

# AMBAG

## Board of Directors Agenda

Association of Monterey Bay Area Governments

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### Meeting Via GoToWebinar

**DATE: June 9, 2021**

**TIME: 6:00 PM**

**Please register for the AMBAG Board of Directors meeting at**

<https://attendee.gotowebinar.com/register/1342151169241974800>

The AMBAG Board of Directors The meeting will be conducted via GoToWebinar in light of Governor Newsom's State of Emergency declaration regarding the COVID-19 outbreak and in accordance with Executive Order N-29-20 and the shelter in place directive. The AMBAG Board of Directors will participate in the meeting from individual remote locations. We apologize in advance for any technical difficulties.

Members of the public will need to attend the meeting remotely via GoToWebinar.

Persons who wish to address the AMBAG Board of Directors on an item to be considered at this meeting are asked to submit comments in writing at [info@ambag.org](mailto:info@ambag.org) by 5:00 PM, Tuesday, June 8, 2021. The subject line should read "Public Comment for the June 9, 2021 Board of Directors Meeting". The agency clerk will read up to 3 minutes of any public comment submitted.

To participate via GoToWebinar, please register for the June 9, 2021 AMBAG Board of Directors meeting using the following link: <https://attendee.gotowebinar.com/register/1342151169241974800>

You will be provided dial-in information and instructions to join the meeting.

If you have any questions, please contact Ana Flores, Senior Executive Assistant at [aflores@ambag.org](mailto:aflores@ambag.org) or at 831-883-3750.

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1. CALL TO ORDER
  2. ROLL CALL
  3. ORAL COMMUNICATIONS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA  
(A maximum of three minutes on any subject not on the agenda)

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**4. ORAL COMMUNICATIONS FROM THE BOARD ON ITEMS NOT ON THE AGENDA**

**5. COMMITTEE REPORTS**

- A. Executive/Finance Committee**  
**Recommended Action: INFORMATION**  
• **President McShane**

Receive oral report.

- B. Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council (SAC) Meeting**  
**Recommended Action: DIRECT**  
• **President McShane**

The next SAC meeting is scheduled on June 18, 2021.

**6. EXECUTIVE DIRECTOR'S REPORT**

- Recommended Action: INFORMATION**  
• **Maura Twomey, Executive Director**

Receive oral report.

**7. CONSENT AGENDA**

- Recommended Action: APPROVE**

**Note:** Actions listed for each item represents staff recommendation. The Board of Directors may, at its discretion, take any action on the items listed in the consent agenda.

- A. Draft Minutes of the May 12, 2021 AMBAG Board of Directors Meeting**  
• **Ana Flores, Senior Executive Assistant**

Approve the draft minutes of the May 12, 2021 AMBAG Board of Directors meeting. (Page 5)

- B. AMBAG Regional Clearinghouse Monthly Newsletter**  
• **Miranda Taylor, Planner**

Accept the clearinghouse monthly newsletter. (Page 11)

- C. AMBAG Sustainability Program Update**  
• **Amaury Berteaud, Special Projects Manager**

Accept the AMBAG Sustainability Program update. (Page 17)

**D. Extension of Legal Services Contract**

- Errol Osteraa, Director of Finance & Administration

Approve a one year extension of the current contract for legal services and authorize the Executive Director to negotiate and execute the contract. (Page 21)

**E. Memorandum of Understanding between the Association of Monterey Bay Area Governments, the High Sierra Energy Foundation, the Redwood Coast Energy Authority (RCEA), the San Joaquin Valley Clean Energy Organization, the County of San Luis Obispo, the Sierra Business Council, and the County of Ventura for the development of the Rural Regional Energy Network**

- Amaury Berteaud, Special Projects Manager

Approve the Memorandum of Understanding (MOU) between the Association of Monterey Bay Area Governments, the High Sierra Energy Foundation, the Redwood Coast Energy Authority, the San Joaquin Valley Clean Energy Organization, the County of San Luis Obispo, the Sierra Business Council, and the County of Ventura for the development of the Rural Regional Energy Network and authorize the Executive Director to execute the MOU. (Page 27)

**F. Financial Update Report**

- Errol Osteraa, Director of Finance & Administration

Accept the financial update report which provides an update on AMBAG's current financial position and accompanying financial statements. (Page 39)

**8. ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION AND POSSIBLE ACTION**

**9. ADMINISTRATION**

**A. Draft 2021 Title VI Plan**

**Recommended Action: APPROVE**

- Miranda Taylor, Planner

Receive presentation on the Draft 2021 Title VI Plan. The Board of Directors is asked to approve the release of the Draft 2021 Title VI Plan for a 30-day public review period. (Page 45)

**B. 6<sup>th</sup> Cycle Regional Housing Needs Allocation Schedule and Process**

**Recommended Action: INFORMATION**

- Heather Adamson, Director of Planning

Receive a presentation on the Regional Housing Needs Allocation (RHNA) schedule and process. (Page 49)

**10. ADJOURNMENT**

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**REFERENCE ITEMS:**

- A. 2021 Calendar of Meetings (Page 59)
- B. Acronym Guide (Page 61)

**NEXT MEETING:**

The 2021 AMBAG Board of Directors meeting locations are subject to change and may be held remotely in light of Governor Newsom's State of Emergency declaration regarding the COVID-19 outbreak and in accordance with Executive Order N-29-20 and the shelter in place directives.

**Date: August 11, 2021**

**Location: GoToWebinar**

**Executive/Finance Committee Meeting: 5:00 PM**

**Board of Directors Meeting: 6:00 PM**

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. If you have a request for disability-related modification or accommodation, including auxiliary aids or services, contact Ana Flores, AMBAG, 831-883-3750, or email [aflores@ambag.org](mailto:aflores@ambag.org) at least 48 hours prior to the meeting date.

**DRAFT**  
**MINUTES OF THE PROCEEDINGS**  
**OF THE BOARD OF DIRECTORS OF THE**  
**ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS**

**May 12, 2021**

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**1. CALL TO ORDER**

The Board of Directors of the Association of Monterey Bay Area Governments, President, Steve McShane presiding, convened at 6:02 p.m. Wednesday, May 12, 2021 via GoToWebinar.

**2. ROLL CALL**

<b><u>AMBAG Board of Directors</u></b>			
<b>PRESENT:</b>			
<b>Agency</b>	<b>Representative</b>	<b>Agency</b>	<b>Representative</b>
Carmel-by-the-Sea	Karen Ferlito	Watsonville	Eduardo Montesino
Del Rey Oaks	Kim Shirley	County of Monterey	Mary Adams
Gonzales	Scott Funk	County of Santa Cruz	Greg Caput
Greenfield	Lance Walker	County of Santa Cruz	Manu Koenig
Hollister	Rick Perez	County of San Benito	Mark Medina
King City	Carlos Victoria	County of San Benito	Bob Tiffany
Monterey	Ed Smith		
Pacific Grove	Jenny McAdams	<b><u>Ex-Officio Members:</u></b>	
Salinas	Steve McShane	3CE	JR Killigrew
San Juan Bautista	John Freeman	Caltrans, District 5	Scott Eades
Sand City	Mary Ann Carbone	MBARD	Richard Stedman
Santa Cruz	Renee Golder	MPAD	Michael La Pier
Seaside	Jon Wizard	SBtCOG	Mary Gilbert
<b>ABSENT:</b>			
Capitola	Kristen Petersen	MST	Lisa Rheinheimer
Scotts Valley	Derek Timm	SCCRTC	Guy Preston
Soledad	Carla Strobridge	SC METRO	Alex Clifford
County of Monterey	John Phillips	TAMC	Debbie Hale

**Others Present:** John Baker, CPUC; Cathy Rivera; Heather Adamson, Director of Planning; Bhupendra Patel, Director of Modeling; Bobbie Grant, Office Assistant; Gina Schmidt, GIS Coordinator; Amaury Berteaud, Special Projects Manager; Maura Twomey, Executive Director; and Ana Flores, Senior Executive Assistant.

**3. ORAL COMMUNICATIONS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA**

There were no oral or written communications from the public.

#### **4. ORAL COMMUNICATIONS FROM THE BOARD ON ITEMS NOT ON THE AGENDA**

There were no oral communications from the Board.

#### **5. PRESENTATIONS**

##### **A. Support for the Co-Locating the CSUMB Science Building and Sanctuary Home Office**

Paul Michel, Regional Policy Coordinator, NOAA Sanctuaries West Coast Region reported that the MBNMS has the opportunity to co-locate its home office at the proposed new science building on the CSUMB campus. The benefits to CSUMB include 1) capstone projects to support NOAA Science needs; 2) collaborative faculty research; 3) student research and internship opportunities; 4) service learnings can support sanctuary outreach; and 5) additional expertise on campus to support seminars and guest lectures. The benefits to the MBNMS include 1) it's a permanent home office and long-term savings; 2) meeting and conference space; 3) collaborations and opportunities for staff, faculty, and students across many program areas; 4) internships, staff lectures, and seminars; and 5) growing Sanctuary Awareness and Stewardship. Mr. Michel stated that the CSUMB list of capital projects shows this project as a priority and has received Board of Trustees approval. The next big step is to receive funding from NOAA and the State. Mr. Michel anticipates the date for issuance of the Request for Proposal (RFP) is third quarter 2021 with a contract award at the end of 2021. Start of construction is anticipated in the third quarter of 2022 with duration of 24 months. The construction completion date is June 2024. The total project cost is \$108,084,000 with a NOAA contribution of \$7,000,000.

**Motion made by Director Smith, seconded by Director Carbone to approve the support letter for co-locating the home office of the MBNMS in the proposed new science building on the CSUMB campus. Motion passed unanimously.**

#### **6. COMMITTEE REPORTS**

##### **A. Executive/Finance Committee**

President McShane reported that the Executive/Finance Committee approved the consent agenda that included 1) the minutes of the April 14, 2021 meeting; 2) list of warrants as of February 28, 2021; and 3) accounts receivable as of February 28, 2021. The Executive/Finance Committee also received 1) financial update report from Maura Twomey, Executive Director; and 2) a report on the letter of support for co-locating the CSUMB science building and the MBNMS home office.

##### **B. Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council (SAC)**

President McShane gave a report on the April 16, 2021 SAC meeting. The agenda included 1) Dawn Hayes, MBNMS Superintendent reported on agriculture water quality and the successes of the natural bio digester in reducing nitrates and runoff and on the benefits of cover crops; 2) a discussion on co-locating the MBNMS home office to CSUMB; 3) a presentation on restorative aquaculture by Moss Landing Marine Labs. They are exploring ways to remove the purple sea urchins from areas where they're decimating kelp forests in the Sanctuary; 4) a discussion about oyster restoration to help with kelp restoration; 5) an update on education and outreach at The Exploration Center. Their new film "Wonder About the Octopus Garden" is now an award winner; 6) an update on new signage

and new kiosks that provide information and will benefit the public as it relates to the Sanctuary; and 7) an update on the Sanctuary's Virtual Coffee Talk. President McShane stated that the next SAC meeting is scheduled on June 18, 2021.

## **7. EXECUTIVE DIRECTOR'S REPORT**

Maura Twomey, Executive Director announced that AMBAG will hold its first entirely virtual public workshop on the 2045 Metropolitan Transportation Plan Sustainable Community Strategy on Monday, May 24, 2021. The purpose of the workshop is to provide background information on the development of the sustainable community strategy and obtain feedback from the public that could be included in the draft plan. The workshop starts at 5:30 pm. Further information about the virtual workshops including how to register can be found on the AMBAG website. An online survey can be found on the 2045 Metropolitan Transportation Plan Sustainable Community Strategy page on the website. It contains similar questions that will be asked during the workshop and it provides another way to receive input on various sustainable community strategies.

## **8. CONSENT AGENDA**

### **A. Draft Minutes of the April 14, 2021 AMBAG Board of Directors Meeting**

The draft minutes of the April 14, 2021 AMBAG Board of Directors meeting were approved.

### **B. AMBAG Regional Clearinghouse Monthly Newsletter**

The AMBAG Regional Clearinghouse Monthly Newsletter was accepted.

### **C. AMBAG Sustainability Program Update**

The AMBAG Sustainability Program Update was accepted.

### **D. Formal Amendment No. 2 to the Monterey Bay Metropolitan Transportation Improvement Program (MTIP): FFY 2020-21 to FFY 2023-24**

The Formal Amendment No. 2 to the Monterey Bay MTIP: FFY 2020-21 to FFY 2023-24 was approved.

### **E. Financial Update Report**

The financial update report was accepted.

**Motion made by Director Caput seconded by Director Cabone to approve the consent agenda. The motion passed unanimously.**

## **9. ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION AND POSSIBLE ACTION**

None.

## **10. ADMINISTRATION**

### **A. Draft FY 2021-22 Monterey Bay Overall Work Program (OWP) and Budget**

Bhupendra Patel, Director of Modeling gave a presentation on the draft FY 2021-22 OWP and Budget. The FY 2021-2022 OWP is 1) a federally required document to receive federal funds; 2) covers all AMBAG work programs and activities; 3) used as a project management tool by staff; 4) implements Federal Planning Factors; and 5) implements the AMBAG Board adopted priorities; a) Modeling and Research, b) Planning and Forecasts; c) Sustainable Development Strategies; and d) Collaborative Planning and Implementation. The FY 2021-2022 OWP highlights are 1) development and management of current and future year OWP; 2) Public Participation Plan for the MTP/SCS, MTIP and other projects; 3) GIS data collection, analysis, GIS Web portal and member services; 4) update and apply AMBAG Regional Travel Demand Model for 2045 MTP/SCS and corridor/project analysis; 5) REAP grant program for housing; 6) monitoring and reporting Transportation Performance Management; 7) development and coordination of RHNA in consultation with local jurisdiction; 8) development and adoption of the 2045 MTP/SCS; and 9) management of the FFY 2020-21 to FFY 2023-24 MTIP. The FY 2021-212OWP and Budget timeline is 1) Board adoption at the May 12, 2021 Board of Directors meeting; 2) expected State approval on May 31, 2021; and 3) expected Federal approval date on June 30, 2021. The FY 2021-22 revenues by source are 1) Federal: \$2,046,464; 2) State (SB 1): \$375,537; 3) State (REAP): \$6,925,000; and 4) Local: \$477,000. The draft FY 2021-22 expenditure highlights include 1) maintain staff level equivalent to current year; 2) includes a 2% COLA; 3) reduction in professional services due to project/grant closeout; 4) no change to total member dues; 5) General Fund expenditures include costs that are not eligible for Federal reimbursement a) interests and fees; and b) cash match to meet federal/state grant requirements; and 6) continued use of toll credits \$233,838 to preserve General Fund. Brief discussion followed.

**Motion made by Director Carbone, seconded by Director Berkley to approve the FY 2021-22 Monterey Bay Region OWP and budget. Motion passed unanimously.**

## **11. ADJOURNMENT**

The Board of Directors meeting adjourned at 6:41 PM.

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Steve McShane, President

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Maura F. Twomey, Executive Director



**DRAFT AMBAG BOARD OF DIRECTORS MEETING ATTENDANCE & VOTING RECORD**  
**BOARD MEETING DATE: May 12, 2021**

Attendance (X= Present; AB= Absent) Voting (Y= Yes; N=No; A=Abstain)					
MEMBER	AMBAG REP	Attendance	Item# 5.A	Item# 8	Item# 10.A
Capitola	Kristen Petersen	AB	n/a	n/a	n/a
Carmel-by-the-Sea	Karen Ferlito	X	Y	Y	Y
Del Rey Oaks	Kim Shirley	X	Y	Y	Y
Gonzales	Scott Funk	X	Y	Y	Y
Greenfield	Lance Walker	X	Y	Y	Y
Hollister	Rick Perez	X	Y	Y	Y
King City	Carlos Victoria	X	Y	Y	Y
Marina	Lisa Berkley	X	Y	Y	Y
Monterey	Ed Smith	X	Y	Y	Y
Pacific Grove	Jenny McAdams	X	Y	Y	Y
Salinas	Steve McShane	X	Y	Y	Y
San Juan Bautista	John Freeman	X	Y	Y	Y
Sand City	Mary Ann Carbone	X	Y	Y	Y
Santa Cruz	Renee Golder	X	Y	Y	Y
Scotts Valley	Derek Timm	AB	n/a	n/a	n/a
Seaside	Jon Wizard	X	Y	Y	Y
Soledad	Carla Strobridge	AB	n/a	n/a	n/a
Watsonville	Eduardo Montesino	X	Y	Y	Y
County-Monterey	Mary Adams	X	Y	Y	Y
County-Monterey	John Phillips	AB	Y	Y	Y
County-Santa Cruz	Manu Koenig	X	Y	Y	Y
County-Santa Cruz	Greg Caput	X	Y	Y	Y
County-San Benito	Bob Tiffany	X	Y	Y	Y
County-San Benito	Mark Medina	X	Y	Y	Y

(\* = Board Member(s) arrived late or left early, therefore, did not vote on the item. Please refer the minutes)

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**MEMORANDUM**

**TO:** AMBAG Board of Directors

**FROM:** Maura F. Twomey, Executive Director

**RECOMMENDED BY:** Miranda Taylor, Planner

**SUBJECT:** AMBAG Regional Clearinghouse Monthly Newsletter

**MEETING DATE:** June 9, 2021

**RECOMMENDATION:**

It is recommended that the Board of Directors accept the May 2021 Clearinghouse monthly newsletter.

**BACKGROUND/DISCUSSION:**

Since March 12, 1984, under adopted State Clearinghouse Procedures, the Association of Monterey Bay Area Governments (AMBAG) was designated the regional agency responsible for clearinghouse operations in Monterey, San Benito and Santa Cruz Counties. These procedures implement Presidential Executive Order 12372 as interpreted by the "State of California Procedures for Intergovernmental Review of Federal Financial Assistance and Direct Development Activities." They also implement the California Environmental Quality Act of 1970 as interpreted by CEQA Guidelines.

The purpose of the Clearinghouse is to provide all interested parties within the Counties of Monterey, San Benito and Santa Cruz notification of projects for federal financial assistance, direct federal development activities, local plans and development projects and state plans that are proposed within the region. These areawide procedures are intended to be coordinated with procedures adopted by the State of California.

**FINANCIAL IMPACT:**

There is no direct financial impact. Staff time for monitoring clearinghouse activities is incorporated into the current AMBAG Overall Work Program and budget.

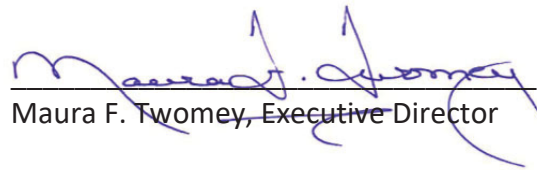
**COORDINATION:**

Notices for the Clearinghouse are sent by lead agencies to AMBAG. Interested parties are sent email notifications twice a month with the newsletter attached.

**ATTACHMENT:**

1. Monthly Newsletter - Clearinghouse items May 1– May 31, 2021

**APPROVED BY:**



Maura F. Twomey, Executive Director

**Attachment 1**

**AMBAG REGIONAL CLEARINGHOUSE**

**The AMBAG Board of Directors will review these items on 6/9/2021**

Association of Monterey Bay Area Governments P.O. Box 2453, Seaside, CA 93955 / 831.883.3750

**ENVIRONMENTAL DOCUMENTS**

<b>20210511 – Pfeiffer Big Sur State Park Campground Cabin Project (“Proposed Project”)</b>
California Department of Parks Matthew Allen 831-649-2839
Public Hearing
The Proposed Project consists of the construction and operation of new low-cost visitor-serving accommodations and associated infrastructure within the Park. More specifically, the Proposed Project would result in the construction and operation of new low-cost overnight accommodations consisting of nine (9) rustic cabins and related infrastructure. The Project would be compliant with the Americans with Disabilities Act (“ADA”) and with State Parks’ 2015 Accessibility Guidelines.
Project is located in Monterey County Parcel: 419031002000
Public hearing information: N/A
Public review period ends: Friday, June 25, 2021

<b>20210504– Carmel High School Stadium Lights</b>
Carmel Unified School District Dan Paul 831-624-6311
Notice of Preparation (NOP) Draft Environmental Impact Report (DEIR)
The Carmel Unified School District (school district) is proposing to install new lighting at the existing stadium at Carmel High School. No additional improvements are proposed. The addition of the stadium lights is intended to allow for Friday night football games and other nighttime games and practices in anticipation of the state’s “late start law,” which will go into effect starting in the fall of 2022 and will affect the ability of various sports teams from practicing later in the day without lights. The school district plans to install the stadium lighting by the start of the 2022-2023 school year.
The project is located in Monterey County Parcel: 015081001
Public Hearing Information: Online 5/26/2021 @ 5:30 pm
Public review period ends: Monday, June 14, 2021

<b>20210507 – 2035 North Pacific Avenue Office/Residential Building</b>
City of Santa Cruz Clara Stanger 831-420-5247
Notice of Intent (NOI) Mitigated Negative Declaration (MND)
The proposed project consists of a Design Permit and Slope Variance to construct a 38,880 square foot, mixed-use building that includes 3,777 square feet of ground floor office space and 26 residential apartment units within 10 feet of a 30 percent slope, and a Variance to sidewalk width. The project includes demolition of an existing building and the construction of a three-story structure with an underground parking garage with 30 parking spaces. This project involves removal of one heritage tree. The project site is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
The project is located in Santa Cruz County Parcel: 00636124
Public Hearing Information: Online
Public review period ends: Thursday, June 10, 2021

<b>20210508– Mentel Aerial Sewer Improvement Project</b>
City of Santa Cruz Katie Shurtleff 831-420-5442
Notice of Intent (NOI) Mitigated Negative Declaration (MND)
The proposed project consists of a Coastal Development Permit for construction of an approximate 304-linear foot 8-inch sewer line that would be parallel to and replace an existing 6-inch sewer pipeline. The new sewer line includes 130 linear feet of aerial construction and 174 linear feet of underground construction. The new sewer line will be installed in the same alignment as the existing pipeline at a distance of approximately 18 inches from the existing sewer line.
The project is located in Santa Cruz County Parcel: 01110112
Public Hearing Information: Online
Public review period ends: Wednesday, June 2, 2021

<b>20210512 – Notice of Preparation of an Environmental Impact Report and Scoping Meeting for the Downtown Vitalization Specific Plan: Marina, California</b>
City of Marina Fred Aegerter 831-884-1281
Notice of Preparation (NOP) Environmental Impact Report (EIR)
The intended purpose of the Specific Plan is to establish a direct connection between the City of Marina’s General Plan and opportunities for vitalization and enhancement within Downtown

<p>Marina. The planning horizon for the Specific Plan is the 20-year period starting with the plan’s adoption date. An overall goal is the orderly development of Downtown Marina in a method consistent with the City’s General Plan and, more specifically, with the community’s vision as developed through the community outreach process. This is accomplished through: Designation of land uses, Designation of required access and circulation elements, Location and sizing of infrastructure, Financing methods for public improvements, and Standards of development. Based on existing land use designations and underlying zoning requirements potential buildout of the Specific Plan could include approximately an additional 1,386,000 square feet of new retail and office space and 2,904 new housing units. When added to existing development, the Plan Area could include a total of up to 2,391,758 square feet of commercial and retail space and up to 5,205 housing units. However, the pace of future development would largely be determined by market forces, and thus it is difficult to determine at what date buildout would occur.</p>
<p>The project is located in Monterey County Parcel: Multiple</p>
<p>Public Hearing Information: Online 6/9/2021 @ 6:00 pm.</p>
<p>Public review period ends: Friday, June 25, 2021</p>

<p><b>202100505 – Expansion of Greenhouse and Industrial Building for Cannabis Cultivation</b></p>
<p>Monterey County Craig Spenser 831-755-5233</p>
<p>Notice of Public Hearing</p>
<p>Recommendation to the Board of Supervisors on an ordinance amending Section 21.67.050 of Title 21 of the Monterey County Code (non-coastal zoning regulations) to: a) Allow commercial cannabis cultivation to be permitted in newly constructed or expanded greenhouses within the Farmland zoning designation only on properties that have at least one greenhouse that was legally established prior to January 1, 2016; and b) Allow commercial cannabis cultivation to be permitted in newly constructed greenhouses and industrial buildings within the Light Industrial (LI), Heavy Industrial (HI), and Agricultural Industrial (AI) zoning districts.</p>
<p>The project is located in Monterey County Parcel: Multiple</p>
<p>Public Hearing Information: Online 5/26/2021 @ 9:00 am.</p>
<p>Public review period ends: N/A</p>

<p><b>20210506– Winslow Steven G &amp; Jill M</b></p>
<p>Monterey County Fionna Jensen 831-796-6407</p>
<p>Notice of Public Hearing</p>
<p>Construction of a 3,968 square foot one-story single-family dwelling with an attached 668</p>

square foot two-car garage; removal of 11 Coast Live oak trees; and development on slopes in excess of 25%.
The project is located in Monterey County Parcel: 416082021000
Public Hearing Information: Online 5/26/2021 @ 9 am
Public review period ends: N/A

<b>20210509– Bridge Road Outfall Full Capture System &amp; Stormwater Improvements at the Industrial Wastewater Plant</b>
City of Hollister Brett Miller 831-636-4305
Notice of Intent (NOI) Mitigated Negative Declaration (MND)
Project would be to install a full capture system at the Bridge Road Outfall to treat the stormwater before it reaches the San Benito River. The second project includes improvements at the Industrial Wastewater Treatment Plant and includes a full capture system and a stormwater diversion structure at the Apricot Lane outfall and a stormwater diversion structure at South Street, to replace an existing manhole.
The project is located in San Benito County Parcel: N/A
Public Hearing Information: Online TBD
Public review period ends: Tuesday, June 1, 2021
<b>20210510– LCP Amendment Number LCP 3CAP2000822 (Land Use Map/IP Update)</b>
California Coastal Commission Rainey Graeven 831-427-4863
Concurrence with the Executive Director's determination that the action by City of Capitola accepting certification of LCP-3-CAP-20-0082-2 with modifications (related to land use/zoning and/or implementing regulations for the Village Hotel site, Inn at Depot Hill, and Monarch Cove Inn) is legally adequate. (RG-SC). This matter is on the agenda as item number 15c on Wednesday June 9, 2021.
The project is located in Santa Cruz County Parcel: N/A
Public Hearing Information: Online via Zoom
Public review period ends: N/A

More detailed information on these projects is available by calling the contact person for each project or through AMBAG at (831) 883-3750. Comments will be considered by the AMBAG Board of Directors in its review. All comments will be forwarded to the applicants for response and inclusion in the project application. If substantial coordination or conflict issues arise, the Clearinghouse can arrange meetings between concerned agencies and applicants.





**MEMORANDUM**

**TO:** AMBAG Board of Directors

**FROM:** Maura F. Twomey, Executive Director

**RECOMMENDED BY:** Amaury Berteaud, Special Projects Manager

**SUBJECT:** AMBAG Sustainability Program Update

**MEETING DATE:** June 9, 2021

**RECOMMENDATION:**

It is recommended the Board of Directors accept this report.

**BACKGROUND/ DISCUSSION:**

**AMBAG Sustainability Program Elements**

**Energy Efficiency Program Development**

AMBAG is a founding member of the Rural and Hard to Reach (RHTR) working group, which was created in 2015 to promote the deployment of energy efficiency resources to California's rural communities. In the past year AMBAG staff has been working with other RHTR members to create a Regional Energy Network (REN). Regional Energy Networks are entities which submit business plans to the California Public Utilities Commission (CPUC) to obtain ratepayer funds and implement energy efficiency programs. The RHTR working group is developing such a business plan in order to implement programs as a new Regional Energy Network, the RuralREN. If approved by the CPUC, the RuralREN would bring resources to the region, assisting residents, businesses, and public agencies in completing energy efficiency projects and sustainability initiatives.

RHTR partners are currently obtaining approval for a Memorandum of Understanding (MOU) for the development of the Rural Regional Energy Network (RuralREN). This RuralREN MOU is on the consent agenda as well. Once the MOU is approved by all partners the concept of a RuralREN will be presented at a July workshop of the California Energy Efficiency Coordinating Council (CAEECC). This will allow RHTR partners to gather feedback on the concept of the RuralREN before the RuralREN business plan is submitted to the CPUC in early September 2021. If the business plan is approved, RHTR partners will then create detailed program design documents and implementation plans which are necessary before programs are allowed to move forward. It is projected that RuralREN programs will begin to operate on January 1, 2023.

*Planning Excellence!*

### **Central California Energy Watch Program implementation in Monterey County**

The AMBAG Sustainability Program is acting as a sub consultant to the San Joaquin Valley Clean Energy Organization (SJVCEO) to implement the Central California Energy Watch (CCEW) program in Monterey County. AMBAG staff is conducting outreach to public sector agencies and school districts to inform them about this new program, drive program enrollment, and provide energy efficiency technical assistance services. Current efforts are focused on contacting jurisdictions and school districts to have initial conversations about their energy efficiency needs and how the CCEW program can provide support. AMBAG staff is also providing the County of Monterey with energy efficiency technical assistance.

### **School Districts**

The State of California, over five years, has been releasing funding through the Proposition 39: California Clean Energy Jobs Act to help schools implement energy efficiency and conservation. To receive this funding, the school districts must comply with the Proposition 39: California Clean Energy Jobs Act – 2013 Program Implementation Guidelines. These guidelines include requirements such as completing energy benchmarks of school facilities, identifying potential energy projects, creating efficiency metrics related to the projects, submitting a funding application to the California Energy Commission called an Energy Expenditure Plan, completing annual reports, and submitting a final project completion report. On May 13, 2020, the California Energy Commission extended the Proposition 39 program by one year as a result of the ongoing COVID-19 pandemic. The deadline to complete projects was extended to June 30, 2021, and the deadline to complete the final project completion reports was extended to June 30, 2022.

AMBAG staff is working on an ongoing basis with seven school districts to submit amendments to their Proposition 39 Energy Expenditure Plans. As per the California Energy Commission guidelines school districts and charter schools have to amend their plans when the costs or scope of projects change by more than fifteen percent. Because the proposition 39 program is entering its final years, school districts only have until June 30, 2021 to complete amendments. AMBAG staff is also working with sixteen school districts to complete their final project completion reports. As part of this process AMBAG staff is gathering benchmarking data and creating the necessary reports to obtain California Energy Commission staff approval.

### **Greenhouse Gas Inventories and Climate Action Planning**

AMBAG staff works to complete Greenhouse Gas (GHG) Inventories for all AMBAG Jurisdictions. Staff completed Community-wide GHG Inventories for all jurisdictions in 2005, 2009, 2010, 2015, and 2018 as well as a baseline Municipal GHG Inventories for all AMBAG jurisdictions in 2005. AMBAG staff has also been able to use the inventories to create a regional roll-up inventory and assist jurisdictions with climate action planning activities.

As part of an MOU with AMBAG, Central Coast Community Energy has allocated funding for AMBAG to develop 2018, 2019, and 2020 Community-wide GHG Inventories for all of its member jurisdictions over the next three years. This will allow AMBAG to continue providing GHG inventories to our jurisdictions and enable continued climate action on the central coast. As Part of an MOU with the San Luis Obispo Air Pollution Control District (SLOAPCD) and the San Luis Obispo Council of Governments (SLOCOG), SLOAPCD and SLOCOG have allocated funding for AMBAG to prepare 2018 Community-wide GHG Inventories for the cities of Arroyo Grande, Atascadero, Grover Beach, Paso Robles and the County of San Luis Obispo.

In the last month AMBAG staff has continued to input 2019 data into the ClearPath online platform in order to calculate emissions.

**ALTERNATIVES:**

There are no alternatives to discuss as this is an informational report.

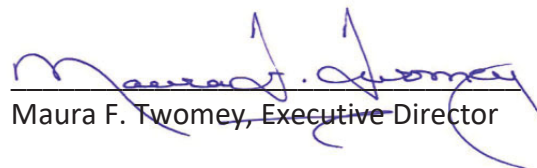
**FINANCIAL IMPACT:**

The budget is fully funded under the 2019 Energy Watch contract with PG&E, the AMBAG 3CE MOU, the AMBAG, SLOAPCD and SLOCOG MOU, a technical services agreement with the County of Santa Barbara, a sub consultant agreement with the SJVCEO, and SB1 Planning Funds. All funding is programmed in the FY 2020-21 Overall Work Program and Budget.

**COORDINATION:**

AMBAG staff is coordinating with 3CE, SLOAPCD, SLOCOG as well as local jurisdictions and local community stakeholders.

**APPROVED BY:**

  
Maura F. Twomey, Executive Director

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**MEMORANDUM**

**TO:** AMBAG Board of Directors

**FROM:** Maura F. Twomey, Executive Director

**RECOMMENDED BY:** Errol Osteraa, Director of Finance and Administration

**SUBJECT:** Extension of Legal Services Contract

**MEETING DATE:** June 9, 2021

**RECOMMENDATION:**

Staff recommends that the Board of Directors approve a one year extension of the current contract for legal services and authorize the Executive Director to negotiate and execute the contract.

**BACKGROUND/DISCUSSION:**

The Association of Monterey Bay Area Governments (AMBAG) has a continuing need to retain a law firm to provide general counsel and other specialized legal services. Legal services have been provided by the law firm of Perry and Freeman since April 2003. This has provided AMBAG with an ongoing resource related to legal matters. The contract is set to expire on June 30, 2021.

The firm's expertise in matters related to the AMBAG region, has greatly assisted the agency over the years. It is in the best interest of AMBAG to maintain the continuity of legal counsel at this time. Therefore, staff recommends that the Board extend the contract with Perry and Freeman for one year, through June 30, 2022.

**FINANCIAL IMPACT:**

Legal services are currently provided to AMBAG for \$1,125 per month.

**ALTERNATIVES:**

1. Extend the current legal services contract for one year at its current levels.
2. Solicit legal services beginning July 1, 2021 through a Request for Proposals (RFP).

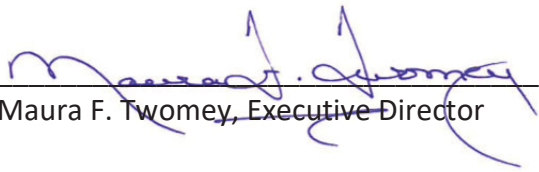
**COORDINATION:**

The Law Office of Perry and Freeman was contacted to discuss contract terms.

**ATTACHMENT:**

1. Agreement for legal services contract with the law firm of Perry and Freeman

**APPROVED BY:**



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Maura F. Twomey, Executive Director

Attachment 1

AGREEMENT FOR LEGAL SERVICES BETWEEN THE ASSOCIATION OF MONTEREY BAY  
AREA GOVERNMENTS AND THE LAW OFFICES OF PERRY AND FREEMAN

THIS AGREEMENT, made and entered into this 1<sup>st</sup> day of July, 2021, by and between the ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS, a Metropolitan Planning Organization (MPO) and joint powers authority, hereinafter referred to as "AMBAG", and THE LAW OFFICES OF PERRY AND FREEMAN, hereinafter referred to as "Attorney", both of whom understand as follows:

- A. Term: The term of this Agreement commenced on July 1, 2021, and shall continue until June 30, 2022, unless terminated pursuant to paragraph I. of this Agreement or extended by mutual agreement of AMBAG and Attorney.
- B. Compensation. Attorney will provide ordinary legal services to the AMBAG for a retainer of \$1,125.00 per month. Extraordinary legal services, with the exception of litigation, shall be charged at the rate of \$270.00 per hour. Litigation services shall be charged at the rate of \$325.00 per hour. Extraordinary legal services shall require prior approval of the Executive Director while litigation services shall require prior approval of the Board of Directors.
- C. Ordinary Services. Ordinary legal services shall include legal advice and legal opinions to AMBAG and its Executive Director in the regular course of business and concerning all such matters as administrative procedures, AMBAG board actions, and shall include attendance at AMBAG meetings as requested. Attorney is to be responsible for assisting in the drafting and preparing ordinary contracts and agreements, and engaging in whatever legal research, study and review necessary to properly advise and protect the interests of AMBAG.
- D. Extraordinary Legal Services. Extraordinary legal services shall include the preparation of complex legal documents, and complex legal opinions.
- E. Litigation Services. Litigation services shall include litigation services not covered under paragraph D. Attorney shall notify and receive authorization from the Board of Directors prior to rendering litigation legal services.

- F. AMBAG Obligations. For the provision of legal services, AMBAG shall provide any and all documents and materials necessary to carry out the terms of this agreement as requested by Attorney.
  
- G. Reimbursement of Costs. In addition, Attorney shall be reimbursed for all out-of-pocket expenses and costs advanced or paid on behalf of the AMBAG, including court reporter fees and charges, court costs, costs of outside investigators or experts pertaining to AMBAG litigation, long-distance telephone calls and long-distance facsimile (fax) transmissions, mileage reimbursement on the same basis as other AMBAG employees, if requested by Attorney.
  
- H. Miscellaneous. AMBAG recognizes that Perry and Freeman is a private law practice currently located in Carmel-by-the-Sea, California, and intends to retain that office as their principal place of business.

AMBAG recognizes the Attorney also serves as the City Attorney for the City of Seaside. Should a conflict of interest arise for Attorney among AMBAG and/or the City of Seaside AMBAG shall retain outside legal counsel to represent the City of Seaside and AMBAG's interest and the expense of such outside legal counsel shall be borne by the City of Seaside and AMBAG respectively.

- I. Termination. This Agreement may be terminated by either party at any time without cause upon thirty (30) days written notice.

IN WITNESS WHEREOF, AMBAG has caused this agreement to be signed and executed on its behalf by its Board of Directors, and duly attested by its representative, Steve McShane, Maura F. Twomey and the Attorney has signed and executed this agreement in duplicate originals the day and year first herein above written.



AMBAG:

By:

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Maura F. Twomey  
AMBAG Executive Director

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Date

ATTORNEY:

---

Donald G. Freeman  
Perry and Freeman

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Date

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**MEMORANDUM**

**TO:** AMBAG Board of Directors

**FROM:** Maura F. Twomey, Executive Director

**RECOMMENDED BY:** Amaury Berteaud, Special Projects Manager

**SUBJECT:** Memorandum of Understanding between the Association of Monterey Bay Area Governments, the High Sierra Energy Foundation, the Redwood Coast Energy Authority (RCEA), the San Joaquin Valley Clean Energy Organization, the County of San Luis Obispo, the Sierra Business Council, and the County of Ventura for the development of the Rural Regional Energy Network

**MEETING DATE:** June 9, 2021

**RECOMMENDATION:**

The AMBAG Board of Directors is asked to approve the Memorandum of Understanding (MOU) between the Association of Monterey Bay Area Governments, the High Sierra Energy Foundation, the Redwood Coast Energy Authority, the San Joaquin Valley Clean Energy Organization, the County of San Luis Obispo, the Sierra Business Council, and the County of Ventura for the development of the Rural Regional Energy Network and authorize the Executive Director to execute the MOU.

**BACKGROUND/ DISCUSSION:**

Regional Energy networks (RENs) are a solution for delivering energy efficiency programs envisioned in the early 2010s by the California Public Utilities Commission. RENs were created as an innovative framework for local governments to design and administer energy efficiency programs and report directly to the commission. The goal was for the regional energy networks to create energy efficiency programs that would serve customers not otherwise served by the investor owned utility programs. Crucially, programs administered by regional energy networks were not bound to the same strict cost effectiveness requirements as traditional energy efficiency programs. In 2012, the California Public Utilities Commission allowed two RENs to begin operations as pilot initiatives: BayREN and SoCalREN. BayREN started operating in the in the San Francisco Bay Area, and was administered by ABAG. SoCalREN started operating in

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counties served by both Southern California Edison and SoCal Gas and was administered by the county of Los Angeles. Following the success of these two programs in 2018 and 2019, the California Public Utilities Commission issued decisions opening the way for the creation of new RENs and making the two pilot RENs permanent.

In 2015, AMBAG was one of the founding members of the Rural Hard to Reach Working Group. The Rural Hard to Reach Group is composed of energy efficiency program implementers dedicated to the mission of bringing energy efficiency opportunities to rural communities throughout California. In the past year, AMBAG staff has been working with these partners to develop the concept of creating a Rural Regional Energy Network (RuralREN). A Rural Hard to Reach partner, the Redwood Coast Energy Authority, has offered to act as the RuralREN administrator, taking on the burden of regulatory engagement and compliance with the California Public Utilities Commission reporting requirements. AMBAG's role would be to design and implement energy efficiency programs in our region. The initial year one budget estimate for the RuralREN is \$20 million, with an AMBAG sub allocation of \$1.5 to \$2 million.

By participating in the creation of a RuralREN and designing programs tailored the needs of our community, AMBAG staff hopes to bring new funding and expanded energy efficiency support to our region. The goal is for RuralREN programs to be designed by rural communities, in rural communities, and for rural communities. This approach will ensure that resources are deployed to customers who traditionally have had the least access while also demonstrating that rural communities have deep potential to help meet California's energy efficiency goals. Once the initial RuralREN programs demonstrate success even more programs could then be deployed, further increasing funding and support for the AMBAG region.

In order to begin the official process of creating the RuralREN AMBAG staff worked with rural hard to reach partners in order to create a proposed memorandum of understanding for the development of the Rural Regional Energy Network. The purpose of this MOU is to define and formalize the working relationship among the rural hard to reach partners and to define the shared goals and objectives of working collaboratively towards a RuralREN. The proposed memorandum of understanding also establishes the necessary administrative and governance structure to promote a cooperative relationship and for ensuring successful development and implementation of RuralREN activities.

Once the memorandum of understanding is approved by all partners, work will begin on designing a formal business plan for the Rural Regional Energy Network. Rural hard to reach partners will present the concept of a RuralREN to the California Energy Efficiency Coordinating Council at a workshop to be convened in July 2021. The RuralREN business plan will subsequently be submitted to the California Public Utilities Commission by September 10, 2021 at the latest. If the business plan is approved, AMBAG staff will then work with regional and rural hard to reach partners to design programs and submit

proposed implementation plans to the California Public Utilities Commission. Once the implementation plans are approved and the Commission authorizes funds to be disbursed, the RuralREN programs will officially start. The current target date for the start of RuralREN program implementation is January 1, 2023.

**ALTERNATIVES:**

None.

**FINANCIAL IMPACT:**

The potential fiscal impact to AMBAG of an approved RuralREN would be an increase of approximately \$1.5-2 million in programmatic funds annually to provide energy services to the AMBAG region

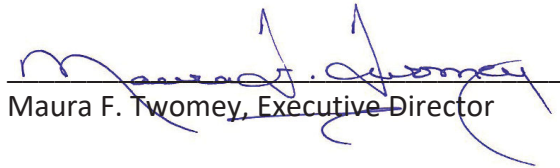
**COORDINATION:**

AMBAG's legal counsel reviewed the proposed memorandum of understanding. AMBAG worked with the rural hard to reach partners to create the proposed MOU. RHTR partners include: San Luis Obispo and Ventura County, the High Sierra Energy Foundation, the Redwood Coast Energy Authority, the San Joaquin Valley Clean Energy Organization, and the Sierra Business Council.

**ATTACHMENT:**

1. Memorandum of Understanding between the Association of Monterey Bay Area Governments, the High Sierra Energy Foundation, the Redwood Coast Energy Authority (RCEA), the San Joaquin Valley Clean Energy Organization, the County of San Luis Obispo, the Sierra Business Council, and the County of Ventura for the development of the Rural Regional Energy Network.

**APPROVED BY:**

  
Maura F. Twomey, Executive Director

**Attachment 1**  
**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN THE ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS, THE HIGH SIERRA ENERGY FOUNDATION, REDWOOD COAST ENERGY AUTHORITY (RCEA), THE SAN JOAQUIN VALLEY CLEAN ENERGY ORGANIZATION, THE COUNTY OF SAN LUIS OBISPO, THE SIERRA BUSINESS COUNCIL, AND THE COUNTY OF VENTURA FOR THE DEVELOPMENT OF THE RURAL REGIONAL ENERGY NETWORK**

This Memorandum of Understanding (“MOU”) is entered into this 13th day of May, 2021 by and between The Association of Monterey Bay Area Governments, The High Sierra Energy Foundation, Redwood Coast Energy Authority (RCEA), The San Joaquin Valley Clean Energy Organization, The County of San Luis Obispo, The Sierra Business Council, and The County of Ventura, referred to collectively as “Parties” and individually as “Party”.

## **1. Background**

The following facts describe and form the rationale for coordinating to form a Rural Regional Energy Network, to be called “RuralREN”:

### **History of Regional Energy Networks:**

Regional Energy Networks (RENs) were introduced to the California market through California Public Utility Commission (CPUC) Decision D.12-05-015, issued May 18, 2012. At the time, local government partnerships (LGPs) were in existence, but the CPUC was exploring ways to involve local governments more directly. RENs were intended to augment or supplement the LGPs.

The first RENs, BayREN, serving the nine Bay Area Counties, and SoCalREN, serving 11 southern California counties, were approved as “pilots” through D.12-11-015, issued November 15, 2012.

D.12-11-015 also introduced specific thresholds for review, specifically,

- Activities that utilities cannot or do not intend to undertake.
- Pilot activities where there is no current utility program offering, and where there is potential for scalability to a broader geographic reach, if successful.
- Pilot activities in hard-to-reach markets, whether or not there is a current utility program that may overlap.

Unlike Community Choice Aggregators (CCA) and Investor-Owned Utility (IOU) program administrators (PAs), RENs do not have a cost-effectiveness requirement since the noted criteria above were designed to allow the REN programs to operate as supplemental to and in conjunction with the existing utility energy efficiency portfolios.

CPUC Decision D.16.08.019, issued August 25<sup>th</sup>, 2016, further addressed RENs and whether they should remain as “pilot” programs, concluding that they should because not enough evaluation information was available to make a conclusive decision. D.16-08-019 allowed for the continuation of RENs and noted that they should be treated on a case-by-case basis and evaluated alongside IOU and CCA business plan applications. The analysis in applications was conducted through CPUC Proceeding A.17-01-013 et al. and approved in CPUC Decision D.18-05-041, issued June 5<sup>th</sup>, 2018. This process also approved funding for 3C REN, serving San Luis Obispo, Santa Barbara, and Ventura Counties.

The CPUC issued a March 27, 2019 ruling seeking comments on RENs. That led to CPUC Decision D.19-12-021, issued December 12<sup>th</sup>, 2019, which found that:

- The criteria set in D.12-11-015 are still relevant and appropriate except that RENs should also be able to fill gaps in CCA program portfolios, in addition to utility portfolios.
- Local government entities, including RENs, have a unique and appropriate role in the oversight of energy efficiency programs that should be recognized and considered when choosing energy efficiency program administrators.
- RENs should no longer be considered “Pilot” programs.
- The CPUC will only approve new REN that demonstrate unique value toward achieving California’s energy, climate, and equity goals.
- The CPUC will not set up-front cost-effectiveness criteria for RENs.
- REN activities should not be confined to any particular program area or segment.
- New REN proposals must present proposed business plans at one California Energy Efficiency Coordinating Committee (CAEECC) meeting prior to submission. Submitting RENs need to document the incorporation of feedback.
- New RENs must represent more than one local government entity, coordinate with existing program administrators in their geographic areas prior to filing a business plan with the CPUC, and explain their REN governance structure in their business plan filing.

**i. Rationale for forming RuralREN**

- Rural populations are more spread out and business and housing in those areas is often less dense than compared to urban areas, making services less cost-effective to the ratepayer and to those firms providing services.
- Existing IOU, CCA and REN programming do not exhaustively meet the Party’s regional energy efficiency needs.
- IOU cost-effectiveness metrics and constraints have led to the elimination or reduction of LGP and resource focused activities.
- The Parties formed the Rural Hard to Reach working group (RHTR), which was formalized by the adoption of By-Laws in June of 2016, amended in 2018, to increase the quality of delivered energy related services and products to rural

California communities. The RHTR has investigated the feasibility of forming a new REN focused on rural populations and those efforts have provided a strong collaborative foundation that supports the viability of establishing a new REN to serve rural populations.

- The RuralREN will provide the programmatic flexibility required to meet the diverse needs of rural California communities where existing programs cannot.
- D.12-11-015, D.16-08-019, D.18-05-041 and D.19-12-021 affirm the viability of the RuralREN.
- The RuralREN will meet the thresholds for review set forth in D.12-11-015.
- Redwood Coast Energy Authority (RCEA), a joint powers authority and CCA of Humboldt County, has agreed to act as the administrating local government agency of RuralREN.
- RHTR agencies have agreed that RCEA will act as the administrative agency.
- The formation of the RuralREN will benefit rural California communities.

Because of this background, the Parties desire to form a Regional Energy Network (REN) to be called “RuralREN” for their mutual benefit and for the benefit of rural California communities throughout the Party’s respective service territories.

## **2. Purpose**

The purpose of this MOU is to define and formalize the working relationship among the Parties using their expertise and experience in the design and implementation of energy programs throughout rural California. This MOU defines the shared goals and objectives of the Parties as they collaborate in forming RuralREN and establishes the necessary administrative and governance structure to promote a cooperative relationship for ensuring successful development and implementation of RuralREN activities.

## **3. Division of Responsibilities**

This section describes the responsibilities assigned to each of the Parties. This MOU represents the Parties’ current understanding of their respective responsibilities in developing RuralREN.

RCEA will be the administrative lead for the RuralREN (hereinafter the “Administrator”).

During the development of the RuralREN proposal, business plan, and all activities and tasks leading to a funded RuralREN (the “Development Phase”), the Administrator is responsible for:

- Overseeing and ensuring coordination between the Parties,
- Developing the portfolio of programs,
- Managing business functions that touch all programs,
- Submitting the necessary documentation and reporting to the CPUC,
- Speaking on behalf of RuralREN (distinguished from individual RuralREN programs) in state and regional contexts, and



- Implementing decisions of the Leadership Team, which term is defined below in Section 4(i).

During the implementation of energy programs after approval and CPUC funding of the RuralREN (the “Implementation Phase”), it is expected that the Administrator will be responsible for:

- Filing required regulatory submissions and reporting to the CPUC,
- Representing RuralREN in proceedings and on committees as necessary,
- Managing portfolio-wide procurement and contracts,
- Providing oversight of individual program budgets,
- Coordinating with IOUs on invoicing and regulatory requirements,
- Administering the overall RuralREN budget, including fund shifts among programs and Parties,
- Coordinating with other program administrators, and
- Managing the contracts between RuralREN and the Parties or consultants retained to implement the applicable RuralREN Program Implementation Plan (PIP), based on input from the Parties and provided that the RuralREN Administrator consults with the Leadership Team.

During the Development Phase, each Party is responsible for:

- Assigning a representative and alternate to the Leadership Team and participating in meetings thereof,
- Coordinating, implementing, and reporting on activities within the geographical boundaries which the Party represents, and
- Engaging the jurisdiction(s) each Party serves to design and deliver programs that reflect the service gaps that exist and the needs expressed in those jurisdiction(s). The manner of engagement is within the authority of each Party.

During the Implementation Phase, it is expected that each Party will be responsible for:

- Coordinating with existing IOU, CCA, and REN energy efficiency programs within the geographic boundaries of the county, or counties, that the Party represents and execute any required Joint Cooperation Memorandum (JCM).
- Coordinating, implementing, and reporting RuralREN efforts with the RuralREN Administrator as related to ongoing implementation of the Program Implementation Plan (PIP), including applications for future RuralREN PIPs and any other proceedings before the CPUC or other regulatory bodies,
- For Parties with programmatic responsibilities, carrying out such responsibilities pursuant to any subsequent contract, MOU, JCM, and/or agreement between load serving entities acting as Program Administrators, existing RENs, CPUC, and the contract(s) or agreement(s) between or among any Parties,
- Engaging the jurisdiction(s) they serve and designing and delivering programs that

reflect the service gaps that exist and the needs expressed in those jurisdiction(s). The manner of engagement is within the authority of the Implementing Party.

- Making their own decisions regarding staffing, procurement, etc., which may be expanded in future portfolio cycles.

#### **4. Governance**

The purpose of this section is to provide the Parties with a model framework for RuralREN governance that delineates scopes of authority, defines what and how decisions are made, and establishes channels for effective and transparent communication. It is expected that the RuralREN governance structure may be further defined during the Development Phase. In addition, this Section defines the governance structure for the Parties during the Development Phase.

##### **i. Leadership Team**

The RuralREN's Leadership Team acts as its Board of Directors and is responsible for making high level administrative, organizational, portfolio level strategy, operational, and policy decisions. The Leadership Team is made up of one representative and alternate from each Party holding one equal vote. Each Party is responsible for assigning a representative and alternate to the Leadership Team and participating in meetings thereof.

Where both the primary and alternate attend a Leadership Team meeting, the alternate will not be included in the quorum count and will not be entitled to a vote on RuralREN business items. Where the primary is not present, the alternate will have all Leadership Team privileges as delegated by the respective primary.

Unless stated otherwise in this MOU, a majority of the Leadership Team shall constitute a quorum for the transaction of business. Except as otherwise required in this MOU, the Leadership Team may only conduct RuralREN business when there is a quorum present.

Two thirds of Leadership Team members must vote affirmatively to take action on agenda discussion or action items.

A simple majority vote of the Leadership Team will be required to pass consent calendar items or equivalent, except where a consent item is pulled for discussion.

The Leadership Team reserves the ongoing authority to assess and review Administrator performance and delegate the associated responsibility to an eligible local government Party.

All decisions of the Leadership Team will be final and binding.

**ii. Administrator**

The Administrator can delegate roles and responsibilities to members of the Leadership Team. The Administrator is not given unilateral authority to make decisions on behalf of the RuralREN that have not been previously approved by the Leadership Team except as explicitly noted in Section 3, Division of Responsibilities.

**iii. Technical Advisory Committee**

The RuralREN Technical Advisory Committee will be made up of individuals appointed by Leadership Team members who have subject matter expertise in program design, development, implementation, and management. This committee's responsibilities include:

- helping to define program offerings;
- discussing program challenges and barriers;
- augmenting, altering, and adapting programs to address problems; and
- supporting the roll out of new programs.

**5. Distribution of Funding**

If significant additional and unforeseen costs arise during the term of this MOU that were not or cannot be covered by the RuralREN, the Parties agree to negotiate in good faith to decide how the costs will be covered. A Party's individual ability to provide additional funding may be limited by the need to receive approval from their respective decision-making bodies.

There is no guarantee that RuralREN Development Phase activities will be reimbursed. Where RuralREN Development Phase activity funding is limited, RuralREN funding will first be allocated to contracted professional services for RuralREN Development Phase activities incurred on behalf of the Parties, and the remainder will be proportionately disbursed based the decisions of the Leadership Team.

Implementation Phase budgets and distribution of Implementation Phase funding will be based on the decisions of the Leadership Team.

**6. Hold Harmless and Liability**

Each Party shall indemnify and hold harmless the other Parties from the indemnifying Party's share of liability, as determined by a court of law, for any and all claims, costs and liability for any damage caused by the negligence or willful misconduct of the indemnifying Party and its officers, employees, or agents in the indemnifying Party's performance under this MOU. The obligations of the indemnifying Party under this section shall not apply to any claim, cost or liability caused by the negligence or willful misconduct of any other Party. Under no circumstances shall the indemnifying Party be liable to any other Party or any other person or entity for consequential or special damages, or for any damages based on loss of use, revenue, profits, or business opportunities arising from or in any way relating to performance of the

indemnifying Party under this MOU.

## **7. Adding a Party to and Withdrawing from the MOU**

Any entity operating an energy efficiency program under the auspices of the CPUC and located within the geographical area of the region, or that serves customers or clients, a majority of which are located in rural or hard to reach communities, is qualified to become a Party to this MOU. Qualified entities that duly execute an acknowledgment and agreement to be bound by this MOU can be added as a new Party to this MOU by a three-quarter vote of the Leadership Team. Upon approval of a new Party by the Leadership Team, the Administrator shall update the list of Parties to this MOU and provide notice thereof to all Parties. Any Party may withdraw from this MOU upon 30 days' written notice to the other Parties.

## **8. Counterparts**

This MOU may be executed in counterparts, each of which is an original and all of which constitute one and the same instrument.

## **9. Term of MOU**

This MOU shall become effective upon the last date of signature by authorized representatives from all of the Parties and will remain in effect until terminated by majority vote of the Leadership Team. Prior to the Implementation Phase of the RuralREN, the Parties will review this MOU and determine whether to adopt an amendment, successor MOU, or other agreement between the parties, building upon the governance structure set forth in this MOU, in order to define the relationship between the Parties while operating and administering the RuralREN.

## **10. Amendments**

This MOU may be amended only by a written instrument executed by authorized representatives from all of the Parties in the same manner as this MOU.

## **11. Notices**

Any and all notices required to be given pursuant to the terms of this MOU shall be in writing and either served personally or sent by certified mail, return receipt requested, to the respective addresses set forth below. Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

The Association of Monterey Bay Area  
Governments  
Amaury Berteaud  
Special Projects Manager  
24580 Silver Cloud Ct, Monterey, CA 93940  
(831) 264-5089

Redwood Coast Energy Authority  
Stephen Kullmann  
Director - Demand Side Management  
633 3rd Street, Eureka, CA 95501  
(707) 269-1700  
Skullmann@redwoodenergy.org

Aberteaud@ambag.org

County of San Luis Obispo  
Jordan Garbayo  
Senior Energy Programs Coordinator  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408  
(805)780-5982  
Jgarbayo@co.slo.ca.us

County of Ventura  
Kelly Cattanach  
Program Administrator  
800 S Victoria Avenue  
Ventura, California 93009  
(805) 654-3836  
Kelly.Cattanach@ventura.org

High Sierra Energy Foundation  
Pam Bold  
Executive Director  
PO Box 3511  
Mammoth Lakes, CA 93546  
(760) 934-4650  
Bold@highsierraenergy.org

Sierra Business Council  
Steven Frisch  
President  
PO Box 2428 Truckee, CA 96160  
(530) 582-4800  
Sfrisch@sierrabusiness.org

San Joaquin Valley Clean Energy Organization  
Courtney B. Kalashian  
Executive Director  
4747 North First Street, Suite 140  
Fresno, CA 93726  
(559) 240-3415  
Ckalashian@pesc.com

## 12. Signatories

IN WITNESS WHEREOF, the Parties have caused this Memorandum of Understanding to be effective with the approval of their legally authorized representatives on the dates indicated below.

### Association of Monterey Bay Area Governments

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Maura Twomey, Executive Director

### High Sierra Energy Foundation

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Pam Bold, Executive Director

### Redwood Coast Energy Authority

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Matthew Marshall, Executive Director

### San Joaquin Valley Clean Energy Organization

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Courtney B. Kalashian, Executive Director

### San Luis Obispo County

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Trevor Keith  
Director, Dept. of Planning and Building

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Ben Dore, Deputy County Counsel

### Sierra Business Council

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Steven Frisch, President

### Ventura County

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Sue Hughes, Executive Director



**MEMORANDUM**

**TO:** AMBAG Board of Directors

**FROM:** Maura F. Twomey, Executive Director

**RECOMMENDED BY:** Errol Osteraa, Director of Finance and Administration

**SUBJECT:** Financial Update Report

**MEETING DATE:** June 9, 2021

**RECOMMENDATION:**

Staff recommends that the Board of Directors accept the Financial Update Report.

**BACKGROUND/ DISCUSSION:**

The enclosed financial reports are for the 2020-2021 Fiscal Year (FY) and are presented as a consent item. The attached reports contain the cumulative effect of operations through March 31, 2021 as well as a budget-to-actual comparison. Amounts in the Financial Update Report are unaudited.

**FINANCIAL IMPACT:**

The Balance Sheet for March 31, 2021 reflects a cash balance of \$4,477,085.65. The accounts receivable balance is \$426,826.52, while the current liabilities balance is \$421,621.31. AMBAG has sufficient current assets on hand to pay all known current obligations.

Due to the implementation of Governmental Accounting Standards Board (GASB) Statement No. 68 in FY 2014-2015 and a restatement to Net Position for GASB Statement No. 82, AMBAG has a deficit Net Position in the amount of \$178,370.68. Although AMBAG's Balance Sheet as of March 31, 2021 reflects a deficit Net Position, AMBAG's Profit and Loss Statement reflects an excess of revenue over expense of \$22,615.90.

The following table highlights key Budget to Actual financial data:

**Budget to Actual Financial Highlights**  
**For Period July 1, 2020 through March 31, 2021**

<b>Expenditures</b>	<b>Budget Through March 2021</b>	<b>Actual Through March 2021</b>	<b>Difference</b>
Salaries & Fringe Benefits	\$ 2,099,547.00	\$ 1,659,404.86	\$ 440,142.14
Professional Services	\$ 5,966,949.00	\$ 679,884.37	\$ 5,287,064.63
Lease/Rentals	\$ 68,250.00	\$ 59,983.56	\$ 8,266.44
Communications	\$ 18,600.00	\$ 14,585.95	\$ 4,014.05
Supplies	\$ 92,550.00	\$ 14,567.14	\$ 77,982.86
Printing	\$ 8,663.00	\$ 871.65	\$ 7,791.35
Travel	\$ 56,625.00	\$ 337.93	\$ 56,287.07
Other Charges	\$ 229,842.00	\$ 239,902.13	\$ (10,060.13)
<b>Total</b>	<b>\$ 8,541,025.00</b>	<b>\$ 2,669,537.59</b>	<b>\$ 5,871,488.41</b>
<b>Revenue</b>			
Federal/State/Local Revenue	\$ 8,559,534.00	\$ 2,692,153.49	\$ 5,867,380.51

Note: AMBAG is projecting a surplus, therefore budgeted revenues do not equal expenses.

**Revenues/Expenses (Budget to Actual Comparison):**

The budget reflects a linear programming of funds while actual work is contingent on various factors. Therefore, during the fiscal year there will be fluctuations from budget-to-actual.

Professional Services are under budget primarily due to the timing of work on projects performed by contractors. Work is progressing on the 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). This work is not performed in a linear fashion while the budget reflects linear programming. In addition, the Regional Early Action Planning Housing Program (REAP) provides \$7,931,311 in funding of which a large portion will pass through to partner agencies. It is in its early stages.

Since AMBAG funding is primarily on a reimbursement basis, any deviation in expenditure also results in a corresponding deviation in revenue. Budget-to-actual revenue and expenditures are monitored regularly to analyze fiscal operations and propose amendments to the budget if needed.

**COORDINATION:**

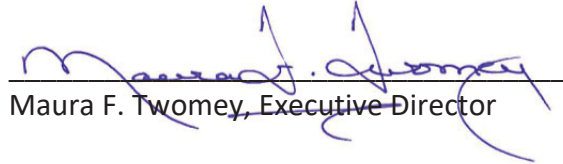
N/A



**ATTACHMENTS:**

1. Balance Sheet as of March 31, 2021
2. Profit and Loss: July 1, 2020 – March 31, 2021
3. Cash Activity for April, 2021

**APPROVED BY:**



Maura F. Twomey, Executive Director

**AMBAG**  
**Balance Sheet - Attachment 1**  
As of March 31, 2021

	<b>March 31, 2021</b>		<b>March 31, 2021</b>
<b>Assets</b>		<b>Liabilities &amp; Net Position</b>	
<b>Current Assets</b>		<b>Liabilities</b>	
<b>Cash and Cash Equivalents</b>		<b>Current Liabilities</b>	
Mechanics Bank - Special Reserve	300,532.86	Accounts Payable	296,874.15
Mechanics Bank - Checking	454,535.40	Employee Benefits	124,747.16
Mechanics Bank - REAP Checking	3,717,837.66	Mechanics Bank - Line of Credit	0.00
Petty Cash	500.00	<b>Total Current Liabilities</b>	421,621.31
LAIF Account	3,679.73		
<b>Total Cash and Cash Equivalents</b>	4,477,085.65	<b>Long-Term Liabilities</b>	
<b>Accounts Receivable</b>		Deferred Inflows - Actuarial	258,986.95
Accounts Receivable	426,826.52	Net Pension Liability (GASB 68)	1,888,153.69
<b>Total Accounts Receivable</b>	426,826.52	OPEB Liability	6,670.04
		Deferred Revenue	3,517,193.85
<b>Other Current Assets</b>		<b>Total Long-Term Liabilities</b>	5,671,004.53
Due from PRWFPA/RAPS	45.76		
Prepaid Items	10,896.14	<b>Total Liabilities</b>	6,092,625.84
<b>Total Other Current Assets</b>	10,941.90		
<b>Total Current Assets</b>	4,914,854.07		
<b>Long-Term Assets</b>		<b>Net Position</b>	
Net OPEB Asset	96,473.00	Beginning Net Position	(200,986.58)
FY 2002-2003 Housing Mandate Receivable	82,186.00	Net Income/(Loss)	22,615.90
Allowance for Doubtful Accounts	(16,437.20)	<b>Total Ending Net Position</b>	(178,370.68)
Deferred Outflows - Actuarial	533,833.49		
Deferred Outflows - PERS Contribution	272,963.59	<b>Total Liabilities &amp; Net Position</b>	5,914,255.16
<b>Total Long-Term Assets</b>	969,018.88		
<b>Capital Assets</b>			
Capital Assets	196,516.49		
Accumulated Depreciation	(166,134.28)		
<b>Total Capital Assets</b>	30,382.21		
<b>Total Assets</b>	5,914,255.16		

**AMBAG**  
**Profit & Loss - Attachment 2**  
July - March 2021

		<b>July - March 2021</b>
<b>Income</b>		
	AMBAG Revenue	174,481.53
	Cash Contributions	220,149.98
	Grant Revenue	2,148,156.86
	Non-Federal Local Match	149,365.12
	<b>Total Income</b>	<b>2,692,153.49</b>
<b>Expense</b>		
	Salaries	1,093,688.81
	Fringe Benefits	565,716.05
	Professional Services	679,884.37
	Lease/Rentals	59,983.56
	Communications	14,585.95
	Supplies	14,567.14
	Printing	871.65
	Travel	337.93
	Other Charges:	
	BOD Allowances	7,250.00
	BOD Refreshments/Travel/Nameplates/Dinner/Other	24.76
	Workshops/Training	4,650.24
	GIS Licensing/CCJDC Support	10,247.28
	Energy Watch Travel/Classes/Events/Recruitment/Other	142.50
	REAP Travel/Classes/Events	525.00
	SB1/MTIP/MTP/SCS/OWP/Public Participation Expenses	12,338.56
	Recruiting	159.90
	Dues & Subscriptions	19,505.78
	Depreciation Expense	8,372.25
	Maintenance/Utilities	826.81
	Insurance	25,488.54
	Interest/Fees/Tax Expense	1,005.39
	<b>Total Other Charges</b>	90,537.01
	Non-Federal Local Match	149,365.12
	<b>Total Expense</b>	<b>2,669,537.59</b>
	<b>Net Income/(Loss)</b>	<b>22,615.90</b>

**AMBAG**  
**Cash Activity - Attachment 3**  
**For April 2021**

Monthly Cash Activity  
 AMBAG

	July-20	August-20	September-20	October-20	November-20	December-20	January-21	February-21	March-21	April-21	May-21	June-21	TOTAL
<b>1. CASH ON HAND</b>													
[Beginning of month]	772,031.66	814,688.20	4,878,895.20	4,754,892.51	4,708,900.74	4,560,922.43	4,606,870.02	4,582,727.73	4,456,150.40	4,477,085.65	0.00	0.00	
<b>2. CASH RECEIPTS</b>													
(a) AMBAG Revenue	139,439.41	52,071.03	6,084.33	6,771.38	10,439.86	80,018.62	27,219.27	19,885.14	17,687.32	6,829.56	0.00	0.00	366,445.92
(b) Grant Revenue	223,043.84	234,066.92	175,754.83	186,041.95	220,934.45	172,754.58	167,438.87	227,323.59	203,307.46	0.00	0.00	0.00	1,810,666.49
(c) REAP Advance Payment	0.00	3,982,887.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,982,887.02
(d) Borrowing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>3. TOTAL CASH RECEIPTS</b>	<b>362,483.25</b>	<b>4,269,024.97</b>	<b>181,839.16</b>	<b>192,813.33</b>	<b>231,374.31</b>	<b>252,773.20</b>	<b>194,658.14</b>	<b>247,208.73</b>	<b>220,994.78</b>	<b>6,829.56</b>	<b>0.00</b>	<b>0.00</b>	<b>6,159,999.43</b>
<b>4. TOTAL CASH AVAILABLE</b>	<b>1,134,514.91</b>	<b>5,083,713.17</b>	<b>5,060,734.36</b>	<b>4,947,705.84</b>	<b>4,940,275.05</b>	<b>4,813,695.63</b>	<b>4,801,528.16</b>	<b>4,829,936.46</b>	<b>4,677,145.18</b>	<b>4,483,915.21</b>	<b>0.00</b>	<b>0.00</b>	
<b>5. CASH PAID OUT</b>													
(a) Payroll & Related *	181,793.09	177,728.17	188,909.28	172,587.88	194,910.99	184,358.39	180,010.71	192,275.58	175,346.52	192,222.91	0.00	0.00	1,840,143.52
(b) Professional Services	62,640.92	13,450.00	103,801.55	48,985.34	169,174.97	10,027.24	15,470.08	169,138.43	3,300.00	20,575.48	0.00	0.00	616,564.01
(c) Capital Outlay	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,485.13	0.00	0.00	0.00	8,485.13
(d) Lease/Rentals	12,511.90	6,343.70	6,850.77	6,597.44	6,750.04	6,622.60	6,531.01	6,931.20	6,802.41	6,892.53	0.00	0.00	72,833.60
(e) Communications	2,140.93	1,014.23	1,248.30	1,221.69	1,485.10	3,329.20	2,224.12	1,362.11	1,432.06	2,099.91	0.00	0.00	17,557.65
(f) Supplies	2,622.28	2,712.26	3,510.75	4,711.75	435.34	1,059.60	413.08	265.90	467.72	0.00	0.00	0.00	16,198.68
(g) Printing	871.65	670.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,541.80
(h) Travel	40.00	0.00	117.92	56.38	60.01	0.00	40.00	40.00	0.00	40.00	0.00	0.00	394.31
(i) Other Charges	57,205.94	2,899.46	1,403.28	4,644.62	6,536.17	1,428.58	14,111.43	3,772.84	4,225.69	4,707.19	0.00	0.00	100,935.20
(j) Loan Repayment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>6. TOTAL CASH PAID OUT</b>	<b>319,826.71</b>	<b>204,817.97</b>	<b>305,841.85</b>	<b>238,805.10</b>	<b>379,352.62</b>	<b>206,825.61</b>	<b>218,800.43</b>	<b>373,786.06</b>	<b>200,059.53</b>	<b>226,538.02</b>	<b>0.00</b>	<b>0.00</b>	<b>2,674,653.90</b>
<b>7. CASH POSITION</b>	<b>814,688.20</b>	<b>4,878,895.20</b>	<b>4,754,892.51</b>	<b>4,708,900.74</b>	<b>4,560,922.43</b>	<b>4,606,870.02</b>	<b>4,582,727.73</b>	<b>4,456,150.40</b>	<b>4,477,085.65</b>	<b>4,257,377.19</b>	<b>0.00</b>	<b>0.00</b>	

Payroll & Related \*



**MEMORANDUM**

**TO:** AMBAG Board of Directors

**FROM:** Maura Twomey, Executive Director

**RECOMMENDED BY:** Miranda Taylor, Planner

**SUBJECT:** Draft 2021 Title VI Plan

**MEETING DATE:** June 9, 2021

**RECOMMENDATION:**

Staff will provide an overview of the Draft 2021 Title VI Plan. The Board of Directors is asked to approve the release of the Draft 2021 Title VI Plan for a 30-day public review period. The Final 2021 Title VI Plan is scheduled to be adopted by the Board of Directors in August 2021.

**BACKGROUND:**

Title VI is a Federal statute that mandates that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Federally required 2021 Title VI Plan is a comprehensive document that guides AMBAG in the Title VI process. AMBAG receives Federal funding through Caltrans and therefore is subject to this Federal requirement.

In 2012, the Federal Transit Administration set new guidelines for Caltrans requiring sub-recipients of Caltrans Planning Grants to submit a Title VI Plan to FTA every three years. AMBAG, as a sub-recipient of such funds and as the federally designated Metropolitan Planning Organization (MPO) for the Monterey Bay Region, must prepare and adopt a Title VI Plan at least once every three years. The 2021 Title VI Plan will cover the three-year period from 2021-2024 and must comply with FTA Circular 4702.1B. The 2021 Title VI Plan emphasizes the AMBAG Title VI process and procedures, including the use of public outreach techniques and innovative strategies to specifically include Limited English Proficiency (LEP) Populations within the region.

## **DISCUSSION:**

The requirements for the 2021 Title VI Plan under FTA Circular 4702.1B incorporate environmental justice principles into plans, projects, and activities that receive funding from FTA. The following guiding environmental justice principles must be considered through “all public outreach and participation efforts conducted by the FTA, its grantees and sub-grantees”:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision making process, and to prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low income populations.

A Title VI Plan is the required guide for all Title VI related activities conducted by AMBAG. As such, this Plan contains the procedures, strategies and techniques that will be used by AMBAG for increasing public involvement in all programs and projects that use federal funds and creating a more inclusive public participation process for LEP Populations.

Below are key dates for finalizing the 2021 Title VI Plan:

- **June 9, 2021:** AMBAG Board of Directors releases Draft 2021 Title VI Plan for 30-day public comment period.
- **July 9, 2021:** 30-day public comment period ends
- **August 11, 2021:** AMBAG Board of Directors scheduled to approve the Final 2021 Title VI Plan
- **August 31, 2021:** Deadline for AMBAG to file Title VI Report to Caltrans

The Draft 2021 Title VI Plan will be presented at a variety of meetings including the Regional Transportation Planning Agencies’ (RTPAs) Technical Advisory Committees and other transportation related committees. The Draft 2021 Title VI Plan is available on the AMBAG website at [www.ambag.org](http://www.ambag.org). The public comment period will close on July 9, 2021. Staff will incorporate comments received into the Final 2021 Title VI Plan which is scheduled to be approved by the AMBAG Board of Directors at its August 11, 2021 meeting.

## **ALTERNATIVES:**

N/A

## **FINANCIAL IMPACT:**

Title VI planning activities are programmed in the FY 20-21 Overall Work Program.

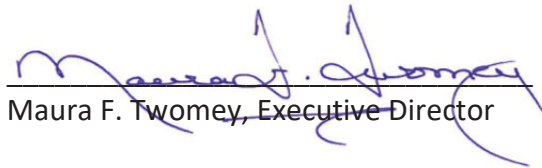
**COORDINATION:**

The development of the Draft Title VI Plan was coordinated with our local transportation partners at the RTPAs, transit operators, Caltrans, and local jurisdictions.

**ATTACHMENT:**

1. Draft 2021 Title VI/ LEP Plan (separately enclosed)

**APPROVED BY:**



Maura F. Twomey, Executive Director

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**MEMORANDUM**

**TO:** AMBAG Board of Directors

**FROM:** Maura F. Twomey, Executive Director

**RECOMMENDED BY:** Heather Adamson, Director of Planning

**SUBJECT:** 6<sup>th</sup> Cycle Regional Housing Needs Allocation Schedule and Process

**MEETING DATE:** June 9, 2021

**RECOMMENDATION:**

Receive a presentation on the 6<sup>th</sup> Cycle Regional Housing Needs Allocation (RHNA) overview/process and schedule.

**BACKGROUND/ DISCUSSION:**

California State Housing Element Law enacted in 1980 requires AMBAG, acting in the capacity of Council of Governments (COG), to develop a methodology for distributing existing and projected housing need to local jurisdictions in Monterey and Santa Cruz Counties. Housing law also sets forth a process, schedule, objectives and factors to use in the RHNA methodology. The methodology must address allocation of housing units by jurisdiction, housing units by income group, and must address 12 housing-related factors and five statutory objectives. The Council of San Benito County Governments performs this same function for San Benito County.

AMBAG is currently entering the planning phase for the 2023-2031 RHNA period. As there have been five previous housing element update cycles, this round is also known as the 6<sup>th</sup> Cycle RHNA. The 6<sup>th</sup> Cycle of RHNA is different from previous rounds in that it significantly increases the amount of housing a region must plan for due to recent legislative changes found in SB 828 (2018), AB 1771 (2018), and AB 686 (2018) which altered HCD RHNA determinations as follows:

- Adjusts RHNA up by setting a target “healthy” vacancy rate of no less than 5%;
- Adjusts RHNA up by redistributing overcrowding into housing units;

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- Allows HCD to adjust RHNA upwards based on comparing the difference in cost-burden by income group for the region to the cost burden by income group for comparable regions, and adjusting the very-low and low income housing need upwards accordingly;
- Prohibits the use of previous underproduction of housing or stable population growth to reduce housing development goals;
- Requires RHNA methodologies to promote fair housing, and reduce income and racial segregation when allocating housing of various income types.

As this cycle of RHNA has changed significantly from previous rounds, this item does not include a summary of AMBAG's 5<sup>th</sup> Cycle RHNA Plan. For information on AMBAG's previous 5<sup>th</sup> Cycle 2014-2023 RHNA plan, see this [link](#).

RHNA is a projection of additional housing units needed to accommodate projected household growth of all income levels from the start until the end date of the projection period. RHNA is not a prediction of building permits, construction, or housing activity, nor is it limited due to existing land use capacity or growth. A community is not obligated to provide housing to all in need. RHNA is a distribution of housing development capacity that each city and county must zone for in a planning period and is not a construction need allocation.

This item presents background information relevant to the RHNA process, including the statutory RHNA process and schedule, the statutory objectives and factors the RHNA methodology must consider.

### **RHNA Process and Schedule**

As part of the RHNA process, State law (Government Code 65584 et seq.) requires AMBAG to determine each local jurisdiction's share of the region's future housing need. The RHNA produces regional, subregional and local targets for the amount and type of housing needed over the planning period. In spring 2021, AMBAG began consulting with the California Department of Housing and Community Development (HCD) and the Department of Finance (DOF) regarding the total regional housing need. Once the consultation period ends, AMBAG is scheduled to receive a 2023-2031 regional housing need determination from HCD in August 2021. HCD is responsible for determining the regional housing needs total, segmented by income levels, for each of the state's COGs. HCD bases their RHNA determinations on population forecasts from DOF. HCD then applies a formula to determine final housing needs which includes converting the population forecast to household (housing) demand using household formation rates, and applying statutorily required adjustments upwards to take into consideration housing need for low vacancy rates, overcrowding, demolitions and housing cost burdens.

Once HCD has provided AMBAG its two-county total housing determination, AMBAG is responsible for developing a method to allocate the housing need amongst all of the jurisdictions within the COG region. Throughout this process, the Planning Directors Forum representatives from member jurisdictions in Monterey and Santa Cruz Counties serves as a technical working group to assist in the development of the 2023-2031 RHNA methodology and plan, similar to what was established for the 2014-2023 RHNA Plan.

Following adoption of the RHNA plan and approval of that plan by HCD, the local jurisdictions must update their housing elements as necessary to accommodate the regional housing allocations by assuring that adequate sites and zoning capacity are available to accommodate at least the number of units allocated. The housing elements are reviewed for approval by HCD. In some cases, funding from state/federal housing programs can only be accessed if the jurisdiction has a compliant housing element. Other fiscal penalties can be applied by the state for having a non-compliant housing element.

Additional detail on the proposed RHNA schedule is listed in Figure 1 below. These dates are based on the MTP/SCS adoption date, and statutory requirements and deadlines provided by HCD.

**Figure 1: Revised RHNA Schedule**

<b>TARGET SCHEDULE</b>	<b>TASK</b>
<b>Spring - Summer 2021</b>	AMBAG staff begins early consultation with HCD on 6th Cycle RHNA Determination
<b>Spring - Fall 2021</b>	Discussions with Planning Directors Forum on potential RHNA methodology options and factors
<b>July 1</b>	Jurisdictions receive RHNA survey on local planning factors and affirmatively furthering fair housing
<b>August 16</b>	RHNA survey due back to AMBAG from local jurisdictions
<b>August 2021</b>	6th Cycle RHNA Determination expected from HCD
<b>September 2021</b>	HCD presents at AMBAG Board Meeting
<b>Summer - Winter 2021</b>	Potential RHNA methodology options discussed by AMBAG Board
<b>November 2021</b>	Selection of proposed RHNA methodology by AMBAG Board
<b>November 2021 - January 2022</b>	HCD Reviews Draft Methodology
<b>January/February 2022</b>	Approval of final RHNA methodology by AMBAG Board
<b>January/February 2022</b>	Release draft RHNA plan with RHNA allocations by jurisdiction
<b>May 2022</b>	AMBAG releases final 2045 MTP/SCS accommodating RHNA
<b>June 2022</b>	Adoption of Final 2023-31 RHNA Plan with RHNA allocations by AMBAG Board
<b>December 2023</b>	Jurisdiction’s 6th Cycle Housing Elements are due to HCD

## **Statutory Objectives and Factors for RHNA Methodology**

State statute requires AMBAG to consider or further a series of five objectives and 12 factors, many of which have been newly amended by state legislation since 2018 (see Attachment 1). The following five objectives must be considered during the development of the methodology to allocate housing needs in the region:

1. Increase Housing Supply and Mix of Housing Types
2. Promote Infill, Equity, and Environment
3. Ensure Jobs Housing Balance and Fit
4. Promote Regional Income Parity
5. Affirmatively Further Fair Housing

The RHNA objectives provide the guiding framework for how AMBAG must develop the methodology. AMBAG is required to demonstrate how its methodology furthers each of the objectives. This requires proactive inclusion of each objective into the analysis and represents a higher standard than in previous cycles, which required allocation methodologies only to be generally consistent with state objectives.

In order for the RHNA methodology to be approved, HCD must make a determination on whether it meets these five objectives and is consistent with RHNA statutes. If any objective is not adequately addressed, the methodology must be revised and resubmitted until HCD determines the methodology meets all RHNA objectives. The AMBAG Board cannot approve a methodology and the draft RHNA allocation cannot be produced until HCD has approved the RHNA methodology.

In addition, there are 12 RHNA factors that AMBAG must consider when distributing each jurisdiction's overall and income category allocations. State law mandates that the RHNA factors be incorporated into the methodology to the extent that sufficient data is available.

1. Jobs and housing relationship
2. Opportunities and constraints to development of additional housing, including capacity for sewer and water service, availability of land suitable for development, lands preserved or protected from development, and county policies to preserve prime agricultural land.
3. Opportunities to maximize transit and existing transportation infrastructure
4. Policies directing growth toward incorporated areas
5. Loss of units contained in assisted housing developments
6. High housing cost burdens
7. Rate of overcrowding
8. Housing needs of farmworkers
9. Housing needs of UC and Cal State students
10. Loss of units during an emergency

11. SB 375 Greenhouse Gas Reduction Targets
12. Other factors adopted by Council of Governments (COGs)

AMBAG is required to survey each of the member jurisdictions to request information regarding the factors listed above (per Gov. Code Section 65584.04(b)(1)). AMBAG staff will be distributing an online survey to each member jurisdiction requesting this information in July 2021. Completed surveys will be due in August 2021.

### **RHNA and Metropolitan Transportation Plan/Sustainable Communities Strategy Coordination**

RHNA follows an eight-year cycle and will be integrated with every other MTP update (since the MTP is updated every four years). SB 375 requires the MTP/SCS to “identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region.” Government Code § 65080(b)(2)(B)(iii). AMBAG staff will work with the PDF and member jurisdictions to develop and adopt a methodology for allocating the regional housing need in concert with the development of the MTP/SCS, so that the MTP/SCS accommodates the regional housing need and is consistent with its allocation at both the regional and local levels.

As AMBAG proceeds through the RHNA planning process, further items will be brought to the Board for consideration, discussion and input.

#### **ALTERNATIVES:**

N/A

#### **FINANCIAL IMPACT:**

Planning activities for RHNA are funded with REAP and SB 1 planning funds and are programmed in the FY 2020-21 Overall Work Program and Budget.

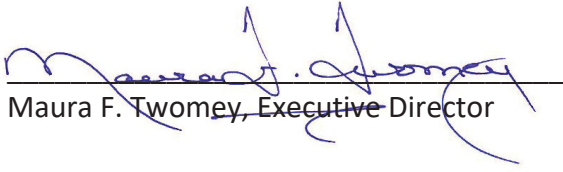
#### **COORDINATION:**

All RHNA planning activities are coordinated with the HCD, SBtCOG, and the Planning Directors Forum which includes all the local jurisdictions.

#### **ATTACHMENT:**

1. Regional Housing Needs Allocation Objectives and Factors

**APPROVED BY:**

  
Maura F. Twomey, Executive Director

## **Attachment 1**

### **REGIONAL HOUSING NEEDS ALLOCATION OBJECTIVES AND FACTORS (§65584.04.E)**

This section describes the Regional Housing Needs Allocation (RHNA) objectives and factors identified in state statute which AMBAG must consider. Objectives must be met in all RHNA methodologies. Factors must be considered to the extent sufficient data is available when developing its RHNA methodology.

#### **RHNA Plan Objectives, Government Code 65584(d)**

The regional housing needs allocation plan shall further all of the following objectives:

1. Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very-low-income households.
2. Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.
3. Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.
4. Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.
5. Affirmatively furthering fair housing.

#### **RHNA Plan Factors, Government Code 65584(e)**

##### **1. Jobs and housing relationship**

*"Each member jurisdiction's existing and projected jobs and housing relationship. This shall include an estimate based on readily available data on the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period." - §65584.04(e)*

## **2. Opportunities and constraints to development of additional housing (see below)**

### **2a. Capacity for sewer and water service**

*"Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period." - §65584.04(e)*

### **2b. Availability of land suitable for urban development**

*"The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding." - §65584.04(e)*

### **2c. Lands preserved or protected from urban development**

*"Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to non-agricultural uses." - §65584.04(e)*

### **2d. County policies to preserve prime agricultural land**

*"County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to non-agricultural uses." - §65584.04(e)*



### **3. Opportunities to maximize transit and existing transportation infrastructure**

*"The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure." - §65584.04(e)*

### **4. Policies directing growth toward incorporated areas**

*"Agreements between a county and cities in a county to direct growth toward incorporated areas of the county and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to non-agricultural uses." - §65584.04(e)*

### **5. Loss of units contained in assisted housing developments**

*"The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions." - §65584.04(e)*

### **6. High housing cost burdens**

*"The percentage of existing households at each of the income levels listed in subdivision (e) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent."*

### **7. Rate of Overcrowding**

*Factor undefined. - §65584.04(e)*

### **8. Housing needs of farmworkers**

*Factor undefined. - §65584.04(e)*

### **9. Housing needs of UC and Cal State students**

*"The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction." - §65584.04(e)*

### **10. Loss of units during an emergency**

*"The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the*

*relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis." - §65584.04(e)*

**11. SB 375 Greenhouse Gas Reduction Targets**

*"The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080." - §65584.04(e)*

**12. Other factors adopted by Council of Governments**

*"Any other factors adopted by the council of governments, that further the objectives listed in subdivision (d) of Section 65584, provided that the council of governments specifies which of the objectives each additional factor is necessary to further. The council of governments may include additional factors unrelated to furthering the objectives listed in subdivision (d) of Section 65584 so long as the additional factors do not undermine the objectives listed in subdivision (d) of Section 65584 and are applied equally across all household income levels as described in subdivision (f) of Section 65584 and the council of governments makes a finding that the factor is necessary to address significant health and safety conditions." - §65584.04(e)*



**The 2021 AMBAG Board of Director meeting locations are subject to change in light of Governor Newsom’s State of Emergency declaration regarding the COVID-19 outbreak and in accordance with Executive Order N-29-20 and the shelter in place directive.**

### **2021 AMBAG Calendar of Meetings**

<b>July 2021</b>	<b>No Meeting Scheduled</b>
<b>August 11, 2021</b>	<b>GoToWebinar</b> Meeting Time: 6 pm
<b>September 8, 2021</b>	<b>GoToWebinar</b> Meeting Time: 6 pm
<b>October 13, 2021</b>	<b>GoToWebinar</b> Meeting Time: 6 pm
<b>November 10, 2021</b>	<b>GoToWebinar</b> Meeting Time: 6 pm
<b>December 2021</b>	<b>No Meeting Scheduled</b>

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<b>AMBAG Acronym Guide</b>	
ABM	Activity Based Model
ADA	Americans Disabilities Act
ALUC	Airport Land Use Commission
AMBAG	Association of Monterey Bay Area Governments
ARRA	American Reinvestment and Recovery Act
3CE	Central Coast Community Energy
CAAA	Clean Air Act Amendments of 1990 (Federal Legislation)
Caltrans	California Department of Transportation
CAFR	Comprehensive Annual Financial Report
CalVans	California Vanpool Authority
CARB	California Air Resources Board
CCJDC	Central Coast Joint Data Committee
CEQA	California Environmental Quality Act
CHTS	California Households Travel Survey
CMAQ	Congestion Mitigation and Air Quality Improvement
CPUC	California Public Utilities Commission
CTC	California Transportation Commission
DEIR	Draft Environmental Impact Report
DEM	Digital Elevation Model
DOF	Department of Finance (State of California)
EAC	Energy Advisory Committee
EIR	Environmental Impact Report
FAST Act	Fixing America’s Surface Transportation Act
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GHG	Greenhouse Gas Emissions
GIS	Geographic Information System
ICAP	Indirect Cost Allocation Plan
ITS	Intelligent Transportation Systems
JPA	Joint Powers Agreement

LTA	San Benito County Local Transportation Authority
LTC	Local Transportation Commission
MAP-21	Moving Ahead for Progress in the 21 <sup>st</sup> Century Act
MBARD	Monterey Bay Air Resources District
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPAD	Monterey Peninsula Airport District
MPO	Metropolitan Planning Organization
MST	Monterey-Salinas Transit
MTP	Metropolitan Transportation Plan
MTIP	Metropolitan Transportation Improvement Program
OWP	Overall Work Program
PG&E	Pacific Gas & Electric Company
PPP	Public Participation Plan
RAPS, Inc.	Regional Analysis & Planning Services, Inc.
RFP	Request for Proposal
RHNA	Regional Housing Needs Allocation
RTDM	Regional Travel Demand Model
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agency
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SB 375	Senate Bill 375
SBtCOG	Council of San Benito County Governments
SCCRTC	Santa Cruz County Regional Transportation Commission
SCMTD	Santa Cruz Metropolitan Transit District
SCS	Sustainable Communities Strategy
S RTP	Short-Range Transit Plan
STIP	State Transportation Improvement Program
TAMC	Transportation Agency for Monterey County
TAZ	Traffic Analysis Zone
USGS	United States Geological Survey
VMT	Vehicle Miles Traveled
VT	Vehicle Trips