. INDEMNITY.

The SBCCOG shall indemnify, defend, and hold harmless City and its officers, directors, employees, and agents ("Indemnitees") from and against any and all liability, expense (including, but not limited to, defense costs and attorneys' fees), claims, causes of action, and lawsuits for damages of any nature whatsoever including, but not limited to, bodily injury, death, personal injury or property damage (including property of SBCCOG) arising from or connected with any alleged act or omission, negligence, fault or violation of law or ordinance by SBCCOG, its officers, directors, employees, agents, subcontractors, suppliers or participants ("Indemnitors") in connection with the use of the Vehicle, the Pilot Project or SBCCOG's use or maintenance of the vehicle. Indemnitors also agree to reimburse City for the loss of said vehicle up to the Fair Market Value (at the time the loan is originally made) of the vehicle. This indemnity shall survive the termination of this Agreement.

D. NOTICES

Any notice, request, demand instruction, or any other communications to be given to any party hereunder shall be in writing, sent by registered or certified mail or personally delivered, as follows:

To the South Bay Cities Council of Governments:

South Bay Cities Council of Governments
5033 Rockvalley Road
Rancho Palos Verdes, CA 90275
Attention: Jacki Bacharach

To the City of Santa Monica:

Fleet Management
City of Santa Monica
2500 Michigan Avenue
Santa Monica, CA 90404
Attention: Rick Sikes
(310) 458-8514

The addresses for the purpose of this paragraph may be changed by giving written notice of such change in the manner provided herein for giving notice. Unless and until written notice is received, the last address stated herein shall be deemed to continue in effect for all purposes hereunder.

IN WITNESS WHEREOF, this License Agreement has been duly executed as of the day and year first above written.

CITY OF SANTA MONICA
a municipal corporation

By: _____
ROD GOULD
City Manager

ATTEST:

MARIA STEWART
City Clerk

APPROVED AS TO FORM:

MARSHA JONES MOUTRIE
City Attorney

SOUTH BAY CITIES COUNCIL OF
GOVERNMENTS

By:  _____
JACKI BACHARACH

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South Bay Cities Council of Governments

August 26, 2010

TO: SBCCOG Board of Directors
 FROM: Steering Committee
 RE: Recommendation for Support for S. 3442

S.3442

Title: Electric Vehicle Deployment Act of 2010

Sponsor: [Sen Dorgan, Byron L.](#) [ND] (introduced 5/27/2010) [Cosponsors](#) (2)

Related Bills: [H.R.5442](#), [S.3495](#), [S.3511](#)

Latest Major Action: 5/27/2010 Referred to Senate committee. Status: Read twice and referred to the Committee on Finance.

SUMMARY AS OF:

5/27/2010--Introduced.

Electric Vehicle Deployment Act of 2010 - Establishes within the Department of Energy (DOE) a national electric drive vehicle deployment program.

Directs the Secretary of Energy (Secretary) to: (1) develop a national plan for electric drive vehicle deployment; and (2) provide, upon local request, technical assistance to communities with the deployment of plug-in electric drive vehicles.

Establishes a targeted plug-in electric drive vehicle deployment communities program.

Amends the Internal Revenue Code with respect to the income tax credit for each new qualified plug-in electric drive motor vehicle placed in service during the taxable year. Allows a refundable personal credit for a qualified deployment community taxpayer. Extends the credit for modification of new qualified hybrid motor vehicles. Revises requirements for the alternative fuel vehicle refueling property credit. Allows a tax credit for qualified plug-in electric drive motor vehicle refueling property bonds.

Amends the Energy Policy Act of 2005 to authorize the Secretary to make loan guarantees for certain charging infrastructure and networks of charging infrastructure for plug-in drive electric vehicles.

Amends the Public Utility Regulatory Policies Act of 1978 to require each electric utility to develop a plan to support the use of plug-in electric drive vehicles in its service area.

Declares electricity consumed by federal agencies to fuel plug-in electric drive vehicles an alternative fuel subject to federal fleet management reporting requirements.

Directs the Administrator of General Services to acquire plug-in electric drive vehicles and the requisite charging infrastructure for deployment in the federal fleet.

Directs the Secretary to establish: (1) an Advanced Batteries for Tomorrow Prize to advance the research, development, demonstration, and commercial application of a 500-mile vehicle battery; and (2) a program to fund research and development in advanced batteries, electric drive vehicle components, electric drive infrastructure, and other related technologies.

Establishes in the Treasury the 500-mile Battery Fund.

Directs the Secretary to: (1) implement a research, development, and demonstration program pertaining to the secondary uses of vehicle batteries; (2) provide grants for development of a secondary market for batteries; and (3) study the recycling of materials from plug-in electric drive vehicles and their batteries.

Directs the Secretary of the Interior to study and report to Congress on the supply of raw materials needed to manufacture such vehicles, batteries, and other related components, as well as the infrastructure needed to support them.

Establishes a Plug-in Electric Drive Vehicle Technical Advisory Committee.

Directs the President to establish a Plug-in Electric Drive Vehicle Interagency Task Force.

Amends the Energy Independence and Security Act of 2007 to direct the Secretary to guarantee loans to eligible entities for the aggregate purchase of at least 200 qualified automotive batteries in a calendar year with a total minimum power rating of 1 megawatt and advanced battery technology.

Directs the Secretary to develop and publish: (1) model building codes for the inclusion of charging infrastructure in new construction and major renovations of private residences, buildings, or other structures; and (2) related model construction permitting or inspection processes, as well as model zoning, parking rules, or other local ordinances.

Directs the Secretary to award grants to educational institutions and qualified training programs for vocational workforce development, through centers of excellence, of skills needed to maintain plug-in electric drive vehicles and associated infrastructure.

SUMMARY PROVIDED BY LIBRARY OF CONGRESS

August 7, 2010

TO: SBCCOG Legislative Committee

FROM: Jacki Bacharach, SBCCOG Executive Director

RE: Bills with Position

ENVIRONMENTAL

<p>AB 1998 (Brownley)</p>	<p>Solid waste: single-use carryout bags. Repeals those at-store recycling program requirements on January 1, 2012, and would instead, on and after January 1, 2012, prohibit certain types of stores, as defined, from providing a single-use carryout bag to a customer. The bill would, on and after July 1, 2013, prohibit convenience food stores, foodmarts, and certain specified stores from providing a single-use carryout bag to a customer. <i>The bill would require both types of stores, as of January 1, 2011, to make reusable bags available for purchase and would allow certain stores to provide reusable bags to customers at no cost.</i> The bill would require a store, on and after July 1, 2013, to only provide reusable bags, as defined, <i>and would require a store, as of January 1, 2011, to make available for sale recycled paper bags at a reasonable cost, but not less than \$0.05.</i> The bill would exempt the sale of specified bags <i>by certain stores</i> from the above prohibition and <i>requirements</i>. The bill would, beginning January 1, 2013, require a reusable bag manufacturer to obtain a biennial certification from the Department of Resources Recycling and Recovery by submitting a certification fee and a certification that its reusable bag meets specified requirements. The bill would specify administrative civil penalties for a person <i>that</i> violates the above requirements. The bill would require the department to deposit the certification fees into the Reusable Bag Account, which would be established by the bill in the Integrated Waste Management Fund, and to deposit the penalties and fines collected into the Penalty Subaccount, which would be established by the bill in the account. The bill would provide that moneys in the account and the subaccount be expended by the department, upon</p>	<p>Support with Concerns (7/24/10) (Ltr to Sen Approps 7/26/10)</p>	<p>8/2/10 Senate Appropriations Committee Suspense file 8/12 Re-referred to Rules Committee LCC concerns - monitoring</p>
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	appropriation by the Legislature, to implement the above requirements. This bill would, <i>as of January 1, 2011</i> , preempt local regulations on the use and sales of reusable bags, single-use carryout bags, recycled paper bags, or other specified bags at stores, as defined.		
AB 2317 (Saldana)	Local government: nuisance abatement. Existing law authorizes the legislative body of a city or county to establish a procedure to use a nuisance abatement lien or a special assessment to collect abatement costs & related administrative costs. This bill would authorize the legislative body to also collect fines related to the nuisance abatement using a nuisance abatement lien or a special assessment.	SUPPORT (6/24/10) Letter to author 7/07/10 LCC supports	8/9/10 Senate 3rd Reading

PUBLIC SAFETY

SB 1362 (Simitian)	Vehicles: automated traffic enforcement systems. Existing law authorizes a governmental agency to establish guidelines and sets other requirements for selection of location for automated traffic enforcement. This bill would require that, <i>no later than January 1, 2012</i> , those requirements include identifying the system by signs posted <i>within 200 feet of an</i> intersection where a system is operating. The bill would require the governmental agency to adopt a finding of fact establishing the need for the system at a specific location for reasons related to safety <i>for those systems installed after January 1, 2011</i> . The bill would <i>require, if</i> an employee, agent, or representative of the governmental agency or of a law enforcement agency <i>contacts</i> the registered owner of a vehicle prior to issuing a notice to appear in an effort to determine the identity of <i>the driver</i> , the registered owner <i>to be made</i> aware, in a clear and prominent fashion, that the registered owner is not required to provide that information and that failure to provide that <i>will not result in additional</i> responsibility or liability associated with the alleged violation. The bill would prohibit a governmental agency that <i>proposes to install or</i> an automated traffic enforcement system from considering revenue generation, beyond recovering its actual costs of operating the system, as a factor when considering whether or not to <i>install or operate</i> a system within its local	OPPOSE (5/27/10) (Ltr to author 6/4/10; Ltr to Asm Trans 6/16/10) LCC opposes AUTHOR REQUESTED REVIEW BASED ON LATEST AMENDMENTS – SBCCOG STAFF CHECKING WITH LCC.	8/5/10 Assembly Appropriations Suspense File
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	jurisdiction. The bill would require the manufacturer or supplier that operates an automated traffic enforcement system, in cooperation with the governmental agency, to submit an annual report to the Judicial Council that includes specified information. Also sets procedures & requirements for notice to appear.		
AB 2290 (Bradford)	CDCR: inmates: summary parole. This bill would require the Department of Corrections and Rehabilitation, not less than 45 days prior to the release of such an inmate, <i>or as soon as practicable</i> , to notify, <i>via the Law Enforcement Automated Data System (LEADS)</i> , the local law enforcement agency of the jurisdiction to which the inmate is to be released regarding the scheduled release.	SUPPORT (3/25/10) (Ltr to Asm Pub Safety 4/9/10; Ltr to Sen Pub Safety 6/16/10; Ltr to Sen. Approps. Comm (7/9/10) Ltr to Gov (8/12/10)	8/11/10 To Enrollment

REVENUE

AB 155 (Mendoza)	Local government: bankruptcy proceedings. Under existing law, any taxing agency or instrumentality of the state may file a petition and prosecute to completion bankruptcy proceedings permitted under the laws of the United States. This bill would provide that a local public entity may only file under federal bankruptcy law with the approval of the Calif. Debt & Investment Advisory Commission, as specified.	OPPOSE (3/26/09) (Ltr faxed to Asm Local Gov Comm. 3/30/09 & to Asm Approp. Comm 4/29/09 & Sen Local Gov Comm 6/22/09 & Sen Approp Comm 4/22/10)	8/9/10 Senate Inactive File LCC - oppose
ACA 9 (Huffman)	Local government bonds: special taxes: voter approval. This measure would change the 2/3 voter-approval requirement for special taxes to, instead, authorize a city, county, or special district to impose a special tax with the approval of 55% of its voters voting on the tax. It would also lower to 55% the voter approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in one year the income and revenue provided in that year, that is in the form of general obligation bonds to	SUPPORT (5/28/09) (Ltr to Asm Approps 6/30/09)	8/9/10 Assembly Inactive File

	fund specified public improvements.		
SCA 18 (Liu)	Local Government: property related fees. Includes fees for stormwater management programs to those exemptions already included in Proposition 218. It would make it easier for cities to fund and comply with new and increasingly stringent storm water quality permit requirements adopted by the regional water quality control board.	SUPPORT (6/25/09) (Ltr to author 8/3/09) LCC supports	8/9/10 Senate 3rd Reading

TRANSPORTATION

SB 1192 (Oropeza)	Airport Rental Facility Charge. Would expand the definition of customer facility charge to include a fee that is required by an airport to be collected for the purpose of financing, designing, constructing, <i>acquiring vehicles & operating any common-use transportation system. This bill would also authorize an alternative fee following a hearing and finding by the airport, as provided, that the customer facility charge will not generate sufficient revenue to finance and operate the consolidated rental car facility and common-use transportation system. The bill would provide for the collection of the alternative fee on a per-day basis, as specified.</i>	SUPPORT (6/24/10) (Letter to Assembly Approp.7/07/10)	8/10/10 Assembly 3 rd Reading Emphasize in our support that funding should be included not only for the rental car facility but also for the peoplemover AMENDED 8/2/10 TO INCLUDE COMMON USE TRANSPORTATION FACILITY
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OTHER

SB 972 (Wolk)	Indemnity Design professionals. Restricts a city's ability to contract with a design professional by prohibiting the city from asking the design professional to defend that city if they are sued because of something the design professional did or failed to do.	OPPOSE (5/27/10) LCC opposes (Ltr to author 6/4/10; Ltr to Asm Jud 6/16/10)	8/9/10 Assembly 3 RD Reading
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FEDERAL

HR 1191 (Inslee) S.1336 (Murray)	To amend the Controlled Substances Act to provide for disposal of controlled substances by ultimate users and care takers through State take-back disposal programs, to amend the Federal Food, Drug, and Cosmetic Act to prohibit recommendations on drug labels for disposal by flushing, and for other purposes.	SUPPORT (3/25/10) (Ltr sent to authors 4/9/10)	HR 1191 3/16/2009 Referred to House Subcommittee on Crime, Terrorism, and Homeland Security. S. 1336 6/24/2009
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			Referred to Senate Judiciary Committee.
HR 1521 (Lofgren) S 1192 (Wyden)	Cell Tax Fairness Act of 2009 - Prohibits states or local governments from imposing any new discriminatory tax on mobile services, mobile service providers, or mobile service property for five years after the enactment of this Act. Defines "new discriminatory tax" as a tax imposed on mobile services, providers, or property that is not generally imposed on other types of services or property, or that is generally imposed at a lower rate.	OPPOSE (7/23/09) (Ltrs sent to authors 7/30/09) LEAGUE OPPOSES	HR 1521 6/9/09 House Subcommittee Hearings Held S. 1192 6/4/09 Referred to Senate Committee on Finance
HR 1618 (McGovern) S. 779 (Lautenberg)	Safe Highways and Infrastructure Preservation Act - Safe Highways and Infrastructure Preservation Act – concerning limits on length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.	SUPPORT (previous position on issue of truck weights) (Letters sent to several congressmen & 2 Senators 5/20/09)	HR 1618 3/20/09 House Subcommittee on Highways and Transit S. 779 4/28/2010 Senate Committee on Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine. Hearings held.
HR 3734 (Sires)	Urban Revitalization and Livable Communities Act. Requires the Secretary of Housing and Urban Development (HUD) to establish an urban revitalization and livable communities program to provide federal grants to eligible general purpose local governments for various park and recreation purposes, including grants for rehabilitation and construction, innovation, at-risk youth recreation, and recovery action programs.	SUPPORT (5/27/10) (Ltr to House subcomm 6/8/10) LCC supports	11/16/2009 Referred to House Subcommittee on Healthy Families and Communities
HR 4812 (Miller) S. 3500 (Brown)	Local Jobs for America Act – From the amount appropriated under section 111, the Secretary, acting through the Employment and Training Administration of the Department of Labor and in consultation with the Secretary of Housing and Urban Development, shall provide funds to States, units of general local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed by local communities.	SUPPORT (5/27/10) (Ltr to House subcomm 6/16/10)	HR 4812: 3/22/10 Referred to House Subcommittee on Workforce Protections 161 House co-sponsors (including Richardson & Waters) S. 3500: 6/16/2010 Referred to Senate Committee on

			Health, Education, Labor, and Pensions.
HR 5766 (Thompson) S 3642 (Boxer)	The PACE Assessment Protection Act of 2010 Would ensure that the underwriting standards of Fannie Mae and Freddie Mac facilitate the use of property assessed clean energy programs to finance the installation of renewable energy and energy efficiency improvements.	SUPPORT (7/22/10) (Ltrs sent to both committees 8/17/10)	Senate Committee on Banking, Housing and Urban Affairs House Financial Serv Committee

Aug. 13 - Last day for **fiscal committees** to hear and report bills to the Floor (J.R. 61(b)(14)).

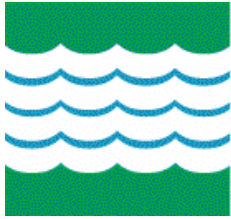
Aug. 16 - 31 - Floor session only. No committee may meet for any purpose (J.R. 61(b)(15)).

Aug. 20 - Last day to **amend** on the Floor (J.R. 61(b)(16)).

Aug. 31 - Last day for **any bill** to be passed (Art. IV, Sec 10(c), J.R. 61(b)(17)). **Final Recess** begins on adjournment

Sept. 30 — Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor’s possession on or after Sept. 1 (Art. IV, Sec.10(b)(2)).

Dec. 6 — 2011-12 Regular Session convenes for Organizational Session at 12 noon



SOUTH BAY CITIES
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July 27, 2010

Congresswoman Jane Harman
2400 Rayburn House Office Building
Washington, DC 20515

Congressmember Laura Richardson
1725 Longworth House Office
Washington, D.C. 20515

Congresswoman Maxine Waters
2344 Rayburn House Office Building
Washington, DC 20515-0535

Congressman Dana Rohrabacher
2300 Rayburn House Office Building
Washington, D.C. 20515

Senator Barbara Boxer
112 Hart Senate Office Building
Washington, DC 20510

Senator Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

The Honorable Jeffrey Bingaman, Chairman
Sen. Lisa Murkowski, Ranking Member
Senate Energy & Natural Resources Committee
U.S. Senate
Washington, D.C. 20510

The Honorable Christopher J. Dodd, Chairman
Sen. Richard C. Shelby, Ranking Member
Senate Banking Committee
U.S. Senate
Washington, D.C. 20510

The Honorable Barney Frank, Chairman
Rep. Spencer Bachus, Ranking Member
House Committee on Financial Services

The Honorable Henry Waxman, Chairman
Rep. Joe Barton, Ranking Member
House Energy & Commerce Committee

Re: Property Assessed Clean Energy (PACE).- Notice of **SUPPORT**

Dear Member of Congress:

On behalf of the South Bay Cities Council of Governments (SBCCOG), I am writing to ask for your urgent support for legislation that guarantees local government the right to establish clean energy programs, known as Property Assessed Clean Energy (PACE). PACE is a local government solution that helps home and building owners finance energy efficiency and renewable energy improvements and is supported by a century of legal and historical precedent for special assessment districts, including more than 37,000 districts that have been used to finance sewers, sidewalks, and other projects that serve a public purpose.

We strongly believe that recent actions by federal regulators infringe upon state and local power to utilize assessment districts and that PACE is good for our nation's housing industry and mortgage investors. In just the past two years, twenty-two states have passed laws enabling local governments to develop PACE programs (CA, CO, FL, GA, IL, LA, ME, MD, MN, MO, NV, NH, NM, NY, NC, OH, OK, OR, TX, VT,

LOCAL GOVERNMENTS IN ACTION

Carson El Segundo Gardena Hawthorne Hermosa Beach Inglewood Lawndale Lomita
Los Angeles Manhattan Beach Palos Verdes Estates Rancho Palos Verdes Redondo Beach Rolling Hills
Rolling Hills Estates Torrance Los Angeles District #15 Los Angeles County

VA, WI). State and local governments have embraced PACE because of its tremendous potential to cut energy bills, increase homeowner cash flow for mortgage payments, reduce mortgage default risk, create tens of thousands of local jobs and dramatically reduce greenhouse gas emissions by spurring investment in clean energy improvements.

PACE has received strong bipartisan support nationwide because creating jobs, saving energy and reducing utility bills for families and businesses is important to all Americans. Our nation's PACE programs were set to launch a 24 month pilot period this summer, funded by \$150 million in grants from the Department of Energy, incorporating safe and sound consumer and lender protections that were developed by a White House led inter-agency working group consisting of HUD, NEC, OMB, CEQ and DOE.

Unfortunately, despite PACE's great promise, the Federal Housing Finance Agency (FHFA) and the Office of the Comptroller of the Currency (OCC, collectively the "Regulators") issued recent statements blocking our nation's PACE pilot programs. The Regulators action is a direct challenge to state and local powers to levy tax assessments for a public purpose and wrongly asserts that the consumer and lender protections are not sufficient. The DOE funded PACE programs have been specifically designed to help the mortgage market yet the Regulators statements simply rehashed old concerns that have already been addressed. Because of FHFA's oversight of Fannie Mae and Freddie Mac, and OCC's influence over our nation's banks, the statements forced existing PACE programs to halt and froze the ability to launch PACE programs already under development nationwide.

We are working to implement a major energy efficiency program in conjunction with Los Angeles County and PACE financing will be extremely helpful to incentivize homeowners to participate. Therefore, we urge Congress, which chartered Fannie Mae and Freddie Mac, and which established FHFA & OCC, to quickly intervene and pass legislation that guarantees the right of state and local government to form special assessment districts to promote clean energy programs and restore the promise of PACE.

Sincerely,



Judy Mitchell, SBCCOG Chair
Councilwoman, City of Rolling Hills Estates

cc: President Barack Obama
National League of Cities