



## **AMBAG Board of Directors Agenda**

**Association of Monterey Bay Area Governments**

**P.O. Box 2453, Seaside, California 93955-2453**

**Phone: (831) 883-3750**

**Fax: (831) 883-3755**

**Email: [info@ambag.org](mailto:info@ambag.org)**

**Voting members must attend the physical meeting to count toward quorum.**

**DATE: September 13, 2023**

**Time: 6:00 PM**

**LOCATION: Monterey Bay Air Resources District , Board Room, 3rd Floor  
24580 Silver Cloud Court  
Monterey, CA 93940**

**Members of the public and non-voting members may use the following link to join the  
AMBAG Board of Directors meeting online:**

**<https://us06web.zoom.us/j/83111517833?pwd=ZkkyM3F5VW9Gdk5jNlE1MlpMTG13QT09>**

**Or Telephone: US: +1 669 900 6833**

**Webinar ID: 831 1151 7833**

**Passcode: 509042**

On September 13, 2022, California Governor Gavin Newsom signed into law Assembly Bill (AB) 2449 (Rubio). The new amendments to the Brown Act go into effect on January 1, 2023. AB 2449 provides alternative teleconference procedures to allow members of the AMBAG Board of Directors to participate remotely under very limited circumstances.

Persons who wish to address the AMBAG Board of Directors on an item to be considered at this meeting are encouraged to submit comments in writing at [info@ambag.org](mailto:info@ambag.org) by Wednesday, September 12, 2023 at 5 PM. The subject line should read "Public Comment for the September 13, 2023 Board of Directors Meeting." The agency clerk will read up to 3 minutes of any public comment submitted. If you have any questions, please contact Ana Flores, Clerk of the Board at [aflores@ambag.org](mailto:aflores@ambag.org) or at 831-883-3750 Ext. 300.

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**AMBAG Board Member(s) Meeting Remotely:**

**Manu Koenig:** 5200 Soquel Ave, Santa Cruz, CA 95062

**831-234-3922**

**Rick Perez:** 453 7th Street, Hollister, CA 95023

**831-524-2275**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. AB 2449 VOTE ON “JUST “ AND “EMERGENCY” CAUSE**

**Recommended Action: APPROVE**

- Maura Twomey, Executive Director

Receive oral report.

**4. ROLL CALL**

**5. ORAL COMMUNICATIONS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA  
(A maximum of three minutes on any subject not on the agenda)**

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

**7. COMMITTEE REPORTS**

**A. Executive/Finance Committee**

**Recommended Action: INFORMATION**

- 1<sup>st</sup> Vice President Carbone

Receive oral report.

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

**Recommended Action: DIRECT**

- Director Brown

Receive a report on the August 18, 2023 SAC meeting. The next meeting is scheduled on November 17, 2023.

**8. EXECUTIVE DIRECTOR’S REPORT**

**Recommended Action: INFORMATION**

- Maura Twomey, Executive Director

Receive a report from Maura Twomey, Executive Director.

**9. 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 August 9, 2023 AMBAG Board of Directors Meeting**
- Ana Flores, Clerk of the Board
- Approve the draft minutes of the August 9, 2023 AMBAG Board of Directors meeting. (Page 5)
- B. AMBAG Regional Clearinghouse Monthly Newsletter**
- Amaury Berteaud, Sustainability Program Manager
- Accept the clearinghouse monthly newsletter. (Page 11)
- C. AMBAG Sustainability Program Update**
- Amaury Berteaud, Sustainability Program Manager
- Accept the AMBAG Sustainability Program update. (Page 19)
- D. Rejection of Cari McCormick et al Class Action Lawsuit**
- Maura Twomey, Executive Director
- Approve Resolution 2023-4 authorizing AMBAG to deny and reject in its entirety the Cari McCormick et al Notice of Claim dated June 28, 2023 and direct the AMBAG Executive Director and AMBAG Counsel to take any necessary or appropriate actions to reject and deny the claim. (Page 21)
- E. Caltrans US 101 Business Plan**
- Maura Twomey, Executive Director
- Accept the US 101 Business Plan. (Page 75)
- F. Draft Amendment No.1 FY 2023-24 Monterey Bay Region Overall Work Program (OWP) and Budget**
- Bhupendra Patel, Ph.D., Director of Modeling
- Approve the Draft Amendment No. 1 FY 2023-24 Monterey Bay Region OWP and Budget. (Page 77)
- G. Environmental Legal Services Agreement**
- Heather Adamson, Director of Planning
- Authorize the Executive Director to negotiate and execute an agreement with Sohagi Law Group, PLC for environmental legal services in an amount not to exceed \$75,000. (Page 79)
- H. 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 81)

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

**11. PLANNING**

**A. 2026 Regional Growth Forecast Preferred Methodology**

**Recommended Action: APPROVE**

- Heather Adamson, Director of Planning

The Board of Directors are asked to approve Option 2 (Cohort Component Population Method) as the methodology for developing the 2026 Regional Growth Forecast. (Page 87)

**12. ADJOURNMENT**

**REFERENCE ITEMS:**

- A. 2023 Meeting Schedule (Page 95)
- B. Acronym Guide (Page 97)

**NEXT MEETING:**

**Date: October 11, 2023**

**Location: MBARD Board Room, 24580 Silver Cloud Court, Monterey, CA 93940**

**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**

**August 9, 2023**

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**1. CALL TO ORDER**

The Board of Directors of the Association of Monterey Bay Area Governments, President, John Freeman presiding, convened at 6:01 p.m. Wednesday, August 9, 2023 at the MBARD Board Room, 24580 Silver Cloud Court, Monterey, CA 93940.

**2. PLEDGE OF ALLEGIANCE**

**3. AB 2449 VOTE ON 'EMERGENCY' CAUSE**

None.

**4. 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	Karen Ferlito	County of San Benito	Kollin Kosmicki
Del Rey Oaks	John Uy	County of San Benito	Dom Zanger (6:04)
Gonzales	Scott Funk	County of Santa Cruz	Felipe Hernandez (6:05)
Greenfield	Robert White	County of Santa Cruz	Manu Koenig
Hollister	Rick Perez		
King City	Carlos Victoria	<u>Ex-Officio Members:</u>	
Marina	Brian McCarthy	3CE	Catherine Stedman
Monterey	Alan Haffa	Caltrans, District 5	Brandy Rider
Pacific Grove	Luke Coletti (6:19)	MPAD	Carl Miller
Salinas	Tony Barrera	MST	Lisa Rheinheimer
San Juan Bautista	John Freeman		
Sand City	Mary Ann Carbone		
Santa Cruz	Scott Newsome		
Seaside	Alex Miller		
Soledad	Anna Velazquez		
Watsonville	Eduardo Montesino (6:06)		
<b>ABSENT:</b>			
Capitola	Kristen Brown	<u>Ex-Officio Members:</u>	
Scotts Valley	Derek Timm	MARD	Richard Stedman
County of Monterey	Mary Adams	SBtCOG	Binu Abraham
County of Monterey	Glenn Church	SCCRTC	Guy Preston
		SC Metro	Michael Tree
		TAMC	Todd Muck

**Others Present:** Beth Jarosz, Population Reference Bureau, Amaury Berteaud, Sustainability Program Manager; Heather Adamson, Director of Planning; Bhupendra Patel, Director of Modeling; Diane Eidam, Retired Annuitant (via Zoom); Chris Duymich, Senior Planner;

Liz Hurtado-Espinosa, Principal Accountant; Gina Schmidt, GIS Coordinator; Will Condon, Associate Planner; Regina Valentine, Senior Planner; Maura Twomey, Executive Director (via Zoom) and Ana Flores, Clerk of the Board.

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

None.

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

None.

**7. COMMITTEE REPORTS**

**A. Executive/Finance Committee**

President Freeman reported that the Executive/Finance Committee approved the consent agenda that included 1) Minutes of the June 14, 2023 meeting 2) list of warrants as of May 31, 2023; and 3) accounts receivable as of May 31, 2023. The Executive/Finance Committee also received a report on the financials from Heather Adamson, Director of Planning, Executive Director.

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

Heather Adamson, Director of Planning reported that the next meeting of the MBNMS Advisory Council is scheduled on August 18, 2023. The action items include 1) climate vulnerability assessment results; 2) responsible travel initiative support; and 3) Chumash Heritage NMS support letter.

**7. EXECUTIVE DIRECTOR'S REPORT**

Heather Adamson, Director of Planning introduced new staff member Regina Valentine, Senior Planner. Ms. Adamson announced the notice of funding availability for REAP 2.0 funding has been issued with applications due later in August 2023.

**8. CONSENT AGENDA**

**A. Draft Minutes of the June 14, 2023 AMBAG Board of Directors Meeting**

The draft minutes of the June 14, 2023 AMBAG Board of Directors meeting were approved.

**B. AMBAG Regional Clearinghouse Monthly Newsletter**

The AMBAG Clearinghouse monthly newsletter was accepted.

**C. AMBAG Sustainability Program Update**

The Sustainability Program update was accepted.

**D. Financial Update Report**

The financial update report was accepted.

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

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

None.

**11. PLANNING**

**A. Public Hearing: Draft 2023 Public Participation Plan**

Heather Adamson, Director of Planning gave a presentation on the Draft 2023 Public Participation Plan (PPP). The PPP 1) guides regional efforts in the public participation process; 2) emphasizes the transportation decision making process; 3) federally required update every 4 years; and 4) is a required guide for all federally funded public involvement activities. The key sections of the PPP are 1) requirements for public participation; 2) requirements as it relates to interested parties and engagement; 3) Public Participation Best Practices Guide; and 4) Significant regional information listed in Appendices. Next steps include 1) the public comment period is June 14, 2023 through August 23, 2023; 2) staff scheduled presentations to various Committees and Working groups; and 3) a public hearing at today's AMBAG Board of Directors meeting. Brief discussion followed.

President Freeman opened the public hearing.

No comments received.

President Freeman closed the public hearing.

**B. 2026 Regional Growth Forecast**

Heather Adamson, Director of Planning gave a report on the 2026 Regional Growth Forecast (RGF). The Forecast for the tri-county area includes population, housing, and employment for the base year of 2020 through horizon year of 2050. It's the basis for planning in the MTP/SCS, transportation project level analysis, corridor studies, and economic analysis. The three methodology options for consideration are 1) use employment-driven methodology similar to 2022, 2018, and 2014 RGF; 2) update population model to a cohort-component model; and 3) use DOF population forecast. New data will be used to develop the RGF from the census, jobs (2019 or 2022 for model calibration), and housing. Staff is reviewing the base year jurisdiction-level jobs data. The expectations for the 2026 RGF are 1) slow population growth; 2) return to "normal" job growth; and 3) gradual easing of housing crisis. Ms. Adamson reported that the three options were presented at the Planning Directors Forum on July 31, 2023. Many Planning Directors expressed support for Option 2 (Cohort Component Population Forecast Method). Option 2 aligns AMBAG with other regional agencies, provides the region with the most local input, and importance of linkages between population, jobs, and housing. The timeline includes 1) selection of a method and produce preliminary draft forecast in Summer/early Fall 2023; 2) complete draft regional growth forecast in the Fall 2023; and 3) begin subregional allocation in early 2024. Next steps include 1) the AMBAG Board of Directors will be asked to select a methodology at its September 13, 2023 meeting; 2) a draft of the regional forecast will be ready for review and discussion in October 2023; and 3) AMBAG will continue to work closely with local jurisdictions and gather information to ensure that the most current local data is incorporated into the forecast. Discussion followed.

## **C. Rural Regional Energy Network Update**

Amaury Berteaud, Sustainability Program Manager gave a report of the Rural Regional Energy Network. Regional Energy Networks (RENs) were first envisioned as an innovative framework for local governments to design and administer energy efficiency programs. In 2012 the California Public Utilities (CPUC) allowed two RENs to begin operations as pilot programs. The goal was for the RENs to serve customers not currently served by other energy efficiency programs. By launching new programs, RENs bring energy efficiency incentives and increased technical support to previously underserved communities. REN's are allowed to design innovative programs which focus on serving communities in ways traditional energy efficiency programs do not. In 2018 and 2019, the CPUC issued decisions opening the way for the creation of new RENs and making the two pilot RENs permanent. In order to create a new REN a detailed business plan must then be submitted to the CPUC that demonstrates how the new REN provides a new and unique value towards meeting California's energy, climate, and equity goals. On June 29, 2023 the CPUC voted to approve Decision D.23.06.055 which approved the 2024-2027 portfolio applications and 2024-2031 business plans for 10 portfolio administrations. The decision approved the formation of the RuralREN with a 2024-2027 budget of \$84 million and 2028-2031 preliminary budget of \$93 million. The Rural REN approved programs for the central coast/AMBAG region are Public, Coes & Standards, finance, Workforce Education & Training (WE&T), and residential. The RuralREN timeline and next steps include 1) RuralREN partners are working to meet regulatory deadlines that were created as part of the CPUC approval decision; 2) RuralREN Partners are identifying staffing and consultant support needed to ramp up capacity for program implementation; 3) contracting mechanisms for the Program Administrator receive CPUC funding and disburse funding to RuralREN partners are being drafted; and 4) RuralREN programs will launch in early 2024. Discussion followed.

## **12. ADJOURNMENT**

The Board of Directors meeting adjourned at 7:34 PM.

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John Freeman, President

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Maura F. Twomey, Executive Director



# DRAFT AMBAG BOARD OF DIRECTORS MEETING ATTENDANCE & VOTING RECORD

**BOARD MEETING DATE: August 9, 2023**

		Attendance (X= Present; AB= Absent) Voting (Y= Yes; N=No; A=Abstain)	
MEMBER	AMBAG REP	Attendance	Item # 4
Capitola	Kristen Brown	AB	N/A
Carmel-by-the-Sea	Karen Ferlito	X	Y
Del Rey Oaks	John Uy	X	Y
Gonzales	Scott Funk	X	Y
Greenfield	Robert White	X	Y
Hollister	Rick Perez	X	Y
King City	Carlos Victoria	X	Y
Marina	Brian McCarthy	X	Y
Monterey	Alan Haffa	X	Y
Pacific Grove	Luke Coletti (6:19)	X	*
Salinas	Tony Barrera	X	Y
San Juan Bautista	John Freeman	X	Y
Sand City	Mary Ann Carbone	X	Y
Santa Cruz	Scott Newsome	X	Y
Scotts Valley	Derek Timm	AB	N/A
Seaside	Alex Miller	X	Y
Soledad	Anna Velazquez	X	Y
Watsonville	Eduardo Montesino (6:06)	X	Y
County-Monterey	Mary Adams	AB	N/A
County-Monterey	Glenn Church	AB	N/A
County-Santa Cruz	Manu Koenig	X	Y
County-Santa Cruz	Felipe Hernandez (6:05)	X	Y
County-San Benito	Kollin Kosmicki	X	Y
County-San Benito	Dom Zanger (6:04)	X	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:** Amaury Berteaud, Sustainability Program Manager

**SUBJECT:** AMBAG Regional Clearinghouse Monthly Newsletter

**MEETING DATE:** September 13, 2023

### RECOMMENDATION:

It is recommended that the Board of Directors accept the August 2023 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:

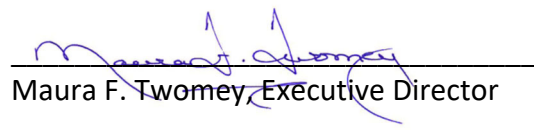
There is no direct financial impact. Staff time for monitoring clearinghouse activities is incorporated into the current AMBAG Overall Work Program and budget.

**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 August 1 – August 31, 2023.

**APPROVED BY:**

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Maura F. Twomey, Executive Director

## Attachment 1

### AMBAG REGIONAL CLEARINGHOUSE

The AMBAG Board of Directors will review these items on September 13, 2023

Association of Monterey Bay Area Governments PO Box 2453 Seaside CA 93955 | 831.883.3750

#### ENVIRONMENTAL DOCUMENTS

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**20230801**

#### City of Del Rey Oaks Housing Element Update

City of Del Rey Oaks  
Karen Minami

(831) 394-8511

Draft Environmental Impact Report\* (DEIR)

Notice of Availability

The project under consideration is the City of Del Rey Oaks 2023 Draft Housing Element Update, including implementation of the Housing Element which would amend the General Plan and rezone certain properties to provide adequate sites to address regional housing needs (RHNA). This 2023 Update revises specific policies and programs in the 2019 document related to general plan amendment and rezoning for specified areas of the City. Thus, the project evaluated in this EIR includes the adoption of the 2023 Housing Element Update, as well as the general plan amendment and rezoning proposed for implementation through programs of the Housing Element. The EIR will also consider the 5th Cycle and 6th Cycle RHNA impacts under cumulative.

Project Location:

Monterey County

Del Rey Oaks

Parcel: NA

Public hearing information:

NA

Public review period ends **Wednesday, September 27, 2023**

City of Monterey  
Christy Sabdo  
(831) 646-3758

Notice of Preparation (NOP)

Draft Environmental Impact Report\* (DEIR)

The City of Monterey will be the Lead Agency and will prepare a programmatic Environmental Impact Report (EIR) for the Monterey 2031 General Plan Update (the Project).

Public agencies and members of the general public are invited to provide comments in writing as to the scope and content of the EIR. Specifically, the City needs to know the views of Responsible and Trustee Agencies as to the potentially significant environmental issues, reasonable alternatives, and mitigation measures that are germane to each agency's statutory responsibilities in connection with the Project. Responsible Agencies will need to use the EIR prepared by the City when considering permits or other approvals for the Project.

Project Location:

Monterey County

Monterey

Parcel: NA

Public hearing information:

NA

Public review period ends **Saturday, September 2, 2023**

City of Scotts Valley  
Taylor Bateman  
(831) 440-5630

Notice of Availability

Draft Environmental Impact Report\* (DEIR)

The proposed project is an update to the City's 1994 General Plan. The Scotts Valley General Plan (SVGP) is the City's fundamental governance document that guides decision making, actions, programs, and crafting of more specific policies. It embodies community values and sets general direction for achieving broader visions identified in this document. The topics it addresses are wide-ranging, influencing many aspects of Scotts Valley.

It establishes goals, policies, and actions that will guide future land use and environmental protection decisions in Scotts Valley over the next 20 years. This chapter provides an overview of the purpose and contents of the SVGP, as well as a description of general plan update process.

Project Location:

Santa Cruz County

Parcel: NA

Public hearing information:

NA

Public review period ends **Saturday, September 23, 2023**

City of Salinas  
Oscar Resendiz  
(831) 775-4259

**Mitigated Negative Declaration (MND)**

The City of Salinas (Applicant and Lead Agency) proposes General Plan Amendment (GPA) No. 2022-002, Rezone (RZ) No. 2022-002 that would amend the General Plan land use designation and rezone various parcels of land located in selected opportunity areas of the city ("Project"). GPA No. 2022-002 and RZ No. 2022-002 would change the selected parcels designated land use to "Mixed Use" and zoning to "MX – Mixed Use" from their current land use designations and zone districts. The selected parcels are further identified as 1. Alisal Marketplace, 2. Edge of Downtown/Front and John Streets, 3. Large Shopping Center/Foods Co, 4. Large Shopping Center/Sears (Northridge Mall), and 5. Large Shopping Center/Laurel West Shopping Center ("Project sites").

**Project Location:**

Monterey County  
Salinas

Parcel: Various

**Public hearing information:**

TBD

Public review period ends **Wednesday, September 6, 2023**



## PUBLIC HEARINGS

20230805

### County of Santa Cruz Local Coastal Program Amendment Local Coastal Program (LCP) Amendment

California Coastal Commission  
Kevin Kahn  
(831) 427-4863

Other

LCP Amendment Number LCP-3-SCO-23-0004-1-Part B (Sustainability Update). Time Extension Only. Public hearing and action on extension of time limit to act on request by Santa Cruz County to update its LCP to facilitate urban infill housing, to update allowable land uses in various zoning districts, and other related changes. The meeting will be hybrid and can be streamed using the following link: [https://cal-span.org/meeting/ccc\\_20230809-20230810/live](https://cal-span.org/meeting/ccc_20230809-20230810/live).

Project Location:

Santa Cruz County

Parcel: NA

Public hearing information:

Humboldt County Board of Supervisors Chambers, Humboldt County Courthouse,  
825 5th Street, Eureka, CA 95501

9/6/2023 9:00 AM

Public review period ends **Wednesday, September 6, 2023**

Generated: 8/31/2023 3:24:01 PM By: Amaury Berteaud, Sustainability Program Manager

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.

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**MEMORANDUM**

**TO:** AMBAG Board of Directors

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

**RECOMMENDED BY:** Amaury Berteaud, Sustainability Program Manager

**SUBJECT:** AMBAG Sustainability Program Update

**MEETING DATE:** September 13, 2023

**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 two years AMBAG staff has been working with RHTR partners to create a Regional Energy Network (REN). RENs are entities which submit business plans to the California Public Utilities Commission (CPUC) to obtain ratepayer funds and implement energy efficiency programs.

In June 2021, RHTR partners executed a memorandum of understanding for the development of the RuralREN. RHTR partners submitted a motion for the creation of the RuralREN as well as the RuralREN 2023-2031 strategic business plan to the CPUC in March 2022. In June 2022, Commissioner Shiroma issued a ruling which determined that the RuralREN motion should be considered on the same timeline, and in the same proceeding as the 2024-2031 business plans from existing energy efficiency portfolio administrators. On June 29, 2023, the CPUC issued Decision D.23.06.055 which included approval of RuralREN, and its business plan, with a 2024-2027 budget of \$84 million and an 2028-2031 preliminary budget of \$93 million. In the coming months AMBAG will continue to work with partners to conduct ramp up activities for the RuralREN programs, which are slated to launch in early 2024.

### **Monterey Bay Natural and Working Lands Climate Mitigation and Resiliency Study**

On December 6, 2021, the California Department of Conservation awarded AMBAG a \$250,000 Sustainable Agricultural Lands Conservation (SALC) program planning grant to fund the creation of a Monterey Bay Natural and Working Lands Climate Mitigation and Resiliency Study.

The Monterey Bay Natural and Working Lands Climate Mitigation and Resiliency Study project seeks to create an inventory of natural and working lands carbon stock in the AMBAG region and forecast its evolution based on different climate change and land use scenarios, as well as the implementation of different adaptation and mitigation strategies. This project will empower the Monterey Bay region to consider the health of natural and working lands as a part of long-range planning as well as provide an opportunity for cities and counties to further integrate natural and working land GHG mitigation strategies as part of their climate action planning process.

In the past month AMBAG staff worked with Ascent Environmental Inc. to finalize the carbon stock inventory for the natural and working lands of the Monterey Bay region and started the process of identifying potential carbon sequestration and climate adaptation measures.

### **ALTERNATIVES:**

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

### **FINANCIAL IMPACT:**

The budget is fully funded under a SALC planning grant, and SB1 Planning Funds. All funding is programmed in the FY 2023-24 Overall Work Program and Budget.

### **COORDINATION:**

AMBAG staff is coordinating with the RHTR partners, local jurisdictions, and local community stakeholders.

### **APPROVED BY:**



Maura F. Twomey, Executive Director



**MEMORANDUM**

**TO:** AMBAG Board of Directors

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

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

**SUBJECT:** Rejection of Cari McCormick et al Class Action Lawsuit

**MEETING DATE:** September 13, 2023

**RECOMMENDATION:**

The Board of Directors is asked to approve Resolution 2023-4 authorizing AMBAG to deny and reject in its entirety the Cari McCormick et al Notice of Claim dated June 28, 2023. We further ask that the Board of Directors direct the AMBAG Executive Director and AMBAG Counsel to take any necessary or appropriate actions to reject and deny the claim.

**BACKGROUND/ DISCUSSION:**

AMBAG received a notice from the legal firm Aiman-Smith & Marcy dated June 28, 2023 notifying AMBAG that they represented Ms. Cari McCormick in a claim filed against CalPERS regarding how certain pension benefits are calculated and paid by CalPERS. The claim is being brought on behalf of a putative class of California public employees.

Aiman-Smith & Marcy believes AMBAG may have one or more employees that may be part of this putative class. The putative class of employees is defined in the Notice of Claim as a person over the age of 40 at the time of hire and applying for ordinary disability benefits who are rendered unable to do their job by any non-industrial long-term disability. In consultation with AMBAG legal counsel, it was determined that AMBAG does not have any employees that are within the putative class of employees as defined in the McCormick Notice of Claim.

In addition, legal counsel has determined that the claim is vague and deficient as relates to the requirements of a Notice of Claim and has recommended that AMBAG deny and reject the claim in its entirety.

**ALTERNATIVES:**

The Board of Directors could choose not to deny and reject the claim in its entirety and remain part of the putative class. However, AMBAG staff does not recommend this option given that at the present time, AMBAG has no employees in the putative class.

**FINANCIAL IMPACT:**

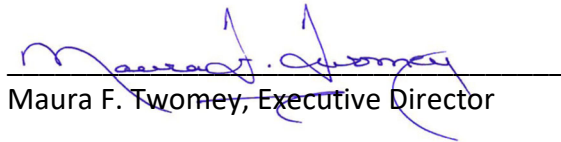
Rejecting the claim will have minimal financial impact. Remaining in the putative class could result in expenditures for legal reviews of documentation as the case progresses.

**COORDINATION:**

AMBAG has coordinated this response with AMBAG legal counsel and will coordinate all future responses regarding this matter with legal counsel.

**ATTACHMENTS:**

1. Resolution 2023-4
2. Cari McCormick et al Notice of Claim dated June 28

**APPROVED BY:**  
Maura F. Twomey, Executive Director

**A RESOLUTION  
OF THE ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS BOARD OF DIRECTORS (AMBAG) ADOPTING  
A RESOLUTION REJECTING CARI McCORMICK, ET AL. CLASS ACTION CLAIM**

**WHEREAS**, AMBAG received a Notice of Claim from CARI McCORMICK dated June 28, 2023 on July 18, 2023 and,

**WHEREAS**, the Notice of Claim sets forth allegations regarding how certain pension benefits are calculated and paid through CalPERS ; and,

**WHEREAS**, AMBAG contracts with CalPERS for employee retirement benefits; and,

**WHEREAS**, the intent of the McCORMICK Notice of Claim is to bring a formal complaint on behalf of a putative class (class action lawsuit) of California public employees; and,

**WHEREAS**, the putative class of employees is defined in the Notice of Claim as a person over the age of 40 at the time of hire and applying for ordinary disability benefits who are rendered unable to do their job by any non-industrial long-term disability; and,

**WHEREAS**, AMBAG does not have any employees that are within the putative class of employees as defined in the McCORMICK Notice of Claim; and,

**WHEREAS**, AMBAG would have to have at least one employee that is within the putative class to be subject to this claim; and,

**WHEREAS**, the McCORMICK claim is vague and deficient as relates to the requirements of a Notice of Claim.

**NOW, THEREFORE, BE IT RESOLVED** that the AMBAG Board of Directors does hereby take the following actions:

1. Denies and rejects in its entirety the CARI McCORMICK Notice of Claim dated June 28, 2023.
2. Directs the AMBAG Executive Director and AMBAG Counsel to take any necessary or appropriate actions to reject and deny the claim.

**PASSED AND ADOPTED** this 13th day of September 2023.

---

John Freeman, President

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Maura F. Twomey, Executive Director



June 28, 2023

JUL 18 2023

To Whom It May Concern:

My firm represents Cari McCormick. Enclosed you will find an administrative charge, with exhibits, filed by Ms McCormick with the California Civil Rights Department, naming as respondents the California Public Employees' Retirement System, Lake County, and the State of California.

As the charge explains, Ms McCormick's claims concern how certain pension benefits are calculated and paid through CalPERS. Those claims are brought *on behalf of* a putative class of California public employees ("Plaintiff Class"). Those claims are brought *against* a putative class of California public entity employers who employed one or more members of the proposed plaintiff class ("Defendant Class"). Ms McCormick will propose that the State of California, as represented by the California Attorney General's Office, serve as class representative for the proposed Defendant Class.

We have reason to believe your public entity may have employed one or more members of the proposed Plaintiff Class, because your public entity contracts to pay pension benefits through CalPERS. For that reason, we are serving Ms McCormick's FEHA charge on your public entity pursuant to Government Code section 12962(b). In addition, to the extent the government claim presentation requirements may apply, we hereby present the enclosed charge as a government claim.

For more information, please see the enclosed charge.

Regards,

The logo for Aiman-Smith &amp; Marcy Professional Corporation, identical to the one at the top of the page.

/s/ Brent A. Robinson

Counsel for Plaintiff Cari McCormick  
[bar@asmlawyers.com](mailto:bar@asmlawyers.com)

Enclosures





## Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

June 8, 2023

Brent Robinson  
Aiman-Smith & Marcy, 7677 Oakport Street, Suite 1150  
Oakland, California 94621

**RE: Notice to Complainant's Attorney**

CRD Matter Number: 202306-20925508

Right to Sue: McCormick / California Public Employees' Retirement System et al.

Dear Brent Robinson:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

**Pursuant to Government Code section 12962, CRD will not serve these documents on the employer.** You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



**Civil Rights Department**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758

800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

KEVIN KISH, DIRECTOR

June 8, 2023

**RE: Notice of Filing of Discrimination Complaint**

CRD Matter Number: 202306-20925508

Right to Sue: McCormick / California Public Employees' Retirement System et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



## Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

June 8, 2023

Cari McCormick

RE: **Notice of Case Closure and Right to Sue**  
CRD Matter Number: 202306-20925508  
Right to Sue: McCormick / California Public Employees' Retirement System et al.

Dear Cari McCormick:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective June 8, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department



1 **Additional Complaint Details:** See Exhibits A, B, and C attached hereto.

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1 VERIFICATION

2 I, **Brent A. Robinson**, am the **Attorney** in the above-entitled complaint. I have read  
3 the foregoing complaint and know the contents thereof. The matters alleged are  
4 based on information and belief, which I believe to be true.

5 On June 8, 2023, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

7 **San Francisco, CA**  
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26 -3-

27 *Complaint – CRD No. 202306-20925508*

28 Date Filed: June 8, 2023

CRD-ENF 80 RS (Revised 12/22)

**EXHIBIT A**

**Exhibit A – Claim Narrative**

Plaintiff Cari McCormick is an individual.

Defendants California Public Employees' Retirement System ("CalPERS"), State of California, and County of Lake are California governmental entities.

Plaintiff is ignorant of the true names or capacities of defendants named herein as Does 1 through 3,000, inclusive, and therefore identifies these defendants by these fictitious names. Each of the defendants named herein or designated as a Doe, is liable or in some manner legally responsible for the events alleged herein.

Plaintiff seeks to have the State of California, represented by the California Attorney General's Office, appointed to represent a defendant class, which includes all public entities that both employed one or more Plaintiffs, and are liable for employer-side retirement contributions for one or more Plaintiffs. A list of public entities believed to potentially be included within that defendant class, based on their listing as employers within the 2021-2022 Annual Comprehensive Financial Report published by CalPERS, is attached as Exhibit C.

Plaintiff refers to all defendants here collectively as "Defendants."

Plaintiff seeks to represent a plaintiff class of similarly situated persons. The class includes all persons who were employed by Defendants; who were at or over age 40 at the time they became members of the CalPERS system; who applied for and were granted ordinary disability retirement; whose retirement benefits are administered by CalPERS; and either (1) who have ever received disability retirement benefit payments pursuant to Government Code section 21423, who were over age 41 at membership in CalPERS, and who at retirement were credited with 18.518 or fewer years of actual service; or (2) who have ever received disability retirement benefit payments pursuant to Government Code section 21098, and who at retirement were credited with 24.691 or fewer years of actual service; or (3) who have ever received disability retirement benefit payments pursuant to Government Code section 21424, and who at retirement were credited with 29.629 or fewer years of actual service.

Plaintiff was employed by County of Lake; was over age 40 at membership in CalPERS; applied for and was granted ordinary disability retirement; receives benefits administered by CalPERS; and presently receives monthly disability benefit payments pursuant to one of the sections listed above. *See, generally, McCormick v. Public Employees' Retirement System* (2019) 41 Cal.App.5th 428.

Plaintiff refers to herself and the proposed plaintiff class collectively as "Plaintiffs."

At all relevant times, each of the Defendants was the agent of each of the remaining Defendants and, in doing the things alleged herein, was acting with the course and scope of such agency.



Each of the Defendants' actions or omissions as alleged herein was ratified by each of the remaining Defendants. Each of the acts or omissions of a Defendant's agents as alleged herein was ratified by that Defendant, as well as by each of the remaining Defendants. Each of the Defendants had knowledge of unlawful discrimination practiced upon its employees by the other Defendants, and failed to thereafter take all reasonable steps to prevent further discrimination against its employees. Each of the Defendants provided substantial assistance or encouragement to the other Defendants in the discrimination alleged here, and thereby caused harm to Plaintiff and the proposed class. Each of the Defendants had knowledge of the discrimination alleged here, and cooperated in that discrimination. For purposes of the discrimination alleged here, each of the Defendants was a joint employer and engaged in a joint venture, including by engaging in a combination of resources to carry out a single undertaking, with each having separate ownership interests in the joint undertaking, joint control, and an agreement to share profits and losses of that joint undertaking.

California law governs Plaintiffs' retirement benefits, and provides for ordinary disability retirement benefits for certain public employees such as Plaintiff who are rendered unable to do their job by any non-industrial long-term disability.

California law calculates such ordinary disability retirement benefits in a way that discriminates based on advanced age at membership. Government Code sections 21098, 21424, and 21423 each provides for younger employees to receive an ordinary disability retirement benefit equal to at least 33.333% of their final compensation. By contrast, older employees receive significantly reduced benefits, because those benefits are based on imputed years of service through age 60. For example, assume two state miscellaneous first-tier employees are otherwise identical, except that one was hired at age 18, the other at age 49. Each puts in 10 years of actual credited service, and each is forced to retire due to disabilities. The 18-year-old-at-hire will receive a benefit equal to 33.333% of his final compensation, because the formula gives him service credit as if he had worked without interruption through age 60. By contrast, the 49-year-old-at-hire will receive a benefit equal to just 19.8% under section 21423, with the difference in benefit amounts solely due to the older employee's advanced age.

Defendants are liable for disparate treatment. Defendants are qualifying employers, and employed Plaintiffs. Plaintiffs were over age 40 at membership. Defendants paid Plaintiffs reduced retirement benefits compared to employees younger at membership. Plaintiffs' age over 40 at membership was a substantial motivating factor in Defendants' determination and payment of the amount of Plaintiffs' disability retirement benefits. Plaintiffs have been harmed. Defendants' payment of reduced benefits to Plaintiffs is a substantial factor in causing them harm.

Defendants are also liable for pattern-or-practice of intentional discrimination. Discrimination is Defendants' standard operating procedure, rather than an unusual practice, and that standard operating procedure is a substantial factor in harming Plaintiffs.

Defendants are also liable for disparate impact. Defendants are qualifying employers, and employed Plaintiffs. Plaintiffs were over age 40 at membership. Defendants maintained a common policy or practice that has a disproportionate adverse effect on persons over age 40 at membership. Plaintiffs have been harmed. Defendants' policy or practice was a substantial factor in causing Plaintiffs' harm.

Defendants are also liable for their failure to prevent discrimination against Plaintiffs. Defendants knew or should have known of the above-alleged discrimination, and failed to take all reasonable steps necessary to prevent the same from occurring, thereby causing harm to Plaintiffs.

Defendants are also liable for breach of contract. At hiring, Defendants promised Plaintiffs future pay in exchange for present work, and Defendants' monthly retirement benefit payments are wages paid after the fact for Plaintiffs' years of labor. *See, e.g., Kern v. Long Beach* (1947) 29 Cal.2d 848, 850-852. The retirement benefit provisions at issue are contractual terms of class members' employment agreements: by those retirement provisions, Defendants promised class members future pay in exchange for present work, and once class members began performance, class members obtained a vested contractual right to the benefits Defendants had promised. *See, e.g., McGlynn v. State of California* (2018) 21 Cal.App.5th 548, 559.

Defendants maintained express written contractual terms of employment that provided for class members to be paid reduced retirement benefits based on their advanced ages at hiring. *See, Gov. Code §§ 21098, 21424, 21423.* Those terms of employment violate or are contrary to overriding state laws (*i.e.*, Gov. Code § 12940, subd. (a)) regulating such terms of employment, by providing for reduced compensation based solely on an employees' advanced age at hiring. To that extent, those terms of employment are contrary to superseding state law, they are illegal contractual terms, they are contrary to public policy, and they are therefore void. *See, Civil Code § 1667.* The unlawful terms of Plaintiffs' contracts with Defendants are severable, such that the illegal contract terms should be severed, and the balance of the contracts enforced. *Armendariz v. Found. Health Psychcare Servs., Inc.* (2000) 24 Cal.4th 83, 124. With illegal contractual terms severed, class members' contracts with the Defendants provide for class members to receive equal retirement benefits.

Alternately, FEHA's prohibition on age discrimination constitutes a contractual term of employment implied by operation of law into Plaintiffs' employment agreements with Defendants, such that Defendants were subject to a contractual duty to pay nondiscriminatory retirement benefits. *See, Castillo v. Express Escrow Company* (2007) 146 Cal.App.4th 1301, 1308 ("all laws in existence when the agreement was made become part of the contract"); *Anderson v. Time Warner Telecom of California* (2005) 129 Cal.App.4th 411, 418 ("All applicable laws are presumed to be known by the parties and to form a part of the agreement as if those laws were expressly referred to and incorporated."); *Coral Farms, L.P. v. Mahony* (2021) 63 Cal.App.5th 719, 731 ("The incorporation of current law into a contract is presumed and does not require a deliberate expression by the parties.").

The terms of Plaintiffs' employment contracts were sufficiently clear that the parties could understand what each was required to do, the parties exchanged consideration, and the parties agreed to terms. Plaintiffs did all, or substantially all, of the significant things their contracts required of them. Defendants failed to pay non-discriminatory benefits under the contracts, or paid discriminatory benefits in violation of the contracts. Plaintiffs were harmed. Defendants' breaches of contract were a substantial factor in causing Plaintiffs' harm.

The harm to Plaintiffs includes the loss of retirement benefits, the loss of additional amounts of money each would have received had he or she not suffered such unlawful discrimination, and harm in the form of humiliation, mental anguish, and emotional distress.

Defendants are also liable for prospective relief for violations of California's Equal Protection clause. Such relief includes declaratory relief, injunctive relief, and issuance of writs of mandamus and/or prohibition.

Thus, Defendants' unlawful policies and practices as alleged adversely affect, in a similar manner, a class of persons of which Plaintiff is a member, and raise substantial questions of law and fact that are common to that class. For those reasons, Plaintiff files this charge on behalf of a class of all others similarly situated, and seeks to represent the same.

**EXHIBIT B**

**Exhibit B – Required Claim Information (Gov. Code § 910)**

Name of Claimant:	Cari McCormick
Address of Claimant, and Address Where Notices re Claim Should Be Sent:	Cari McCormick c/o Brent A. Robinson Aiman-Smith & Marcy, PC 7677 Oakport Street, Suite 1150 Oakland, CA 94621
Date, Place, and Other Circumstances of the Occurrence or Transaction which Gave Rise to the Claim Asserted:	Following a decision in favor of Ms McCormick by the First District Court of Appeal in 2019, CalPERS granted Ms McCormick ordinary disability retirement. For additional information about facts giving rise to claim asserted, see Exhibit A.
A General Description of the Loss Incurred:	See Exhibit A for detailed factual narrative.
The Name or Names of the Public Employees Causing the Injury, Damage, or Loss, if Known:	Unknown.
The Amount Claimed If Less than \$10k:	The amount claimed exceeds \$10k.

Note: This Claim is presented on behalf of a class of similarly situated persons. Claimant is the proposed representative claimant. The class description is provided in Exhibit A.

**EXHIBIT C**

**Exhibit C – List of Potential Defendants**

1. South San Joaquin County Fire Authority
2. Central Fire Protection District of Santa Cruz County
3. California Intergovernmental Risk Authority
4. State of California
5. Alameda County Office of Education
6. Alpine County Office of Education
7. Amador County Office of Education
8. Butte County Office of Education
9. Calaveras County Office of Education
10. Colusa County Office of Education
11. Contra Costa County Office of Education
12. Del Norte County Office of Education
13. El Dorado County Office of Education
14. Fresno County Office of Education
15. Glenn County Office of Education
16. Humboldt County Office of Education
17. Imperial County Office of Education
18. Inyo County Office of Education
19. Kern County Office of Education
20. Kings County Office of Education
21. Lake County Office of Education
22. Lassen County Office of Education
23. Los Angeles County Office of Education
24. Madera County Office of Education
25. Marin County Office of Education
26. Mariposa County Office of Education
27. Mendocino County Office of Education
28. Merced County Office of Education
29. Modoc County Office of Education
30. Mono County Office of Education
31. Monterey County Office of Education
32. Napa County Office of Education
33. Nevada County Office of Education
34. Los Angeles Unified School District
35. Los Angeles Community College District
36. San Diego County Office of Education
37. Alpine County
38. Amador County
39. Butte County
40. Calaveras County
41. Colusa County

Exhibit C

Page 2

42. Del Norte County
43. El Dorado County
44. Glenn County
45. Humboldt County
46. Inyo County
47. Kings County
48. Lake County
49. Lassen County
50. Madera County
51. Mariposa County
52. Modoc County
53. Mono County
54. Monterey County
55. Napa County
56. Nevada County
57. Placer County
58. Plumas County
59. Riverside County
60. San Benito County
61. San Joaquin County
62. Santa Clara County
63. Santa Cruz County
64. Shasta County
65. Sierra County
66. Siskiyou County
67. Solano County
68. Sutter County
69. Tehama County
70. Trinity County
71. Tuolumne County
72. Yolo County
73. Yuba County
74. Adelanto
75. Agoura Hills
76. Alameda
77. Albany
78. Alhambra
79. Aliso Viejo
80. Alturas
81. American Canyon
82. Anaheim
83. Anderson
84. Angels



Exhibit C

Page 3

85. Antioch
86. Apple Valley
87. Arcadia
88. Arcata
89. Arroyo Grande
90. Artesia
91. Arvin
92. Atascadero
93. Atherton
94. Atwater
95. Auburn
96. Avalon
97. Avenal
98. Azusa
99. Bakersfield
100. Baldwin Park
101. Banning
102. Barstow
103. Beaumont
104. Bell
105. Bell Gardens
106. Bellflower
107. Belmont
108. Belvedere
109. Benicia
110. Berkeley
111. Beverly Hills
112. Biggs
113. Bishop
114. Blue Lake
115. Blythe
116. Bradbury
117. Brawley
118. Brea
119. Brentwood
120. Brisbane
121. Buellton
122. Buena Park
123. Burbank
124. Burlingame
125. Calabasas
126. Calexico
127. California City

Exhibit C  
Page 4

128. Calimesa
129. Calipatria
130. Calistoga
131. Camarillo
132. Campbell
133. Canyon Lake
134. Capitola
135. Carlsbad
136. Carmel-By-The-Sea
137. Carpinteria
138. Carson
139. Cathedral City
140. Cerritos
141. Chico
142. Chino
143. Chowchilla
144. Chula Vista
145. Citrus Heights
146. Claremont
147. Clayton
148. Clearlake
149. Cloverdale
150. Clovis
151. Coachella City
152. Coalinga
153. Colfax
154. Colma
155. Colton
156. Colusa
157. Commerce
158. Compton
159. Concord
160. Corcoran
161. Corning
162. Corona
163. Coronado
164. Corte Madera
165. Costa Mesa
166. Cotati
167. Covina
168. Crescent City
169. Cudahy
170. Culver City

Exhibit C  
Page 5

- 171. Cupertino
- 172. Cypress
- 173. Daly City
- 174. Dana Point
- 175. Davis
- 176. Del Mar
- 177. Del Rey Oaks
- 178. Delano
- 179. Desert Hot Springs
- 180. Diamond Bar
- 181. Dinuba
- 182. Dixon
- 183. Dos Palos
- 184. Downey
- 185. Duarte
- 186. Dublin
- 187. Dunsmuir
- 188. East Palo Alto
- 189. Eastvale
- 190. El Cajon
- 191. El Centro
- 192. El Cerrito
- 193. El Monte
- 194. El Segundo
- 195. Elk Grove
- 196. Emeryville
- 197. Encinitas
- 198. Escalon
- 199. Escondido
- 200. Etna
- 201. Eureka
- 202. Exeter
- 203. Fairfax
- 204. Fairfield
- 205. Farmersville
- 206. Fillmore
- 207. Firebaugh
- 208. Folsom
- 209. Fontana
- 210. Fort Bragg
- 211. Fortuna
- 212. Foster City
- 213. Fountain Valley

Exhibit C

Page 6

- 214. Fowler
- 215. Fremont
- 216. Fullerton
- 217. Galt
- 218. Garden Grove
- 219. Gardena
- 220. Gilroy
- 221. Glendale
- 222. Glendora
- 223. Goleta
- 224. Gonzales
- 225. Grand Terrace
- 226. Grass Valley
- 227. Greenfield
- 228. Gridley
- 229. Grover Beach
- 230. Guadalupe
- 231. Gustine
- 232. Half Moon Bay
- 233. Hanford
- 234. Hawaiian Gardens
- 235. Hawthorne
- 236. Hayward
- 237. Healdsburg
- 238. Hemet
- 239. Hercules
- 240. Hermosa Beach
- 241. Hesperia
- 242. Hidden Hills
- 243. Highland
- 244. Hillsborough
- 245. Hollister
- 246. Hughson
- 247. Huntington Beach
- 248. Huntington Park
- 249. Imperial
- 250. Imperial Beach
- 251. Indian Wells
- 252. Indio
- 253. Industry
- 254. Inglewood
- 255. Ione
- 256. Irvine

Exhibit C

Page 7

- 257. Irwindale
- 258. Jackson
- 259. Kerman
- 260. King City
- 261. Kingsburg
- 262. La Canada Flintridge
- 263. La Habra
- 264. La Habra Heights
- 265. La Mesa
- 266. La Mirada
- 267. La Palma
- 268. La Puente
- 269. La Quinta
- 270. La Verne
- 271. Laguna Beach
- 272. Laguna Hills
- 273. Laguna Niguel
- 274. Laguna Woods
- 275. Lake Elsinore
- 276. Lake Forest
- 277. Lakeport
- 278. Lakewood
- 279. Lancaster
- 280. Larkspur
- 281. Lathrop
- 282. Lawndale
- 283. Lemon Grove
- 284. Lemoore
- 285. Lincoln
- 286. Lindsay
- 287. Live Oak
- 288. Livermore
- 289. Livingston
- 290. Lodi
- 291. Loma Linda
- 292. Lomita
- 293. Lompoc
- 294. Long Beach
- 295. Loomis
- 296. Los Alamitos
- 297. Los Altos
- 298. Los Altos Hills
- 299. Los Banos

Exhibit C

Page 8

- 300. Los Gatos
- 301. Lynwood
- 302. Madera
- 303. Malibu
- 304. Mammoth Lakes
- 305. Manhattan Beach
- 306. Manteca
- 307. Marina
- 308. Martinez
- 309. Marysville
- 310. Maywood
- 311. Mendota
- 312. Menifee
- 313. Menlo Park
- 314. Merced
- 315. Mill Valley
- 316. Millbrae
- 317. Milpitas
- 318. Mission Viejo
- 319. Modesto
- 320. Monrovia
- 321. Montague
- 322. Montclair
- 323. Monte Sereno
- 324. Montebello
- 325. Monterey
- 326. Monterey Park
- 327. Moorpark
- 328. Moraga
- 329. Moreno Valley
- 330. Morgan Hill
- 331. Morro Bay
- 332. Mountain View
- 333. Mt. Shasta
- 334. Murrieta
- 335. Napa
- 336. National City
- 337. Needles
- 338. Nevada City
- 339. Newark
- 340. Newman
- 341. Newport Beach
- 342. Norco

Exhibit C  
Page 9

- 343. Norwalk
- 344. Novato
- 345. Oakdale
- 346. Oakland
- 347. Oakley
- 348. Oceanside
- 349. Ojai
- 350. Ontario
- 351. Orange
- 352. Orange Cove
- 353. Orland
- 354. Oroville
- 355. Oxnard
- 356. Pacific Grove
- 357. Pacifica
- 358. Palm Desert
- 359. Palm Springs
- 360. Palmdale
- 361. Palo Alto
- 362. Palos Verdes Estates
- 363. Paradise
- 364. Paramount
- 365. Parlier
- 366. Pasadena
- 367. Paso Robles
- 368. Patterson
- 369. Perris
- 370. Petaluma
- 371. Pico Rivera
- 372. Piedmont
- 373. Pinole
- 374. Pismo Beach
- 375. Pittsburg
- 376. Placentia
- 377. Placerville
- 378. Pleasant Hill
- 379. Pleasanton
- 380. Pomona
- 381. Port Hueneme
- 382. Porterville
- 383. Portola
- 384. Portola Valley
- 385. Poway

Exhibit C

Page 10

- 386. Rancho Cordova
- 387. Rancho Cucamonga
- 388.
- 389. Rancho Mirage
- 390. Rancho Palos Verdes
- 391. Rancho Santa Margarita
- 392. Red Bluff
- 393. Redding
- 394. Redlands
- 395. Redondo Beach
- 396. Redwood City
- 397. Reedley
- 398. Rialto
- 399. Richmond
- 400. Ridgecrest
- 401. Rio Vista
- 402. Ripon
- 403. Riverbank
- 404. Riverside
- 405. Rocklin
- 406. Rohnert Park
- 407. Rolling Hills
- 408. Rolling Hills Estates
- 409. Rosemead
- 410. Roseville
- 411. Ross
- 412. Sacramento
- 413. Salinas
- 414. San Anselmo
- 415. San Bernardino
- 416. San Bruno
- 417. San Buenaventura
- 418. San Carlos
- 419. San Clemente
- 420. San Dimas
- 421. San Fernando
- 422. San Francisco
- 423. San Gabriel
- 424. San Jacinto
- 425. San Joaquin
- 426. San Jose
- 427. San Leandro
- 428. San Luis Obispo



Exhibit C

Page 11

- 429. San Marcos
- 430. San Marino
- 431. San Mateo
- 432. San Pablo
- 433. San Ramon
- 434. Sand City
- 435. Sanger
- 436. Santa Ana
- 437. Santa Barbara
- 438. Santa Clara
- 439. Santa Clarita
- 440. Santa Cruz
- 441. Santa Fe Springs
- 442. Santa Maria
- 443. Santa Monica
- 444. Santa Paula
- 445. Santa Rosa
- 446. Santee
- 447. Saratoga
- 448. Sausalito
- 449. Scotts Valley
- 450. Seal Beach
- 451. Seaside
- 452. Sebastopol
- 453. Selma
- 454. Shafter
- 455. Shasta Lake
- 456. Sierra Madre
- 457. Signal Hill
- 458. Simi Valley
- 459. Solana Beach
- 460. Soledad
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- 1147. Peninsula Health Care District
- 1148. Peninsula Traffic Congestion Relief Alliance
- 1149. Penn Valley Fire Protection District
- 1150. Personal Assistance Services Council
- 1151. Phelan Pinon Hills Community Services District
- 1152. Pico Water District
- 1153. Pine Cove Water District
- 1154. Pine Grove Mosquito Abatement District
- 1155. Pinedale County Water District
- 1156. Pioneer Cemetery District
- 1157. Pixley Irrigation District
- 1158. Placer County Cemetery District No. 1

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- 1159. Placer County Resource Conservation District
- 1160. Placer County Transportation Planning Agency
- 1161. Placer County Water Agency
- 1162. Placer Hills Fire Protection District
- 1163. Placer Mosquito and Vector Control District
- 1164. Planning and Service Area II Area Agency on Aging
- 1165. Pleasant Hill Recreation and Park District
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- 1168. Plumas Eureka Community Services District
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- 1171. Pomona Valley Transportation Authority
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- 1173. Port San Luis Harbor District
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- 1178. Public Entity Risk Management Authority
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- 1180. Public Transportation Services Corporation
- 1181. Pupil Transportation Cooperative
- 1182. Purissima Hills Water District
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- 1184. Quincy Community Services District
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- 1186. Ramona Municipal Water District
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- 1189. Rancho Cucamonga Fire Protection District
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- 1191. Rancho Santa Fe Fire Protection District
- 1192. Rancho Santiago Community College Associated Students
- 1193. Rancho Simi Recreation & Park District
- 1194. Reclamation District No. 1000
- 1195. Reclamation District No. 1001
- 1196. Reclamation District No. 1660
- 1197. Reclamation District No. 3
- 1198. Reclamation District No. 833
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- 1200. Red Bluff Cemetery District
- 1201. Redwood Coast Regional Center

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- 1202. Redwood Empire Municipal Insurance Fund
- 1203. Redwood Empire School Insurance Group
- 1204. Reedley Cemetery District
- 1205. Regional Center of Orange County
- 1206. Regional Center of the East Bay
- 1207. Regional Housing Authority
- 1208. Regional Water Authority
- 1209. Rescue Fire Protection District
- 1210. Resort Improvement District No. 1
- 1211. Resource Conservation District of the Santa Monica Mountains
- 1212. Richardson Bay Sanitary District
- 1213. Rincon Del Diablo Municipal Water District
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- 1217. Riverbank City Housing Authority
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- 1226. Rose Bowl Operating Company
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- 1228. Roseville Public Cemetery District
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- 1252. Samoa Peninsula Fire Protection District
- 1253. San Andreas Regional Center, Inc.
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- 1255. San Benito County Water District
- 1256. San Bernardino City Unified School District
- 1257. San Bernardino County Housing Authority
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- 1266. San Diego State University Associated Students
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- 1270. San Elijo Joint Powers Authority
- 1271. San Francisco Bay Area Rapid Transit District
- 1272. San Francisco Bay Area Water Emergency Transportation Authority
- 1273. San Francisco City and County Housing Authority
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- 1275. San Francisco County Transportation Authority
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- 1290. San Luis Obispo Cal Poly Associated Students, Inc.
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- 1294. San Mateo County Harbor District
- 1295. San Mateo County In-Home Supportive Services Public Authority
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- 1335. Schell Vista Fire Protection District
- 1336. School Risk And Insurance Management Group
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- 1340. Scotts Valley Water District
- 1341. Selma Cemetery District
- 1342. Selma-Kingsburg-Fowler County Sanitation District
- 1343. Serrano Water District
- 1344. Sewer Authority Mid-Coastside
- 1345. Sewerage Commission-Oroville Region
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- 1355. Sierra-Sacramento Valley Emergency Medical Services Agency
- 1356. Silicon Valley Animal Control Authority
- 1357. Silicon Valley Clean Water
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- 1360. Solano County Mosquito Abatement District
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- 1364. Sonoma County Fire District
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- 1367. Sonoma Marin Area Rail Transit District
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- 1384. Southern California Association of Governments
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- 1398. Stege Sanitary District
- 1399. Stinson Beach County Water District
- 1400. Stockton East Water District
- 1401. Stockton Unified School District
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- 1403. Successor Agency to the Redevelopment Agency of the City of Fresno
- 1404. Successor Agency to the Redevelopment Agy of the City & County of San Francisco
- 1405. Suisun Fire Protection District
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- 1420. Temescal Valley Water District
- 1421. Templeton Community Services District
- 1422. Thermalito Water and Sewer District
- 1423. Three Rivers Community Services District
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- 1425. Tiburon Fire Protection District
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- 1458. Upland City Housing Authority
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- 1460. Utica Water and Power Authority
- 1461. Vacaville Fire Protection District
- 1462. Vacaville-Elmira Cemetery District
- 1463. Val Verde Unified School District
- 1464. Vallecitos Water District
- 1465. Vallejo Flood and Wastewater District
- 1466. Valley Center Municipal Water District
- 1467. Valley County Water District
- 1468. Valley Mountain Regional Center, Inc.
- 1469. Valley of the Moon Water District
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- 1472. Valley-Wide Recreation and Park District
- 1473. Vandenberg Village Community Services District
- 1474. Ventura College Foundation
- 1475. Ventura County Law Library
- 1476. Ventura County Schools Business Services Authority
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- 1481. Victor Valley Transit Authority
- 1482. Victor Valley Wastewater Reclamation Authority
- 1483. Visalia Public Cemetery District
- 1484. Vista Irrigation District
- 1485. Walnut Valley Water District
- 1486. Wasco Recreation and Park District
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- 1515. Wildomar Cemetery District
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- 1525. Woodbridge Rural County Fire Protection District
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- 1528. Yolo County Federal Credit Union
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- 1531. Yolo County Public Agency Risk Management Insurance Authority
- 1532. Yolo County Transportation District
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- 1534. Yolo-Solano Air Quality Management District
- 1535. Yorba Linda Water District
- 1536. Yuba Community College District
- 1537. Yuba County Water Agency
- 1538. Yuba Sutter Transit Authority
- 1539. Yucaipa Valley Water District
- 1540. Yuima Municipal Water District



**MEMORANDUM**

**TO:** AAMBAG Board of Directors

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

**SUBJECT:** Caltrans US 101 Business Plan

**MEETING DATE:** September 13, 2023

**RECOMMENDATION:**

Staff recommends that the Board accept the Caltrans US 101 Business Plan.

**BACKGROUND/ DISCUSSION:**

Caltrans District 5 is pleased to announce the completion of the US 101 Business Plan as of June 2023. The US 101 Business Plan was created in collaboration with the Central Coast Coalition and regional partners district wide. Previous iterations of the Business Plan have already been reviewed by and presented to regional staff, technical advisory teams, and Boards throughout its various stages of development. Questions can be submitted via email to [matthew.welker@dot.ca.gov](mailto:matthew.welker@dot.ca.gov).

**Discussion:**

The US 101 Business Plan was initiated by an action item proposed by Central Coast Coalition members following the California Transportation Commission Workshop in Salinas. The US 101 Business Plan follows the model of the Central Valley's State Route 99 (SR) Business Plan. The SR 99 Business Plan showcased the importance of the SR 99 corridor and identified investment needs prior to Proposition 1B in 2006, which ultimately provided \$1 billion in bonds for SR 99 improvements.

The purpose of the US 101 Business Plan is to provide the data, strategy, and community support needed to help secure financial investment in the US 101 corridor. It provides a medium to communicate with policymakers, partners, and the public. A draft of the plan was presented to Partner Boards and Technical Advisory Committees, including the AMBAG Board, between November 2022 and February 2023. Notable edits derived from the final comment period include:

- Updating constrained project costs in Santa Barbara and Monterey Counties;
- Emphasized the need for comprehensive multimodal planning that meet State and Federal initiative to secure future funding opportunities;

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- Updates to the Business Plan's Financial Plan and the discretionary funding opportunity descriptions.

#### **ALTERNATIVES:**

The Board could choose not to accept the Caltrans US 101 Business Plan.

#### **FINANCIAL IMPACT:**

The Business Plan can serve as an important unifying document that represents our region coming together to identify the major issues, needs, and priorities for the US 101. It's a valuable symbol of our partnership and can hopefully be impactful as material to cite in future grant applications for the projects contained within the Business Plan project list. The Business Plan identifies \$4B in constrained project costs throughout the Central Coast counties and summarizes potential avenues for funding.


#### **COORDINATION:**

The Business Plan was developed in coordination with the Highway 101 Business Plan Steering Committee. The Steering Committee is composed of the Central Coast Coalition MPO/RTPA Executive Directors and the Caltrans District Director. The Central Coast Coalition member agencies include the Santa Barbara County Association of Governments, San Luis Obispo Council of Governments, Transportation Agency of Monterey County, Association of Monterey Bay Area Governments, Santa Cruz County Regional Transportation Agency, Council of San Benito County Governments, and Caltrans District 5.

#### **ATTACHMENTS:**

1. Final US 101 Business Plan (separately enclosed)
  - Appendix A: Priority Project Tables by RTP/MPO
  - Appendix B: Segment Maps by Performance Metric
  - Appendix C: Business Plan Stakeholder List

#### **APPROVED BY:**

  
Maura F. Twomey, Executive Director



**MEMORANDUM**

**TO:** AMBAG Board of Directors

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

**RECOMMENDED BY:** Bhupendra Patel, Ph.D., Director of Modeling

**SUBJECT:** Draft Amendment No. 1 to the FY 2023-24 Monterey Bay Region Overall Work Program (OWP) and Budget

**MEETING DATE:** September 13, 2023

**RECOMMENDATION:**

Approve Draft Amendment No. 1 to the FY 2023-24 OWP and Budget.

**BACKGROUND/ DISCUSSION:**

The Infrastructure Investment and Jobs Act (IIJA) calls for the development of the Overall Work Program (OWP) and Budget by the federally designated Metropolitan Planning Organization (MPO). The Association of Monterey Bay Area Governments (AMBAG), as the federally designated MPO for the tri-county (Monterey, San Benito and Santa Cruz Counties) Monterey Bay Region, annually develops and maintains the OWP and Budget.

The FY 2023-24 OWP and Budget was developed in consultation and coordination with the region's Regional Transportation Planning Agencies (RTPA), transit operators, Caltrans, Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). It includes transportation and air quality related planning activities proposed for the Monterey Bay Region for the fiscal year July 1, 2023 to June 30, 2024.

The FY 2023-24 OWP and Budget was approved by the AMBAG Board of Directors at their May 10, 2023 meeting and the FY 2023-24 OWP was jointly approved by FHWA and FTA on May 30, 2023.

The AMBAG OWP and Budget is subject to periodic adjustments resulting from changes in activities as well as revisions in revenues and expenditures during the fiscal year. The

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proposed Draft Amendment No. 1 to the FY 2023-24 OWP and Budget accounts for the following changes:

- Programing new Indirect rate as approved by Caltrans.
- Programming of the new Work Element 335, Monterey Bay Electric Vehicle Climate Adaptation and Resiliency Framework grant award by Caltrans.
- Programming carryover funds for FY 2023-24 to reflect funding available after closing of FY 2022-23.
- Updating General Fund and Budget line items.

For your reference, Draft Amendment No. 1 to the FY 2023-24 OWP and Budget is separately enclosed with the agenda (Attachment 1).

**ALTERNATIVES:**

None.

**FINANCIAL IMPACT:**

Staff time to carry out OWP and Budget activities is funded through FHWA PL, FTA 5303, other State and local funds as programmed in the approved FY 2023-24 OWP and Budget.

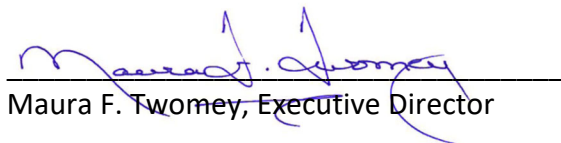
**COORDINATION:**

Preparation of Draft Amendment No. 1 to the FY 2023-24 OWP and Budget has been coordinated with transit operators, San Benito Council of Governments, Transportation Agency for Monterey County, Santa Cruz Regional Transportation Commission, California Department of Transportation (Caltrans), Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

**ATTACHMENT:**

1. Draft Amendment No. 1 to the FY 2023-24 AMBAG OWP and Budget (separately enclosed)

**APPROVED BY:**



Maura F. Twomey, Executive Director



**MEMORANDUM**

**TO:** AMBAG Board of Directors

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

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

**SUBJECT:** Environmental Legal Services Agreement

**MEETING DATE:** September 13, 2023

**RECOMMENDATION:**

It is recommended that the Board authorize the Executive Director to negotiate and execute an agreement with Sohagi Law Group, PLC for environmental legal services in an amount not to exceed \$75,000.

**BACKGROUND/ DISCUSSION:**

AMBAG requires on-call environmental legal services to assistance with the development of Environmental Impact Report (EIR) for the 2050 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). This EIR will also serve as the EIR for the Regional Transportation Plans (RTPs) for Monterey, San Benito, and Santa Cruz Counties being prepared by the Regional Transportation Planning Agencies (RTPAs). A separate consulting firm will prepare the 2050 MTP/SCS/RTPs EIR and is expected to be under contract in the next couple months.

Following the AMBAG procurement policies, staff issued a Request for Proposals (RFP) for Environmental Legal Services in June 2023. The RFP was advertised in local newspapers, the RFP National Database, and online on the American Planning Association, Association of Environmental Professionals, and AMBAG's websites. Staff received two proposals from consultants to conduct the work. An evaluation committee reviewed the proposals and ranked Sohagi Law Group, PLC the highest based on four criteria: 1) Proposed method to accomplish the work; 2) project experience; 3) staff qualifications; and 4) cost or best value.

**ALTERNATIVES:**

AMBAG could choose not to hire on-call environmental legal services to assist with the development of the MTP/SCS, RTPs and EIR. Staff does not recommend this alternative.

**FINANCIAL IMPACT:**

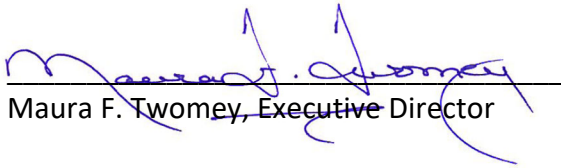
The funding to conduct the work is budgeted in the FY 2023-24 Overall Work Program and Budget.

**COORDINATION:**

The draft agreement language has been reviewed by AMBAG's legal counsel, Don Freeman.

**ATTACHMENTS:**

None.

**APPROVED BY:**

Maura F. Twomey, 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:** September 13, 2023

### RECOMMENDATION:

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

### BACKGROUND/ DISCUSSION:

The enclosed financial reports are for the 2022-2023 Fiscal Year (FY) and are presented as a consent item. The attached reports contain the cumulative effect of operations through June 30, 2023, as well as a budget-to-actual comparison. Amounts in the Financial Update Report are unaudited.

### FINANCIAL IMPACT:

The Balance Sheet for June 30, 2023, reflects a cash balance of \$3,485,673.92. The accounts receivable balance is \$842,230.01, while the current liabilities balance is \$1,230,449.68. AMBAG has sufficient current assets on hand to pay all known current obligations.

AMBAG's Balance Sheet as of June 30, 2023, reflects a positive Net Position in the amount of \$249,007.43. This is due to the Profit and Loss Statement reflecting an excess of revenue over expense of \$255,875.62. Changes in Net Position are to be expected throughout the fiscal year (FY), particularly at the beginning due to the collection of member dues which are received in July and the timing of various year-end adjustments required after our financial audit.

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The following table highlights key Budget to Actual financial data:

**Budget to Actual Financial Highlights**  
**For Period July 1, 2022 through June 30, 2023**

<b>Expenditures</b>	<b>Budget Through June 2023</b>	<b>Actual Through June 2023</b>	<b>Difference</b>
Salaries & Fringe Benefits	\$ 3,341,706.00	\$ 2,434,294.76	\$ 907,411.24
Professional Services	\$ 14,950,776.00	\$ 3,411,316.15	\$ 11,539,459.85
Lease/Rentals	\$ 82,500.00	\$ 80,532.18	\$ 1,967.82
Communications	\$ 27,800.00	\$ 30,392.43	\$ (2,592.43)
Supplies	\$ 135,900.00	\$ 54,512.97	\$ 81,387.03
Printing	\$ 10,700.00	\$ 835.81	\$ 9,864.19
Travel	\$ 70,700.00	\$ 31,846.65	\$ 38,853.35
Other Charges	\$ 381,734.00	\$ 383,105.42	\$ (1,371.42)
<b>Total</b>	<b>\$ 19,001,817.00</b>	<b>\$ 6,426,836.37</b>	<b>\$ 12,574,979.63</b>
<b>Revenue</b>			
Federal/State/Local Revenue	\$ 19,113,933.00	\$ 6,682,711.99	\$ 12,431,221.01
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. Projects early in their implementation are Integrated Land Use Model and Development Monitoring Framework Tool, Monterey Bay Natural and Working Lands Climate Mitigation and Resiliency Study, California Central Coast Sustainable Freight Study, and Complete Streets. 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. This program is approximately 75% completed. The current budget includes a proportionate share of \$10,133,742 in funding for the REAP 2.0 program. 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.

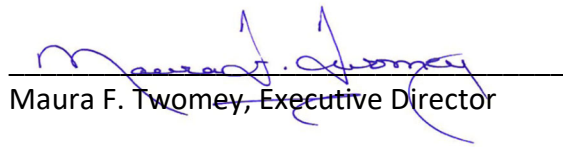
**COORDINATION:**

N/A

**ATTACHMENTS:**

1. Balance Sheet as of June 30, 2023
2. Profit and Loss: July 1, 2022 – June 30, 2023

**APPROVED BY:**



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Maura F. Twomey, Executive Director

AMBAG

Balance Sheet - Attachment 1

As of June 30, 2023

	June 30, 2023	Liabilities & Net Position	June 30, 2023
<b>Assets</b>		<b>Liabilities</b>	
<b>Current Assets</b>		<b>Current Liabilities</b>	
Cash and Cash Equivalents		Accounts Payable	1,064,138.65
Mechanics Bank - Special Reserve	507,033.01	Employee Benefits	166,311.03
Mechanics Bank - Checking	358,991.59	Mechanics Bank - Line of Credit	0.00
Mechanics Bank - REAP Checking	1,845,889.52	Total Current Liabilities	1,230,449.68
Mechanics Bank - REAP 2.0 Checking	769,476.33		
Petty Cash	500.00		
LAIF Account	3,783.47		
Total Cash and Cash Equivalents	3,485,673.92		
Accounts Receivable			
Accounts Receivable	842,230.01	<b>Long-Term Liabilities</b>	
Total Accounts Receivable	842,230.01	Deferred Inflows - Actuarial	258,986.95
		Net Pension Liability (GASB 68)	1,888,153.69
Other Current Assets		OPEB Liability	0.00
Due from PRWFPA/RAPS	477.44	Deferred Revenue	1,753,601.09
Prepaid Items	0.00	Total Long-Term Liabilities	3,900,741.73
Total Other Current Assets	477.44		
Total Current Assets	4,328,381.37	<b>Total Liabilities</b>	5,131,191.41
<b>Long-Term Assets</b>			
Net OPEB Asset	96,473.00		
FY 2002-2003 Housing Mandate Receivable	82,186.00		
Allowance for Doubtful Accounts	(16,437.20)		
Deferred Outflows - Actuarial	533,833.49		
Deferred Outflows - PERS Contribution	272,963.59		
Total Long-Term Assets	969,018.88	<b>Net Position</b>	
Capital Assets		Beginning Net Position	(6,868.19)
Capital Assets	319,089.93	Net Income/(Loss)	255,875.62
Accumulated Depreciation	(236,291.34)	Total Ending Net Position	249,007.43
Total Capital Assets	82,798.59	<b>Total Liabilities &amp; Net Position</b>	5,380,198.84
Total Assets	5,380,198.84		

**AMBAG**  
**Profit & Loss - Attachment 2**  
July - June 2023

	July - June 2023	July - June 2023
<b>Income</b>		
AMBAG Revenue		179,399.05
Cash Contributions		138,859.32
Grant Revenue		6,112,976.91
Non-Federal Local Match		251,476.71
<b>Total Income</b>		<b>6,682,711.99</b>
<b>Expense</b>		
Salaries		1,549,177.94
Fringe Benefits		885,116.82
Professional Services		3,411,316.15
Lease/Rentals		80,532.18
Communications		30,392.43
Supplies		54,512.97
Printing		835.81
Travel		31,846.65
Other Charges:		
BOD Allowances	8,000.00	
Workshops/Training	6,638.82	
GIS Licensing/CCJDC Support	8,632.98	
REAP Travel/Classes/Events	2,619.02	
SB1/MTIP/MTP/SCS/OWP/Public Participation Expenses	11,660.76	
Recruiting	561.14	
Model Expenses	1,950.00	
Dues & Subscriptions	26,343.80	
Depreciation Expense	33,534.49	
Maintenance/Utilities	1,001.64	
Insurance	30,425.28	
Interest/Fees/Tax Expense	260.78	
<b>Total Other Charges</b>		<b>131,628.71</b>
Non-Federal Local Match		251,476.71
<b>Total Expense</b>		<b>6,426,836.37</b>
<b>Net Income/(Loss)</b>		<b>255,875.62</b>

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**MEMORANDUM**

**TO:** AMBAG Board of Directors

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

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

**SUBJECT:** 2026 Regional Growth Forecast Preferred Methodology

**MEETING DATE:** September 13, 2023

**RECOMMENDATION:**

The Board of Directors are asked to approve Option 2 (Cohort Component Population Method) as the methodology for developing the 2026 Regional Growth Forecast.

**BACKGROUND/ DISCUSSION:**

Every four years, AMBAG updates its regional forecast for population, housing and employment to support the development of the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), Regional Travel Demand Model and other planning efforts.

The regional growth forecast projects the region's population, employment and housing numbers for the tri-county area of Monterey, San Benito, and Santa Cruz counties. The purpose of the regional growth forecast is to show likely changes in employment, population and housing in the region between 2020 and 2050, based on the most current information available. As growth patterns change over time, the forecast is updated on a regular basis to reflect the most current and accurate information available.

This forecast is used to inform regional and local planning projects such as the MTP/SCS, transportation projects, corridor studies, and economic activity analyses. Results from this forecast are used as inputs in the Regional Travel Demand Model to forecast travel patterns. AMBAG hired Population Reference Bureau (PRB) to assist in the preparation of the Regional Growth Forecast.

*Planning Excellence!*

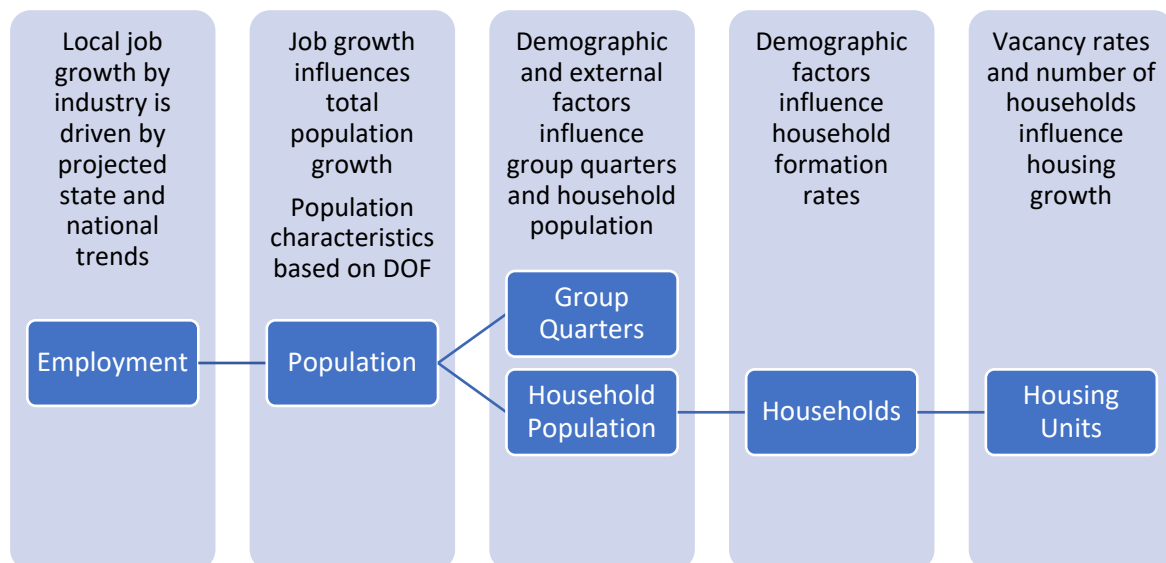
The region has seen robust job and housing growth in recent years, despite population decline. However, rapid job growth and shrinking population trends are not expected to continue long-term. In the 2026 Draft Regional Growth Forecast, we expect slow growth for all three--population, jobs, and housing.

### ***Methodology***

PRB has prepared three forecast methodologies for AMBAG's consideration. All methodologies would use the latest data from sources including data from the California Department of Finance (DOF), California Employment Development Department, Caltrans, U.S. Bureau of Labor Statistics, and U.S. Census Bureau. Option 2 would also include birth and death data from the California Department of Public Health and U.S. Centers for Disease Control and Prevention.

#### **Option 1: Employment-Driven Method**

The first option is to continue using the employment-driven forecast modeling framework that AMBAG has used for the past three MTP/SCS cycles. The modeling framework is illustrated in the figure below.



**Employment:** Employment growth by industry is driven by projected national and statewide trends for all industries in the region using a shift-share model.

**Population:** Employment growth trends influence population growth. The forecast of total population is based on historical trends in the ratio of population to employment in AMBAG region.

Projections of demographic characteristics (i.e., population by age, sex, and



race/ethnicity) in the 2022 RGF rely on a proportional approach based on demographic projections from the California Department of Finance (DOF).<sup>1</sup>

Household Population and Households: Demographic factors (e.g., age, sex, race/ethnicity) and external factors (e.g., major group quarters facilities like colleges and universities, correctional facilities, etc.) influence the household population and household formation rates (i.e., the number of people per household).

Housing Units: Housing projections are driven by the household population projection, demographic characteristics of the household population (age, sex, race/ethnicity), household formation rates, and housing vacancy rates.

Advantages of this approach:

- Consistent with prior AMBAG MTP/SCSs.

Disadvantages of this approach:

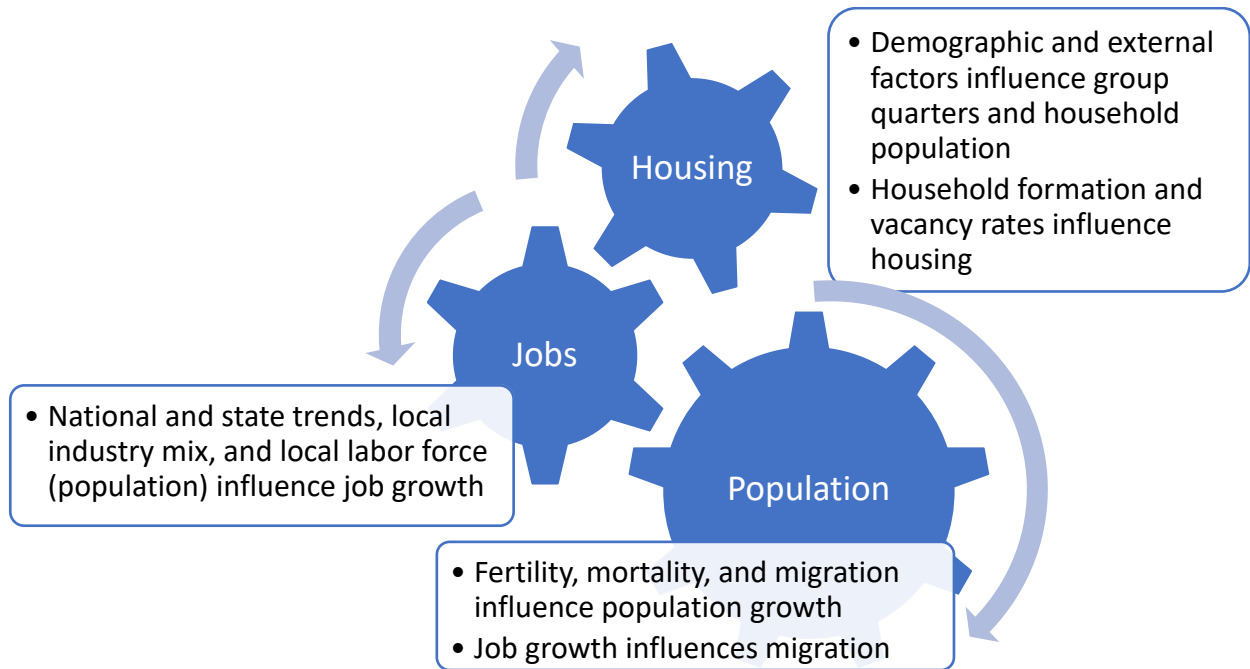
- Weak linkage (only one direction from jobs to population) between population and jobs forecast.
- Relies on DOF for demographic detail.

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<sup>1</sup> The demographic characteristics projections would be based on a forecast released by DOF in 2021. DOF is planning to publish a revised forecast in summer 2023 but the update was not available at the time of writing.

## Option 2: Cohort Component Population Growth

The second option implements a cohort component model for the population forecast that uses birth, death, and migration information to predict future population. The modeling framework is illustrated in the figure below.



**Employment:** Employment growth by industry is driven by projected national and statewide trends for all industries in the region using a shift-share model with input from the population model through the working-age population forecast.

**Population:** Fertility, mortality, and migration trends influence population growth. Employment forecast influences migration levels.

**Household Population and Households:** Same as Option 1.

**Housing Units:** Same as Option 1.

Advantages of this approach:

- Consistent with other California COGs.
- Allows closest linkages between model components.
- Produces detailed demographic characteristics without relying on a forecast update from DOF.

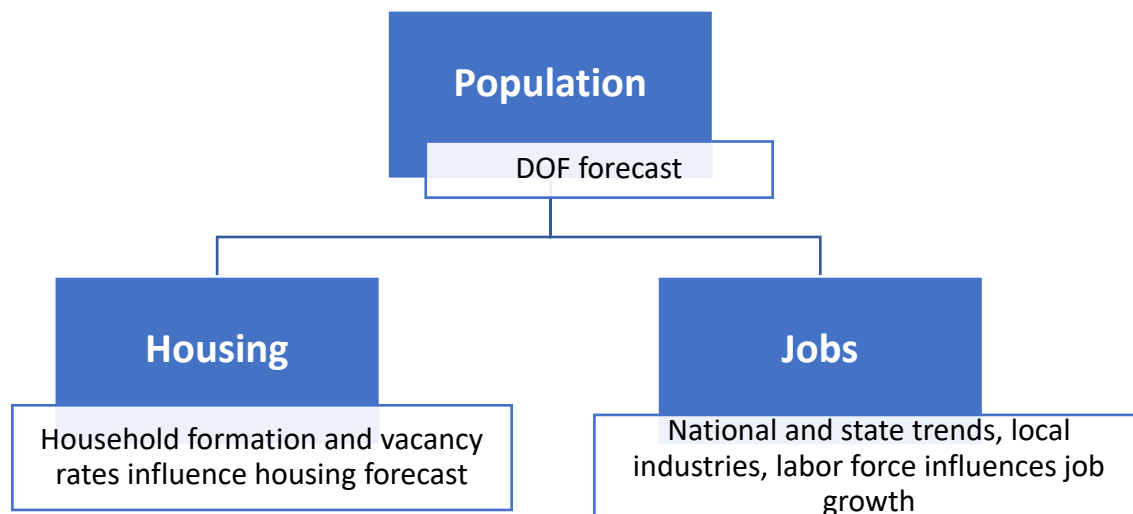
Disadvantages of this approach:

- Slightly more labor-intensive.

Note: Prior testing by PRB (for 2022 RGF) has shown this approach to produce similar results to Option 1.

### Option 3: DOF Forecast

The third option is to use DOF's forecast for population characteristics. The modeling framework is illustrated in the figure below.



Employment: Employment growth by industry is driven by projected national and statewide trends for all industries in the region using a shift-share model with input from the population model through working-age population forecast.

Population: Use DOF forecast as published.

Household Population and Households: Same as Option 1.

Housing Units: Same as Option 1.

Advantages of this approach:

- Saves consulting time.

Disadvantages of this approach:

- No local input on population forecast.
- Weak linkage (only one direction from population to jobs) between population and jobs forecast.
- DOF forecast release date is uncertain.
- DOF forecast for small counties varies widely between releases.

### ***Recommended Regional Forecast Methodology Option***

AMBAG presented the three options to the Planning Directors Forum on July 31, 2023 for feedback and input on the preferred methodology that AMBAG should use for the 2026 Regional Growth Forecast. At that meeting, many Planning Directors expressed support for Option 2 (Cohort Component Population Forecast Method) as it aligns AMBAG with what other regional agencies are using as well as providing the region with the most local input and linkages between population, jobs, and housing. The Planning Directors confirmed that Option 2 was the best methodology option at its August 28, 2023 meeting.

The forecast methodology options were also presented to the AMBAG Board of Directors on August 9, 2023 for discussion and input. Many Board members also felt that Option 2 (Cohort Component Population) was the best option for AMBAG. Given the feedback and input received from both the Planning Directors Forum and the Board of Directors, staff recommend that Option 2 be selected as the preferred forecast methodology for the 2026 RGF.

### ***Timeline***

- Summer/early Fall 2023 – Select a method and produce preliminary draft forecast
- Fall 2023 – Complete draft regional growth forecast
- Early 2024 – Begin subregional allocation

### ***Next Steps***

AMBAG staff and PRB will prepare a draft regional forecast for review and discussion by the Board of Directors in October 2023. The Board of Directors will be asked to approve a draft regional growth forecast. A draft of the regional forecast will be ready for review and discussion in September 2023. AMBAG will continue to work closely with local jurisdictions and gather information to ensure that the most current local data is incorporated into the forecast and to ensure consensus on the process.

**ALTERNATIVES:**

The Board of Directors could choose to a different forecast methodology for the 2026 RGF.

**FINANCIAL IMPACT:**

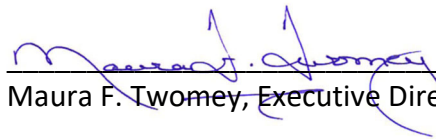
Planning activities for the 2026 Regional Growth Forecast are funded with FHWA PL, FTA 5303 and SB 1 planning funds and are programmed in the FY 2023-24 Overall Work Program and Budget.

**COORDINATION:**

The 2026 Regional Growth Forecast is prepared in coordination and consultation with the 21 local jurisdictions and our transportation partner agencies.

**ATTACHMENTS:**

None.

**APPROVED BY:**

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Maura F. Twomey, Executive Director

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On September 13, 2022, California Governor Gavin Newsom signed into law Assembly Bill (AB) 2449 (Rubio). The new amendments to the Brown Act go into effect on January 1, 2023. AB 2449 provides alternative teleconference procedures to allow members of the AMBAG Board of Directors to participate remotely under very limited circumstances.

**Voting members must attend the physical meeting to count toward quorum.  
Members of the public and non-voting members may use the Zoom link provided on the agenda to join the AMBAG Board of Directors meeting online.**

### **2023 AMBAG Calendar of Meetings**

<b>October 11, 2023</b>	<b>MBARD Board Room</b> <b>24580 Silver Cloud Court, Monterey, CA 93940</b> Meeting Time: 6 pm
<b>November 8, 2023</b>	<b>MBARD Board Room</b> <b>24580 Silver Cloud Court, Monterey, CA 93940</b> Meeting Time: 6 pm
<b>December 2023</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