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Bay Area Air Quality Management District  
Metropolitan Transportation Commission

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## Joint Policy Committee / Regional Planning Program

Date: March 17, 2005  
To: Joint Policy Committee  
From: Regional Planning Program Director  
Subject: The JPC in Relation to Pre-existing ABAG, BAAQMD and MTC Planning Committees

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The Chair of the Joint Policy Committee (JPC) has requested a report on how the JPC's mandate relates to the mandates of existing regional planning committees at each of the three member agencies. This memo, prepared in consultation with the Executive Directors of ABAG and MTC and with the BAAQMD Air Pollution Control Officer, responds to that request. The memo suggests a couple of modest ideas for responding to the expanded committee structure created by insertion of the JPC. The ideas attempt to pursue efficiencies and enhance communication while retaining the pre-existing committees and their inclusionary benefits.

### The JPC

The JPC derives its mandate from two sources: the final report of the ABAG-MTC Task Force, dated December 19, 2003; and SB 849 (Torlakson), signed into law September 25, 2004.

The Task Force report describes the JPC mandate as follows:

*A permanent joint policy committee, consisting of representatives of the ABAG and MTC Boards shall be created. The Joint Policy Committee's purpose is to advance integrated regional planning and will have authority to comment on and review any substantial regional plans or strategies that are devised by either agency, and shall report directly to the board of each agency. The focus of the Committee's efforts will be to periodically update the regional vision and outline implementation strategies for consideration by ABAG and MTC. Countywide agencies made up of city and county representatives as well as other regional agencies should be involved extensively in helping to update the Vision and creating strategies. The Joint Policy Committee will look at its relationship with the Regional Agency Coordinating Committee and other standing committees of each agency.*

SB 849 elaborates on and arguably expands that mandate:

*The joint policy committee shall coordinate the development and drafting of major planning documents prepared by ABAG, MTC, and the Bay Area Air Quality Management District, including reviewing and commenting on major interim work products and the final draft comments prior to action by ABAG, MTC, and the Bay Area Air Quality Management District. These documents include, but are not limited to, the following:*

- (1) *Beginning with the next plan update scheduled to be adopted in 2008, the regional transportation plan prepared by MTC and described in Section 66508 of the Government Code.*
- (2) *The ABAG Housing Element planning process for regional housing needs pursuant to Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.*
- (3) *The Bay Area Air Quality Management District's Ozone Attainment Plan and Clean Air Plan.*

There are four key characteristics of the JPC mandate:

1. The JPC has a core responsibility in the development and implementation of integrative regional strategy (currently the Smart-Growth Vision);
2. In pursuing that responsibility, the JPC will involve other significant parties—particularly counties and cities;
3. The JPC is responsible for coordinating and reviewing major planning documents from each agency for the implied purpose of pursuing consistency with the integrative strategy;
4. However, final decision-making authority will continue to reside with the member Boards and Commission, and the JPC must report directly to the relevant Board(s) and/or Commission for final disposition of any policy recommendation.

The Task Force report makes explicit reference to the Regional Agency Coordinating Committee (RACC). The RACC was created to coordinate the work of ABAG, BAAQMD, and MTC on air quality plans. It was also briefly charged, together with a smart-growth working group, with pursuing implementation of the Smart-Growth Vision. However, it did not have time to make significant progress on the latter task. As the SB 849 gives the RACC's original *raison d'etre* to the JPC and as the Task Force report assigns smart-growth strategy to the JPC, both the primary and secondary mandates of the RACC have been obviated. The RACC has not met since the JPC started meeting.

#### Member Agency Committee Structure

Each of the member agencies has in place an existing committee structure to advise on and consider planning and policy matters.

At ABAG, the Executive Board makes planning and policy decisions. For example, the Board approves and adopts the policy-based population, household and jobs forecasts (most recently *Projections 2005*) and the Board adopts the Regional Housing Needs Determination. The Regional Planning Committee (RPC) is one of three standing committees of ABAG and is charged with studying and submitting the following to the Executive Board: the Regional Plan for the San Francisco Bay Area; environmental management, housing and infrastructure planning; comprehensive policies and procedures; and other matters as assigned by the Executive Board. Nearly three-quarters of RPC members are directly elected and represent member cities and

counties as well as special district boards and other regional bodies. Other members represent designated special or public interests. Over the years, the RPC has been a leader in developing ABAG planning initiatives, including the land-use policy framework, sub-regional planning policies, and smart growth strategies.

Planning and policy decisions at the Air District are made by the Board of Directors, with in-depth discussion of some policy and planning issues occurring at the Board's Executive Committee. The Board and the Air Pollution Control Officer are advised by an Advisory Council made up entirely of non-elected appointees selected for their expertise or interest affiliation.

The Commission is, of course, the policy-making body at MTC, with the Planning and Operations Committee (POC) providing a forum for the detailed consideration of planning matters. Of the three agencies, MTC has the most complex structure of committees, constituted to provide advice and to pursue projects and programs in partnership with other agencies. The advisory committee most related to general regional transportation and land-use policy is the Advisory Council. Members of the Council, all non-elected, either represent an interest or an area of technical knowledge.

The BAAQMD and MTC Advisory Councils and the ABAG Regional Planning Committee may undertake their own work programs and discuss items without immediate reference to policy items pending before the Boards or Commission. Information exchange may be the only intended short-term result, and there may be no expectation of an imminent Board or Commission decision. Part of the RPC's mission is to elevate new issues to the fore; information exchange can be a first step in deciding that an issue is of sufficient import to warrant a subcommittee, special study, development of tools and resources, etc.

In addition to standing committees, all three agencies may appoint *ad hoc* technical advisory committees (TACs) to assist with the development of particular policies or programs. As well, all three agencies are members, along with a variety of private-sector and voluntary organizations in the Bay Area Alliance for Sustainable Communities. The Alliance was the umbrella organization for the *Compact for Sustainable Development* and was one of the partners in the development of the *Smart Growth Strategy / Regional Livability Footprint Project*, a key representation of the Smart-Growth Vision. ABAG was the lead agency and secured the funding for the merged smart-growth / livability footprint work.

### Consolidated Committee Structure

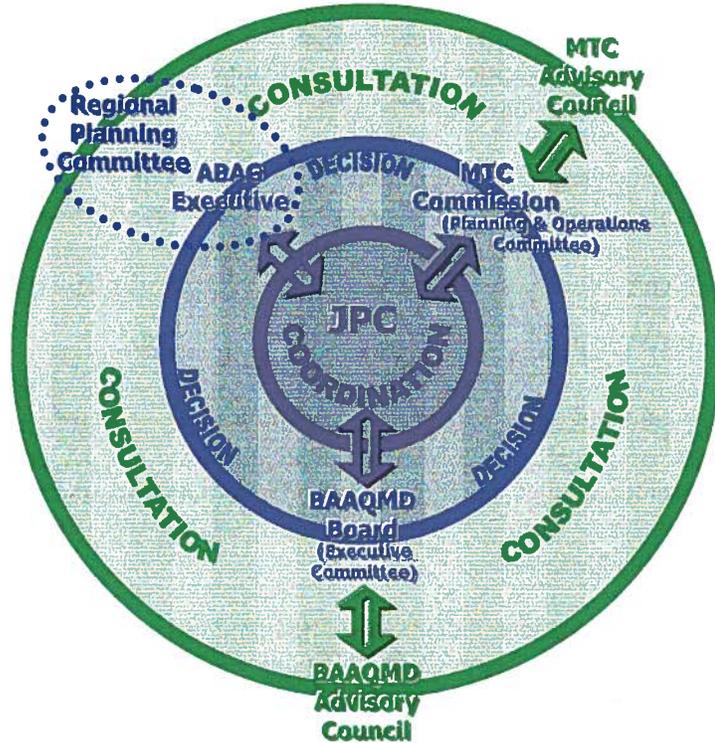
Inserting the JPC into the existing structure of major policy and planning committees results in the consolidated structure illustrated in the diagram on the next page.

The JPC is at center of the action, developing and pursuing a regional strategy and coordinating regional planning work in all three agencies to ensure plans, policies and actions consistent with the strategy.

However, policy decisions can only be made by the member Boards and Commission. In their detailed policy deliberations, these bodies may rely on standing committees composed entirely of

Board and Commission members (e.g., the BAAQMD Executive Committee or the MTC Planning and Operations Committee) or committees with broader membership (the ABAG Regional Planning Committee).

The Boards and the Commission may also draw upon policy advice provided by committees or councils containing members from the broader community of interest groups and experts. The ABAG RPC is a hybrid in that it contains both non-elected advisors and elected members. It is both a standing committee and an advisory group. From time to time, the advisory groups and the RPC may, either through their own initiative or as result of a Board or Commission referral, consider regional issues without direct reference to a pending policy decision. This may be purely for the purpose of information sharing, for the objective of assessing early warnings, or to incubate new ideas not yet ready for prime time.



Potential Issues

The consolidated structure described above was not planned; it just happened. As a result, there may be some issues requiring resolution. Three inter-related concerns stand out:

1. Repetition and duplication

As major planning and policy items must be considered by an increasing variety of decision-making, advice and coordinating bodies, there is potential for some perceived and real inefficiencies in the use of member and staff time. For example, an ABAG member sitting on the JPC, the RPC and the ABAG Executive may be required to sit through essentially the same staff presentation at least three times (Multiply that number for some JPC members who sit on both Boards and the Commission!). Staff, pursuing a major policy initiative may be required to speak to at least a half dozen groups within the circle of the three agencies before even taking a step out the door to consult with a broader constituency of local governments and the general public. This places a burden on already busy Board and Commission members, adds to the time required to resolve major policy issues and reduces the ability of a finite staff resource to pursue new initiatives. To some extent this is an unavoidable cost of undertaking complicated planning tasks and seeking difficult policy choices in a large and complex region. It is important that no one feel excluded. However, if we are to

make relatively rapid progress and not wear people out, we need to do as much as we can to make this process efficient and expeditious.

2. Priorities and focus

One huge reality for the Bay Area is that the resources available to pursue integrated, strategic regional planning of the type mandated to the JPC are limited. Planning investigations not directly related to the regional strategy serve a useful purpose, but every resource they consume is a resource not available to the integrative strategy and its implementation. To the extent that regional resources are used by advisory or standing planning committees independent of and unrelated to the consolidated regional planning mandate, the ability to meet that mandate is diluted. Agencies may need to make choices between independent planning programs and their demonstrable benefits and consolidated work on the regional strategy. Without a net increase in resources or hard choices about priorities, we will not be able to meet expectations for the JPC and the integrative regional strategy.

3. Indirect connection between the JPC and the community of advisors

As the diagram illustrates, the advisory councils and the RPC provide advice to their respective Boards and Commission. The link to the JPC and its strategy and coordination mandates is indirect. For integration to occur and for the strategy to be effective and robust, there may need to be more direct communication between the JPC and the advisory bodies and among the advisory bodies themselves. A meaningful connection with the Bay Area Alliance and the other regional agencies may also need to be re-established, noting that the agency advisory bodies and the Alliance also have many members in common.

### Steps Toward Resolution and Improvement

The existing agency committee structure, before the interjection of the JPC, is an institution. Some parts of it have existed for decades. Institutions do not change quickly or easily, and the issues identified above are inevitable and expected. Wholesale restructuring of the existing committees and their mandates risks losing the many benefits they can provide.

However, the JPC and its constituent agencies can begin taking some steps to reduce redundancy, focus resources and improve communication.

One possible step is to do as MTC has done with the draft TOD policy, essentially turning over refinement and development beyond the initial draft to the JPC. It is MTC's intention to only bring TOD to the attention of its own Planning and Operations Committee and Commission at key policy junctures after the JPC has carefully considered broad policy implications, received public comment and formulated recommendations. The JPC will be the single focus point for an integrated consideration of TOD policy relative to the region's consolidated growth and development objectives.

Taking this approach one step further would involve bringing major policy work to the JPC at its very inception, not in mid-stream as has been necessitated by the initiation of the TOD work well

before the JPC's creation. This would help ensure truly integrated work programs, involving appropriate resources and perspectives from all member agencies, and would allow the JPC to clearly focus on what we are doing together, not on what we are doing independently.

Another possible innovation is to use a conference model for those extraordinary instances when a policy initiative requires involvement of a wide spectrum of advisors. The model is a common one, which most people in public life have experienced. It would work something like this:

- Various advisory councils and committees (and perhaps even groups like the Bay Area Alliance) would come together in one large room to hear a common staff presentation and maybe a panel discussion of countervailing views;
- The councils, committees, and groups would then meet separately in breakout sessions to identify and discuss issues and formulate preliminary recommendations for the JPC;
- The separate committee reports might be presented in plenary session, so groups could learn from one another;
- Working from common themes and from areas of agreement and disagreement identified by the various committees and groups, the JPC (assisted by its staff) would identify an agenda for further discussion and possible staff work;
- Depending on the complexity of the policy issue, there might be iteration through another conference or two until a shared, implementable package could proceed through the JPC to the relevant Board(s) and/or Commission.

There are some obvious logistical problems in working this way, and it is inappropriate for most common decisions that the regional agencies currently make. However, for major policy questions, involving multiple interests, it may be a more expeditious and informative process than the current method of proceeding one committee at a time. It is certainly worthy of serious consideration for the few major policy initiatives for which it would be applicable and for which the costs of organization can be justified by time and staff savings compared to a more disjointed and incremental approach.

There may be other improvement ideas as well. It is important to not get fixated on "shape-of-the-table" issues, and we should not be concentrating on committee structure and processes at the cost of paying less attention to the substantive issues that really matter to the region. However, we may benefit from recognizing and acknowledging that there may be issues and problems with the consolidated committee structure which interjection of the JPC and the objective of coordination have produced. These issues and problems will not go away by themselves, and at least some small intervention and experimentation may be desirable. It is a different regional world than it was this time last year, and everyone may need to adjust at least a little if we are to make the progress expected of us all.

## RECOMMENDATION

The Regional Planning Program Director, in consultation with the Executive Directors of ABAG and MTC and with the BAAQMD Air Pollution Control Officer, RECOMMENDS:

THAT the JPC encourage member agencies to use new major policy initiatives as opportunities to consider how items are assigned to and processed through standing committees and advisory councils so as to:

- Acknowledge and use the new integrative planning and coordination role of the Joint Policy Committee as early as possible in policy development;
- Minimize unnecessary duplication and inefficiencies in the use of member and staff time;
- Accord priority to implementation of the integrative regional vision through the JPC and appropriate member agencies;
- Promote productive communication among advisory councils and standing committees and between those bodies and the Joint Policy Committee;
- Ensure that involvement remains inclusive and considerate of all relevant interests.



# ABAG-MTC TASK FORCE FINAL REPORT

December 19, 2003

## BACKGROUND

For many years, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) have had different ideas about how regional planning should be accomplished in the Bay Area. ABAG has had a long standing policy that the agencies should be merged, while MTC has favored continued independence of the two agencies. While the two have successfully cooperated many times in the past, and share some board members, the controversy continued.

This came to a head in 2002 when Sen. Tom Torlakson, D-Antioch, introduced a bill to merge the two agencies. The bill passed the Senate but died in an Assembly committee, after significant opposition and questions about the specific proposal. Spurred by this legislation, ABAG and MTC agreed to try to resolve their differences by negotiation rather than through the state legislature.

Following a series of correspondence between MTC Chair Steve Kinsey and ABAG President Gwen Regalia, and approvals of both ABAG's and MTC's policy bodies, an ABAG-MTC Task Force was formed to review ways to improve comprehensive regional planning, including possible organizational and structural changes to ABAG and MTC.

The team of John Fregonese and Don Blubaugh were selected to serve as Task Force facilitators. Don Blubaugh retired as City Manager of the City of Walnut Creek. John Fregonese is principle of Fregonese Calthorpe Associates. Don recently managed the "Shaping our Future" Campaign in Contra Costa County, while John was the principle consultant in that effort.

The work plan was based on a series of 6 meetings, beginning with reaching an agreement on the definition of the problem, studying successful regional plans elsewhere in the country, developing a list of potential solutions, working to consensus on those solutions, and developing an agreement for further action. The meetings were well attended, and all members took an active role. The final agreement was supported unanimously by the ABAG-MTC Task Force.

While there remains a difference of opinion on the issue of merger, agreement was developed to put this issue aside for the time being, and develop a better structure to do regional planning together. The solution involves creating a permanent joint committee, similar in structure to the committee that developed the agreement, developing staff support for that committee, and focusing on long and short term goals. While a consensus based merger is not possible in the short term, there was unanimous agreement that the pressing regional issues could not wait, and that this structure could result in substantial real progress in resolving longstanding regional problems.

The following agreement is the basis for moving forward to solving those problems. It is the hope of the committee that while differences remain around the issue of merger, there is work to be done in solving pressing regional issues. Developing a closer, more integrated working relationship may provide new insights for an even more effective structure in the future.

## **TASK FORCE AGREEMENT**

### **Principles of Consensus**

- 1) There needs to be some structural changes in how the two agencies work together – truly effective regional progress depends on a more collaborative effort with the appropriate structure and resources to support it.
- 2) To facilitate progress in regional matters, there should be a newly-created standing Joint Policy Committee from the two agencies with a substantial role.
- 3) There is support for a substantial and effective regional implementation strategy based on information, partnerships, incentives, and disincentives.
- 4) There is agreement on a list of activities that should be undertaken, although the final action list should be a follow on activity formed by the new Joint Policy Committee.

### **Organizational Structure**

A permanent joint policy committee, consisting of representatives of the ABAG and MTC Boards shall be created. The Joint Policy Committee's purpose is to advance integrated regional planning and will have authority to comment on and review any substantial regional plans or strategies that are devised by either agency, and shall

report directly to the board of each agency. The focus of the Committee's efforts will be to periodically update the regional vision and outline implementation strategies for consideration by ABAG and MTC. Countywide agencies made up of city and county representatives as well as other regional agencies should be involved extensively in helping to update the Vision and creating the strategies. The Joint Policy Committee will look at its relationship with the Regional Agency Coordinating Committee and other standing committees of each agency.

The Joint Policy Committee shall have its own dedicated staff resources to implement a work plan of its creation devised to advance integrated regional planning for the Bay Area. The staff team (numbers to be determined based upon an adopted work plan) shall be led by a Planning Manager who shall be retained by the Executive Directors of ABAG and MTC with input provided by the Joint Policy Committee.

### **Financial Resources:**

MTC agrees to provide funding for up to two years for the Planning Manager position though assistance from other agencies will be explored by the Joint Policy Committee as well. It is also agreed that during this time ABAG will provide additional information as to how funding previously allocated by the Commission to ABAG are being spent and the work products created. The first order of business will be to develop a work program and budget for the joint policy committee. Both agencies will contribute to this work program with funds, staff, or both. The exact budget and source of funds will be the subject of a later negotiation and agreement between the agencies.

### **Plan of Action**

The Joint Policy Committee will consider the following:

- To implement the Regional Smart Growth Vision development of a list of (1) incentives, (2) financial strategies, (3) model codes and other strategies and invite and work with local agencies to create and implement them as best management practices.
- Development of a legislative agenda working with other state and regional agencies to further regional planning goals..

- Consider a regional investment strategy and incentives that reinforces the Smart Growth Vision
- Coordinate and evaluate other regional plans dealing with incentives, transportation, land use, housing, jobs, environment, economy and equity with the view of coordinating revisions and updates to coincide with the 2008 RTP.