

***TRANSPORTATION TECHNICAL COMMITTEE/
POLICY ADVISORY COMMITTEE***

***ADMINISTRATIVE
CONSENT ITEM IX. A-H***

<u>AB 733</u> Galgiani	High-Speed Rail Authority.	2nd Floor ████████████████████	
<u>AB 932</u> Torlakson	Child care and development services: facilities.	2 Year ████	
<u>AB 1135</u> Skinner	Vehicles: registration renewal.	2 Year ████	
<u>AB 1195</u> Brownley	Child care and development programs: advisory committee.	2 Year ████	
<u>AB 1375</u> Galgiani	High-speed rail.	2 Year ████	
<u>ACA 9</u> Huffman	Local government bonds: special taxes: voter approval.	1st Fiscal ████████████████████	
<u>ACA 15</u> Arambula	Local government transportation projects: special taxes: voter approval.	1st Floor ████████████████████	
<u>SB 12</u> Simitian	Sacramento-San Joaquin Delta Stewardship Council.	Conference ████████████████████	
<u>SB 165</u> Lowenthal	Vehicles: parking violation.	2nd Policy ████████████████████	

<u>SB 205</u> Hancock	Traffic congestion: motor vehicle registration fees.	2nd Fiscal	
<u>SB 295</u> Dutton	California Global Warming Solutions Act of 2006.	2 Year	
<u>SB 406</u> DeSaulnier	Land use: environmental quality.	2nd Fiscal	
<u>SB 409</u> Ducheny	Department of Railroads.	1st Fiscal	
<u>SB 425</u> Simitian	Personal and corporate income taxes: deductions: parking: credits: ridesharing expenses.	1st Fiscal	
<u>SB 455</u> Lowenthal	High-speed rail.	2nd Floor	
<u>SB 560</u> Ashburn	Regional transportation plans: sustainable communities strategy.	2 Year	
<u>SB 575</u> Steinberg	Local planning: housing element.	2nd Floor	
<u>SB 632</u>	Ports: congestion relief: air	2nd Floor	

Lowenthal	pollution mitigation.		
SB 716	Local transportation funds.	2nd Floor	
Wolk			
SCA 2	Revised biennial session.	1st Policy	
Wyland			
SCA 3	Transportation Investment Fund.	1st Policy	
Wyland			
Total Position Forms: 27			



Legislation Summary September 2009

Bill # Author	Topic - Summary	Status/Hearing	Fresno COG Position	Other Position
AB 153 Ma	High-Speed Rail Authority. Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law authorizes the authority to prepare a plan for the construction and operation of that system and to enter into contracts, acquire rights-of-way through purchase or eminent domain, and take other actions, subject to specified contingencies. Under existing law, a public entity may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity that meets certain requirements. Existing law generally prohibits a state agency from employing legal counsel other than the Attorney General unless there is a specific statute authorizing that employment. This bill would eliminate those contingencies to the exercise of the authority's authority and would specify that the authority constitutes a "governing body" for the purpose of adopting a resolution of necessity. The bill would authorize the authority to employ its own legal staff or contract with other state agencies for legal services, or both. This bill contains other related provisions and other existing laws.	07/02/2009-In committee: Set, first hearing. Hearing canceled at the request of author.		

<u>AB 266</u> Carter	Transportation needs assessment. Existing law creates the California Transportation Commission, with various duties and responsibilities relative to the programming and allocation of funds for transportation capital projects. Existing law requires the commission to submit, by December 15 of each year, an annual report to the Legislature summarizing the commission's prior-year decisions in allocating transportation capital funds and identifying timely and relevant transportation issues facing the state. This bill would require the commission, on an every-5-year basis, to develop an assessment of the unfunded costs of programmed state projects and federally earmarked projects in the state, as well as an assessment of available funding for transportation purposes and unmet transportation needs on a statewide basis. The bill would require the Department of Transportation to assist in conducting the assessment. The bill would require the commission to submit the first assessment report to the Legislature by March 1, 2011.	06/11/2009-Referred to Com. on RLS.		
<u>AB 304</u> Price	Child Care and Development Services Act: alternative payment programs. The Child Care and Development Services Act, administered by the State Department of Education, provides that children up to 13 years of age are eligible, with certain requirements, for child care and development services. The act requires the department to contract with local contracting agencies to provide for alternative payment programs , and authorizes alternative payments to be made for services provided in licensed centers and family day care homes for care provided in the child's home, and for other types of care that conform to applicable law. The act prohibits payments made by alternative payment programs from	06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009)		

	exceeding the applicable market rate ceiling, but allows alternative payment programs to expend more than the standard reimbursement rate for a particular child, provided that the aggregate payments for services purchased by the agency during the contract year do not exceed the assigned reimbursable amount as established by the contract for the year. This bill would delete that authority to expend more than the standard reimbursement rate for a particular child. The bill, in addition, would require an alternative payment program to establish a program of electronic banking for payments made to licensed and license-exempt family day care homes, and to implement that program no later than one year after the bill takes effect.			
<u>AB 315</u> De Leon	Child care and development services: alternative payment programs. The Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public Instruction to administer child care and development programs that offer a full range of services for eligible children from infancy to 13 years of age. The act authorizes funds appropriated for purposes of the act to be used for alternative payment programs to allow for maximum parental choice. This bill would require the department to consider developing guidelines for alternative payment programs on specified matters, including timeliness of payment to child care providers.	06/18/2009-Referred to Com. on RLS.		
<u>AB 596</u> Evans	Community planning grants. Existing law establishes the Strategic Growth Council that is required to take actions with regard to coordinating programs of member state agencies to improve air and water quality, improve natural resource protection, increase the availability of affordable	06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009)		

	housing, improve transportation, meet the goals of the California Global Warming Solutions Act of 2006, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner. This bill would establish the Community Planning Grant and Loan Fund and would authorize the council to expend the revenues in the fund, upon appropriation by the Legislature, to carry out the Community Planning Grant and Loan Program which this bill would establish. The bill would require the council to expend these funds to provide competitive grants and loans to support community planning by providing grants and loans for projects to improve sustainability and livability of California's communities by reducing communities' contributions to global warming. This bill contains other related provisions.		
<u>AB 726</u> Nielsen	Transportation capital improvement projects. Existing law generally provides for allocation of transportation capital improvement funds pursuant to the State Transportation Improvement Program process. Existing law provides for 75% of funds available for transportation capital improvement projects to be made available for regional projects, and 25% for interregional projects. Existing law describes the types of projects that may be funded with the regional share of funds, and includes local road projects as a category of eligible projects. This bill would state that local road rehabilitation projects are eligible for these funds.	06/16/2009-In committee: Set, first hearing. Hearing canceled at the request of author.	
<u>AB 733</u> Galgiani	High-Speed Rail Authority. Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st	08/17/2009-Read second time. To third reading. 08/31/09 142 SEN ASSEMBLY BILLS-THIRD READING FILE	

	Century, authorizes \$9.95 billion in general obligation bonds for high-speed rail development and other related purposes. This bill would authorize the authority to consider, to the extent permitted by federal and state law, the creation of jobs in California when awarding major contracts or purchasing high-speed trains, as specified.			
<u>AB 932</u> Torlakson	Child care and development services: facilities. Existing law establishes the Child Care Facilities Revolving Fund in the State Treasury to provide funding for the renovation, repair, improvement, or purchase of child care facilities for lease to school districts and contracting agencies that provide child care and development services pursuant to the Child Care and Development Services Act. This bill would instead specify that the fund be used to make loans to eligible borrowers for the purchase, development, construction, expansion, renovation, repair, or improvement of licensed child care. The bill would authorize the Superintendent of Public Instruction to transfer federal funds appropriated for child care facilities into the fund. This bill contains other related provisions and other existing laws.	06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009)		
<u>AB 1135</u> Skinner	Vehicles: registration renewal. Existing law requires an owner of a vehicle to submit an application for renewal of a vehicle registration to the Department of Motor Vehicles no later than midnight of the expiration date. This bill would require the owner of a vehicle, upon application for renewal of a vehicle registration, to report the current odometer reading of the vehicle. The bill would require that information, except for the name and address of the vehicle owner and the vehicle license plate number, to be public information. The bill would also require the department	06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 05/28/2009)		

	to group the information into census blocks, create a database that can compile census block data and sort it by block group, census tract, and city and county, and post the data on the department's Internet Web site.		
AB 1195 Brownley	Child care and development programs: advisory committee. The Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public Instruction to administer child care and development programs, which offer a full range of services for children from infancy to 13 years of age who are eligible for child care and developmental services. Existing law requires the Governor to appoint an advisory committee to assist the State Department of Education in developing a state plan for child development programs pursuant to that act. This bill would require the advisory committee to assist the department in the development of a plan to implement any new federal grant funds made available after March 1, 2009, for child care and development programs and early childhood education.	06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 05/14/2009)	
AB 1375 Galgiani	High-speed rail. Existing law, the California High-Speed Train Act, creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. This bill would revise and recast these provisions by repealing and reenacting the California High-Speed Train Act. The bill would continue the High-Speed Rail Authority in	06/02/2009-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 04/28/2009)	

		existence to make policy decisions relative to implementation of high-speed rail consistent with Proposition 1A. The bill would create the Department of High-Speed Trains within the Business, Transportation and Housing Agency, which would implement those policies. The bill would transfer certain of the existing powers and responsibilities of the authority to the department, and would specify additional powers and duties of the authority and department relative to implementation of the high-speed rail project, including the annual submission of a 6-year high-speed train capital improvement program and progress report to the Legislature. The director of the department would be appointed by the authority, who would serve at the pleasure of the authority, and the Governor would be authorized to appoint up to 10 executive employees of the department who would be exempt from civil service and serve at the pleasure of the director. The bill would provide for acquisition and disposition by the department of rights-of-way for the high-speed rail project. The bill would enact other related provisions.			
ACA 9 Huffman	Local government bonds: special taxes: voter approval. The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness, incurred to fund specified public improvements, facilities or buildings, and housing, and related costs, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable. This additional exception would apply only if	08/27/2009-Be adopted.			

	the proposition approved by the voters results in bonded indebtedness that includes specified accountability requirements. This bill contains other related provisions and other existing laws.		
<u>ACA 15</u> Arambula	Local government transportation projects: special taxes: voter approval. The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, except that certain school entities may levy an ad valorem property tax for specified purposes with the approval of 55% of the voters within the jurisdiction of these entities. This measure would alternatively condition the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects upon the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.	06/01/2009-To inactive file on motion of Assembly Member Arambula.	
<u>SB 12</u> Simitian	Sacramento-San Joaquin Delta Stewardship Council. Existing law requires various state agencies to administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta. The Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 creates the Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the Sacramento-San Joaquin Delta. Existing law requires the Secretary of the Resources Agency to convene a committee to develop and submit to the Governor and the Legislature, on or before December 31, 2008, recommendations for	07/16/2009-Senate refuses to concur in Assembly amendments. (Ayes 0. Noes 36. Page 1757.) 08/31/09 25 SEN IN CONFERENCE (SENATE BILLS)	

	implementing a specified strategic plan relating to the sustainable management of the Delta. This bill would declare legislative intent to enact legislation to establish the Sacramento-San Joaquin Delta Stewardship Council .			
<u>SB 165</u> Lowenthal	Vehicles: parking violation. Existing law makes it a violation for a person to park or leave standing a vehicle in a stall or space designated for disabled persons and disabled veterans unless the vehicle displays a special identification license plate or a distinguishing placard. This bill would establish a schedule of penalties, which are collected as civil penalties, for the violation of the above provision.	06/29/2009-Set, first hearing. Hearing canceled at the request of author.		
<u>SB 205</u> Hancock	Traffic congestion: motor vehicle registration fees. Existing law provides for the imposition by certain districts and local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles for specific limited purposes. The bill would authorize a countywide transportation planning agency, by a majority vote of the agency's board, to impose an annual fee of up to \$10 on motor vehicles registered within the county for programs and projects for certain purposes. The bill would require voter approval of the measure. The bill would require the department, if requested, to collect the additional fee and distribute the net revenues to the agency, after deduction of specified costs, and would limit the agency's administrative costs to not more than 5% of the distributed fees. The bill would require that the fees collected may only be used to pay for programs and projects bearing a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a regional transportation plan, and would require the agency's board to make a specified finding of	08/27/2009-From APPR. SUSPENSE FILE: Remains in APPR. SUSPENSE		

	fact in that regard. The bill would require the governing board of the countywide transportation planning agency to adopt a specified expenditure plan.		
<u>SB 295</u> Dutton	California Global Warming Solutions Act of 2006. The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions. The state board is required to evaluate the total potential costs and total potential economic and noneconomic benefits of the plan. The state board is required by January 1, 2011, to adopt greenhouse gas emissions limits and emission reduction measures by regulation to achieve the prescribed emission reductions. This bill would require the state board to complete a study to reevaluate the evaluation of costs discussed above, and provide this study to the Legislature by October 1, 2009. The state board would be required to report to the Legislature by November 1, 2009, on whether the revised analysis has led, or will lead, to any changes to the scoping plan, and whether any changes should be made to the act's timelines. The bill would require the Legislative Analyst to review the state board's implementation of these requirements, as provided. This bill contains other related provisions.	06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was E.Q. on 5/1/2009)	
<u>SB 406</u>	Land use: environmental quality.	08/27/2009-Do pass as	Watch

DeSaulnier	The Planning and Zoning Law establishes the Planning Advisory and Assistance Council in the Office of Planning and Research, and prescribes the membership and duties of the council. Existing law authorizes the Department of Motor Vehicles to collect a surcharge imposed on vehicle registration fees by ordinance or resolution of a local entity. This bill would change the designated membership, as specified, of the Planning Advisory and Assistance Council and would require that the council work with the Strategic Growth Council, regional agencies, and cities and counties to facilitate the implementation of regional blueprint plans. The bill would also require the council to develop and propose recommendations to specified state agencies to facilitate coordination between regional blueprint plans, state growth and infrastructure funding plans, and programs that facilitate the implementation of regional blueprint plans. The bill would further require the council to report to the Legislature on regional performance measures, as specified, and on the manner in which state agencies are implementing the 5-year infrastructure plan. The bill would require the council to begin to perform the above functions and duties when sufficient funding, as determined by the council, exists from the revenue transmitted to it by metropolitan planning organizations, councils of governments, or county transportation commissions and subregional councils of governments jointly preparing subregional sustainable communities strategies. This bill contains other related provisions.	amended.		
<u>SB 409</u> Ducheny	Department of Railroads. Existing law creates the Department of Transportation in the Business, Transportation and Housing Agency, with various powers and duties relative to the intercity rail passenger program, among other transportation	08/27/2009-Do pass.		

	programs. Existing law creates the High-Speed Rail Authority, with various powers and duties relative to development and implementation of a high-speed passenger train system. Existing law creates the Public Utilities Commission, with various powers and duties relative to railroads, among other responsibilities. This bill would create the Department of Railroads in the Business, Transportation and Housing Agency, and create the positions of director and deputy director within the department, to be appointed by the Governor, as specified. The director would be subject to Senate confirmation. The bill would transfer to the department responsibility for various state railroad programs currently administered by the above-referenced agencies. The bill would specify new duties of the department relative to an analysis of the state's freight rail transportation system. The bill would provide that the department shall be the only state agency eligible to apply for and receive grant and loan funds from the federal government for intercity rail, high-speed rail, or freight rail purposes. The bill would require the Secretary of Business, Transportation and Housing to convene a joint task force cochaired by the Director of Transportation, the Director of Railroads, and a representative of the Public Utilities Commission for the purpose of resolving issues relative to overlapping jurisdiction of the agencies. This bill contains other related provisions and other existing laws.			
SB 425 Simittian	Personal and corporate income taxes: deductions: parking: credits: ridesharing expenses. The Personal Income Tax Law and the Corporation Tax Law allow various deductions in computing the income that is subject to the taxes imposed by those laws. Existing law allows an employer to deduct its expenses	08/27/2009-From APPR. SUSPENSE FILE: Not heard.		

	in carrying out a parking subsidy and a parking cash-out program, as defined, for employees. This bill would disallow a deduction for expenses of specified employers for parking subsidies unless all employees provided with a parking subsidy are offered a parking cash-out program in accordance with a specified statute. This bill contains other related provisions and other existing laws.			
<u>SB 455</u> Lowenthal	High-speed rail. Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. The authority is composed of 9 members, including 5 members appointed by the Governor. This bill would provide that the members of the authority appointed by the Governor are subject to appointment with the advice and consent of the Senate. The bill would require the members of the authority, at a scheduled board meeting, to cause to be prepared an overall project schedule with project delivery milestones on a quarterly basis, and to approve a quarterly contract status report, beginning at the first board meeting after March 1, 2010. The bill would also require the members of the authority to approve all contract amendments at a scheduled board meeting. This bill contains other related provisions and other existing laws.	07/24/2009-Placed on inactive file on request of Assembly Member Torrico.		
<u>SB 560</u> Ashburn	Regional transportation plans: sustainable communities strategy. Existing law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt a sustainable	06/08/2009-Failed Deadline pursuant to Rule 61(a)(8). (Last location was PRINT on 2/27/2009)		

	communities strategy as part of their regional transportation plan, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. Existing law generally requires transportation planning and programming activities by the metropolitan planning organization to be consistent with the sustainable communities strategy, with certain exceptions. Existing law, to the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning organizations to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. This bill would provide that greenhouse gas emission credits for counties and cities that site and permit commercial wind, solar, and biomass projects may be used as credit in the formulation of the sustainable communities strategy or an alternative planning strategy. The bill would also provide that transportation trips outside of federal lands that are directly related to activities of a federal or state military installation shall not be included in the emissions inventory otherwise required to be considered to achieve any reductions in greenhouse gas emissions. This bill contains other related provisions and other existing laws.			
SB 575 Steinberg	Local planning: housing element. Existing law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning	08/24/2009-Read second time. To third reading.	Watch	08/31/09 131 ASM SENATE THIRD READING FILE

	organizations. Existing law requires metropolitan planning organizations to adopt a sustainable communities strategy , subject to specified requirements, as part of a regional transportation plan, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. Existing law, to the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning organization to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. Existing law requires the metropolitan planning organization to conduct at least 2 informational meetings in each county within the region for members of the board of supervisors and city councils on the sustainable communities strategy and alternative planning strategy, if any. Existing law provides that the purpose of the meetings is to present a draft of the sustainable communities strategy to the members of the board of supervisors and the city council members in that county and to solicit and consider their input and recommendations. This bill would instead provide that the purpose of the meeting or meetings is to discuss the sustainable communities strategy and alternative planning strategy, if any, including the key land use and planning assumptions, with the members of the board of supervisors and the city council members in that county and to solicit and consider their input and recommendations. The bill would require the Tahoe Metropolitan Planning Organization to use the Regional Plan for the Lake Tahoe Region as its sustainable			
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	communities strategy, if specified requirements are met. This bill contains other related provisions and other existing laws.		
SB 632 Lowenthal	Ports: congestion relief: air pollution mitigation. Existing law regulates the operation of ports and harbors. This bill would require the Ports of Long Beach, Los Angeles, and Oakland, beginning January 1, 2010, to assess their infrastructure and air quality improvement needs, including, but not limited to, projects that improve the efficiency of the movement of cargo, reduce congestion impacts associated with the movement of cargo, and reduce pollution associated with the movement of that cargo. This bill contains other related provisions and other existing laws.	07/13/2009-Placed on inactive file on request of Assembly Member Torrico.	
SB 716 Wolk	Local transportation funds. Existing law requires that 1/4% of the local sales and use tax be transferred to the local transportation fund of the county for allocation , as directed by the transportation planning agency, to various transportation purposes. Existing law specifies the allowable uses for local transportation funds, and generally requires these funds to be used for transit purposes in urban counties, while in counties with a population under 500,000 as of the 1970 census and certain other counties, these funds may also be used for local streets and roads, if the transportation planning agency finds that there are no unmet transit needs or no unmet transit needs that are reasonable to meet, and for other specified purposes. This bill , for counties that had a population of less than 500,000 as of the 1970 decennial census, but that have a population of 500,000 or more as of the 2000 decennial census or at a subsequent census, would require the local transportation funds apportioned to the urbanized areas of those counties to generally be	07/15/2009-Read second time. To third reading. 08/31/09 99 ASM SENATE THIRD READING FILE	Neutral

	allocated for public transit purposes and not for street and road purposes, while funds apportioned to the nonurbanized areas in those counties would remain available for allocation to street and road purposes and for other specified purposes. The bill would delay, until July 1, 2013, the application of these new provisions to certain counties . The bill, in counties and areas of counties where local transportation funds may be allocated to local streets and roads, would also authorize allocation of those funds for specified farmworker vanpool purposes upon a finding by the transportation planning agency that there are no unmet transit needs or no unmet transit needs that are reasonable to meet and after all of the capital and operating funds necessary to meet unmet transit needs that are reasonable to meet are allocated. The bill would make other related changes .		
SCA 2 Wyland	Revised biennial session. The California Constitution requires the Legislature to convene in regular biennial session at noon on the first Monday in December of each even-numbered year to consider legislation and the Budget Bill. This measure would require the Legislature to convene in regular biennial session, but would require, commencing on December 6, 2010, that the sessions held in odd-numbered years be budget sessions, and sessions held in even-numbered years be general sessions. The measure would require the Legislature in the budget session to adopt Budget Bills for each of the 2 subsequent fiscal years. The measure would require the Legislature, during a budget session, to meet only to conduct oversight and review of the revenues and expenditures of the state and to consider Budget Bills , budget implementation bills, as defined, and related	05/12/2009-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on RLS.	

	revenue bills, except the Legislature could consider urgency statutes. This bill contains other related provisions and other existing laws.			
SCA 3 Wyland	Transportation Investment Fund. Article XIX B of the California Constitution requires, commencing with the 2003-04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund (TIF) for allocation to various transportation purposes. Article XIX B authorizes this transfer to be suspended in whole or in part for a fiscal year during a fiscal emergency pursuant to a proclamation by the Governor and the enactment of a statute by a 2/3 vote in each house of the Legislature, subject to various restrictions. This measure would delete the provisions authorizing the transfer of revenues to the TIF to be suspended during a fiscal emergency. The measure would also prohibit a loan of TIF revenues under any circumstances, and would prohibit any statute that would reduce the extent to which these tax revenues are deposited into the General Fund for transfer to the TIF for transportation purposes.	04/23/2009-Set, first hearing. Hearing canceled at the request of author.		
Total Position Forms: 27				

The enclosed table shows all changes to the approved budget resulting from this amendment. [BESHEARS]

After an expressed opportunity for public comment, a motion was made by Mayor Rhodes (Reedley) and seconded by Mayor Flores (Clovis) to approve the 2002-03 OWP and Budget Amendment #2 as presented. A vote was called for and the motion carried.

B. Declaration of Surplus Equipment

COG Policy requires the Executive Director to submit a list to the COG Policy Board of any property that is to be declared surplus. Because our 2002-2003 OWP includes an upgrade of our conference room equipment, there are a number of items to declare as surplus and offered to our member agencies as first eligible bidders. We have also inventoried the entire office to identify other items that should be declared surplus in order to conserve space. A memo and list was available as a handout to the PAC and is included in this agenda package. [GOODWIN/BESHEARS]

Attention was called to a letter from the Local Agency Formation Commission (LAFCO) requesting permission from the Board to participate in the first phase of bidding along with member agencies.

After an expressed opportunity for public comment, a motion was made by Mayor Simonian (Fowler) and seconded by Mayor Lopez (Orange Cove) to approve the declaration of surplus property and to allow LAFCO to bid in the first phase of bidding. A vote was called for and the motion carried.

C. Draft Memorandum of Understanding Between the Fresno COG and the Big Sandy Rancheria

Attention was called to the Draft Memorandum of Understanding (MOU) between the Fresno COG and the Big Sandy Rancheria to formalize consultation and coordination procedures between the two parties. This is in response to a letter sent by Wilbur Beecher, Tribal Chairman of the Big Sandy Rancheria, dated March 25, 2002, which includes, among other things, a request from the Tribe for the consultation and coordination. The letter was included in the agenda package along with the discussion item regarding the Big Sandy Rancheria's request for Policy Board membership.

As one of three federally recognized tribes located within Fresno County, the Big Sandy Rancheria is considered by the federal government to be a "separate and independent political community within the territorial boundaries of the United States with sovereign powers over its members and territory". The other two federally recognized tribes in the county are Table Mountain and Cold Springs Rancherias. Federal and state governments, through presidential executive orders, transportation authorization acts, state and federal agency guidelines and orders, have directed all agencies receiving federal funds to establish government-to-government relationships with tribes and to establish regular and meaningful consultation and collaboration with them on matters that significantly or uniquely affect their communities. Included in your agenda package was a bullet listing of the main federal and state orders and guidelines that establish the directives mentioned above. As a federally recognized tribe, the Big Sandy Rancheria is entitled to a government-to-government working relationship with the Fresno COG. Although an MOU is not required of the COG to satisfy the federal and state directives, staff and representatives of the Tribe agree that the MOU represents a good faith effort by both parties to establish and maintain the government-to-government relationship, consistent with federal and state guidelines. Included in your agenda package was an informational sheet from Caltrans regarding guidelines to be used in establishing government-to-government consultation with Tribes as well as public involvement procedures to be followed. Staff used this guidance to help shape the MOU.

The main objectives of the Draft MOU are to 1) establish and maintain the government-to-government relationship between the Tribe and the Fresno COG; 2) establish clear and open, ongoing communication between the Tribe and the Fresno COG; 3) ensure that Fresno COG's policy and program recommendations, actions, and information having potential effects on the tribe's land or resources are routinely transmitted to the Tribe in a timely manner. In addition to Fresno COG's MOU efforts with Big Sandy Rancheria, Caltrans and County of Fresno staffs are also developing MOUs with the tribe to establish formal consultation procedures.

Also included in the agenda package for this item was a flowchart with supplemental information pages, created by COG staff for the purpose of explaining to the Tribe, the Fresno COG's Regional Transportation Plan development process and to show the Tribe where they may appropriately participate in this planning process.

At both the TTC and PAC meetings, the committees recommended approval of the Draft MOU.

At the Policy Board meeting, representatives from Cold Springs Rancheria, Lonnie Bill, Tribal Chairman and Carol Bill, Tribal Vice Chairman were present. They wished to express to the Policy Board the need for all three Rancherias to be considered as separate and unique tribes with individual needs and concerns and should not be combined for any considerations regarding the MOU or the request by Big Sandy Rancheria for Policy Board membership. In addition, the tribal members wanted to clarify that tribes are not always exempt from paying property taxes and that many of the members on Cold Springs Rancheria own their own land that is not Indian Trust Land and therefore, is subject to property taxes.

Ramona Ayala, consultant for the Big Sandy Rancheria, expressed her appreciation for COG staff member, Jennifer Dansby, for her assistance to the tribe. Ms. Ayala emphasized that federal mandates are in place to provide for the government-to-government type relationship that is outlined in the MOU.

After an expressed opportunity for public comment, a motion was made by Mayor Simonian (Fowler) and seconded by Mayor Lopez (Orange Cove) to approve the Draft Memorandum of Understanding between the Fresno COG and the Big Sandy Rancheria. A vote was called for and the motion carried. The Big Sandy Rancheria's Tribal Council also approved the Draft MOU at their July 10 council meeting.

D. Request by Big Sandy Rancheria to Become Part of the Fresno COG Policy Board

Attention was called to a March 25, 2002 letter from Mr. Wilbur Beecher, Tribal Chairman of the Big Sandy Rancheria. In this letter, the Tribal Chairman requests of the Fresno COG the following three items:

1. The inclusion of tribal projects in the Regional Transportation Plan.
2. The development of consultation and coordination procedures with Big Sandy Rancheria.
3. To become an official member of the Policy Board

This past April, staff brought a discussion item to the Transportation Technical Committee (TTC) and the Policy Advisory Committee (PAC) regarding this letter, specifically, the request for Policy Board membership. The item was heard by the TTC and after further discussion, the committee decided to move the item forward to PAC without a recommendation because the members felt the issue is a policy decision rather than a transportation issue. The item was then heard and discussed at the PAC meeting. After further discussion, the Fresno County PAC representative said he would take this membership request to a County Board of Supervisors meeting to obtain their position on this issue since the population of Big Sandy resides in the unincorporated area of Fresno County and it would be Fresno County's representation percentage

on the Policy Board that would need to be amended to reflect the addition of the Big Sandy. It was decided by PAC to pull this item from the Policy Board agenda until the County's position on this issue is available.

The County Board of Supervisors heard this item at their June 18th meeting. The supervisors discussed the request by the Big Sandy Rancheria for Policy Board membership and encouraged the COG to consult with the Tribe on COG's transportation plans and programs and also recommended to the Tribe that they send a representative to participate in COG's TTC committee if the Policy Board membership was not approved. However, the Board referred the request for Policy Board membership back to the COG with no recommendation as they felt the COG is the appropriate arena for this request.

To recap the information provided to the TTC and the PAC back in April on this issue, the Big Sandy Rancheria is one of three federally recognized tribal governments located within Fresno County. The other two are the Table Mountain Rancheria (resident population: 11) and the Cold Springs Rancheria (resident population: 193). The Big Sandy Rancheria is located on approximately 305 acres about one mile east of the town of Auberry. According to 2000 Census data, they have a resident population of 98 persons, however, they have a tribal enrollment of 333 persons. The Mono Wind Casino is located on the Rancheria. Included in your package was a one-page summary of the history and background of the Big Sandy Rancheria.

The federally recognized tribes in the United States currently obtain the majority of their transportation funding dollars from the Indian Reservation Roads Program, which is managed by the Bureau of Indian Affairs Department of Transportation. According to a 1999 California Transportation Commission report, the funding available to tribes in California has been substantially inadequate in meeting tribal transportation needs. Included in your package was an excerpt from the California Department of Transportation's Transportation Guide for Native Americans describing the current funding for tribal governments.

Another potential funding source for tribal related transportation projects is the Indian Gaming Special Distribution Fund. A memo received by staff from Caltrans explains this funding mechanism in detail and was included in your package. This fund was created as a way to mitigate the effects of Indian Gaming on tribal communities and the State. The funds from the Indian Gaming Special Distribution Fund will be appropriated by the legislature as grant payments to be used for, among other things, local government agencies, including any administrative costs, impacted by tribal gaming. This can include grants for road repairs/improvements, runoff, wastewater treatment, environmental work, or other capital projects with a direct connection to gambling activity. Gaming tribes are to begin making quarterly payments to the fund sometime this summer or fall. An estimated \$30 to \$80 million dollars may be deposited in the fund this year.

At the PAC meeting in April, the question was raised whether or not the tribes pay state sales and property taxes. According to the Board of Equalization, Indian Nations are exempt from these taxes on the reservation, however, generally, sales and gasoline taxes are paid off the reservation. Big Sandy Rancheria representatives have indicated that there are pockets of land on the Rancheria that are not held in Indian Trust and are therefore, subject to property taxes.

With regards to the letter of request by Mr. Wilbur Beecher, staff is responding to all three requests noted in the letter. COG staff is currently reviewing request #1 by the Big Sandy Rancheria to include tribal transportation projects into the Regional Transportation Plan (RTP). The RTP includes planned projects to be located on "regionally significant" roads in Fresno County. The criteria used to establish the regionally significant road system includes factors such as functional classification, service to regional facilities, connection of regional facilities, and amount of current and projected use. From initial review of the projects listed in the Big Sandy's Tribal Transportation Plan, staff found that under the current criteria for the RTP, the transportation projects included in the Big Sandy's Transportation Plan are not located on

"regionally significant" roads, and therefore, may not be eligible for inclusion in the RTP. Staff will need to review this request further. Staff has also created a Draft Memorandum of Understanding outlining formal consultation and coordination procedures with the Big Sandy to address request #2 in the letter.

Regarding request #3 for the Big Sandy to become an official member of the Policy Board, staff sought the opinion of legal counsel on this issue. The resulting legal opinion was distributed to PAC and Policy Board members. Although, the state and federal guidelines do require that the COG, as the Regional Transportation Planning Agency and the Metropolitan Planning Organization for Fresno County, consult with and consider the interests of the Indian tribal governments in development of transportation plans and programs, there is no requirement of the COG to allow the Big Sandy Rancheria to sit on the Policy Board in any capacity. The Fresno COG operates as a Joint Powers Agency (JPA) under a Joint Powers Agreement (JPA) between the County of Fresno and the 15 incorporated cities within Fresno County. The rules regarding the JPA are found under the Joint Exercise of Powers Act in the Government Code. These rules stipulate that two or more public agencies may enter into a JPA, however, an Indian tribe, federally recognized or not, is not considered a public agency under the Government Code. In the absence of special legislation, an Indian tribe may not be a party to a JPA and, therefore, cannot sit in the same capacity as the current members do on the Policy Board. Currently, there is special legislation, due to unique circumstances, allowing the government body of one Indian tribe membership on the Humboldt County Association of Governments. The Fresno COG JPA does allow for the addition of "cooperating members" which entitles the member to attend all meetings but is not entitled to vote or participate in debate. Currently, the COG has no cooperating members in the JPA.

The following are some of the options available to the Policy Board regarding membership of Big Sandy on the Policy Board:

1. Allow or deny membership on the Board.
2. Allow membership on other Fresno COG's committees, such as the TTC.
3. Allow Big Sandy "cooperating member" status on the Board.

Regardless of the decision that comes out of this request, Fresno COG staff is committed to maintaining a positive government-to-government working relationship with the Big Sandy Rancheria and all tribes (federally recognized or not) located within Fresno County.

At the TTC meeting, the committee discussed this item and recommended that the item move forward to the PAC for their consideration. Along with the motion to move the item forward was a recommendation that the Fresno COG extend a formal invitation to the Big Sandy Rancheria to participate in the TTC committee.

This item was discussed at the PAC meeting for over an hour. Tribal Chairman Wilbur Beecher attended the meeting, along with his tribal consultant, Ramona Ayala. Since the tribe is requesting a government-to government type relationship with the Fresno COG, Barbara Goodwin, COG Executive Director, discussed the following two methods by which we now have government-to-government relations with various agencies:

1) **Board Level:** We have a government-to-government relationship with the State (Caltrans) as a participant of our Transportation Policy Committee. At the beginning of each COG Board meeting, we meet as the Transportation Policy Committee, which includes all 16 COG member agencies and Caltrans as the 17th member. Caltrans has a vote at this level, and participates in debate. This Committee exists because of a Memorandum of Understanding with Caltrans recognizing that they have transportation issues of both statewide and local importance when dealing with the Fresno COG. However the Transportation Policy Committee is technically advisory to the Council of Governments and has no power to implement its actions. This is why later in the agenda the Board reconvenes as the COG Policy Board and reaffirms all actions taken while sitting as the Transportation Policy Committee.

While sitting as the Transportation Policy Committee, there are 17 voting members, each with one vote, with no actual weighting. However, it has long been staff policy to run and report the weighted vote at the same time to ensure there is no internal conflict with vote results when the Policy Board reconvenes. An example of conflict would be if we had a 9 yes 8 no vote, with Caltrans as the ninth vote. Under the weighted test, without Caltrans' vote, the measure would not pass. If staff did not report this at the Transportation Policy Committee, it might be deemed to have passed and simply be reaffirmed later if a member or staff did not highlight the internal conflict with our voting system. To ensure the integrity of COG's dual weighted voting system and not mislead the Policy Board members on any item, staff will always run the voting test.

2) **Committee Level:** We also have government-to-government type relationships with other State or local Boards at our Transportation Technical Committee (TTC). Examples are the Air District, California Highway Patrol, Fresno-Madera Area on Aging, and the Fresno County Transportation Authority. They have definite interests in our local transportation planning and programming efforts, but provide their input at TTC. This committee is quite often the origination of many recommendations that come before the Policy Board.

The PAC generally agreed with the TTC recommendation that a formal invitation should be extended to the Big Sandy Rancheria, as well as the other two federally recognized tribes in the county, to join the TTC committee as members. A letter to this effect was drafted for Policy Board consideration.

After further discussion, the PAC made the following recommendations:

Deny membership at the Board level, and direct COG staff to explore either cooperative membership as provided for in the current JPA, or as a member of the Transportation Policy Committee through an MOU as exists with Caltrans. The motion included that a single membership would be extended to all three tribes [*resident population total approximately 300*], and for them to collectively choose a representative. Staff is to explore these options directly with the Rancherias and bring back a recommendation at a future date. This membership would include a seat at both the Policy Advisory Committee and Transportation Technical Committee as well.

The motion at PAC passed with an 8 yes, 3 no vote. (Yes: Clovis, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Fresno County – No: Reedley, Selma, Caltrans – Absent: Coalinga, Mendota, Orange Cove, Parlier, Sanger, San Joaquin). Tribal Chairman Wilbur Beecher expressed his opposition to the recommendation, mentioning that each tribe had different needs and a collective vote was not acceptable to the Big Sandy Rancheria to participate in the COG at any level, no matter the outcome of the Board.

The item was then taken to the Policy Board for consideration. At that meeting, Councilmember Ronquillo (Fresno) expressed that based on the legal opinion, the Big Sandy Rancheria, absent special legislation, cannot be a party to the COG's Joint Power's Agreement and sit on the Policy Board in the same capacity as the other members do, but he feels this is a good opportunity for the tribe to find out legally what opportunities are available for funding their transportation needs. He questioned staff as to what actual funding would be available for the tribe if they were to obtain a seat on the Policy Board. Staff indicated they would look into this question and prepare a summary of the funding that would be available to the tribe if they were to obtain Policy Board membership.

Mayor Rhodes (Reedley) expressed his wish to bring the item back to the Board at a future meeting so that members would have an opportunity to consider this request further.

Mayor Wright (Kingsburg) expressed that he would like to see Big Sandy Rancheria become involved at the Transportation Technical Committee (TTC) level first, before granting Board membership.

Ms. Ayala, the tribal consultant, expressed concern that the potential funding available to local governments in the Indian Gaming Special Distribution Fund, which was discussed in a previous paragraph, may be used for transportation projects other than tribal projects and the tribes need help in getting their projects completed. Alan McCuen, Caltrans staff, explained that the details regarding the handling and distribution of this fund are presently being worked out on a statewide basis.

Ms. Ayala further commented on the legal opinion prepared by County Counsel stating that in the description of a public agency found in the government code, the description begins with the words, "including, but not limited to" and goes on to list various entities that can enter into a Joint Powers Agreement. Indian Tribes are not included in this list. Ms. Ayala believes the "including, but not limited to" could be interpreted to allow for inclusion of tribal governments in the description of agencies that could jointly enter into a JPA. She explained that this legal interpretation is being explored statewide. She also indicated that a Senate Bill is being initiated to allow for the Big Sandy Rancheria to enter into the Fresno COG's JPA as was done in Humboldt County for the Hoopa Valley Tribe. Both Ms. Ayala and Tribal Chairman Beecher further emphasized their primary concern is to provide for the Big Sandy Rancheria's people and not just for the "dollars and cents" associated with Policy Board membership.

After an expressed opportunity for further public comment, a motion was made by Mayor Flores (Clovis) and seconded by Mayor Simonian (Fowler) to deny membership at the Board level, offer participation at the Transportation Technical Committee level (TTC), and revisit the request for Policy Board membership in one year. A vote was called for and the motion failed because there were only eight yes votes (a majority requires nine). There were three no votes from Firebaugh, Huron and Orange Cove.

This discussion item will be brought back to the Policy Board meeting in September for reconsideration.

VII. OTHER BUSINESS

A. Items from Staff

Barbara Goodwin, Executive Director reminded the Board there will not be an August meeting.

There were no additional items from staff.

B. Items from Members

There were no additional items from members.

Adjournment

There being no further business, the meeting was adjourned.

Respectfully Submitted,

BARBARA GOODWIN, Executive Director
Council of Fresno County Governments

BG/dw



INTEROFFICE MEMO

PHILLIP S. CRONIN, COUNTY COUNSEL
488-3479

CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION NOT TO BE RELEASED WITHOUT AUTHORIZATION

TO: Members, Council of Fresno County Governments
FROM: Janelle E. Kelley, Senior Deputy County Counsel *JEK*
DATE: April 19, 2002
RE: Legal Issues Arising Out of Big Sandy's Request For Membership on Council of Fresno County Governments

At the Council of Fresno County Governments (COFCG) April 25, 2002 Board meeting, your Board will be considering Big Sandy Rancheria's request to become a member of COFCG. This memo reviews the joint powers agreement that created the COFCG and the membership options available to a sovereign nation, such as an Indian Tribe.

I. *The 1976 JPA Creating COFCG.*

Under the Joint Exercise of Powers Act, two or more public agencies¹ may enter into an agreement to exercise jointly any power common to them. (Gov. Code section 6502.) The JPA may create a public agency, separate and independent from the parties to the agreement, known as a joint powers agency. (Gov. Code section 6503.5.)

The County of Fresno and the Cities of Fresno, Clovis, Coalinga, Firebaugh, Fowler, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, Huron, Sanger, San Joaquin, and Selma, entered into a joint powers agreement dated March 25, 1976 (hereinafter "the JPA"), a copy of which is attached for your reference. The JPA creates the COFCG as a joint powers agency. The JPA designates those public agencies that signed the JPA as the members of COFCG (hereinafter "the member agencies").

Any amendment to the JPA would have to be voted on by the governing bodies of the member agencies. (JPA, section 4.2.) An amendment must garner approval by no less than one-half

¹ "Public agency" is defined as including, but not limited to, "the federal government or any federal department or agency, this state, another state or any state department or agency, a county, county board of education, county superintendent of schools, city, public corporation, public district, or regional transportation commission of this state or another state." (Gov. Code section 6500.)

of the member agencies which in the aggregate represent no less than 40% of the population of the member agencies. (JPA, section 4.2.)

II. Membership of Sovereign Nation on COFCG.

The JPA provides for two types of COFCG membership: general member and cooperating member.

A. General Member.

Generally, the members of a joint powers agency are those entities that are signatories to the joint powers agreement. Currently, the JPA provides that those entities that executed the JPA (the County of Fresno and the 15 cities) are COFCG members. Additionally, "any city not now a member and any other city which may be hereafter incorporated within the boundaries of the County of Fresno, may become a member of the Council of Fresno County Governments by executing" the JPA.

In the absence of special legislation, an Indian tribe may not be a party to a joint powers agreement and, therefore, cannot be a general member of the COFCG.² Currently, there is special legislation allowing the governing body of one Indian tribe membership on the Humboldt County Association of Government. (See Gov. Code section 65101.1.) However, this special legislation specifically states that "[t]he Legislature finds and declares that the unique circumstances of Humboldt County necessitate this special law." (Gov. Code section 65101.1.) It is not clear what unique circumstances would be sufficient to necessitate such special law and whether COFCG could articulate such unique circumstances to support legislation to allow Big Sandy membership on COFCG.

B. Cooperating Member.

The JPA provides that, subject to the approval of the COFCG, any governmental entity³, public agency or nonprofit organization⁴ may elect to join the COFCG as a cooperating member. A cooperating member is entitled to attend all meetings of the COFCG, but a cooperating member is not entitled to vote or participate in debate. (JPA, section 1.5.) From this, it appears the cooperating member has no more authority than a member of the general public. It is questionable whether a cooperating member could even sit at the table with your Board members during a COFCG meeting, as a cooperating member is not allowed to participate in debate and facial expressions, gestures and utterances from a cooperating member become

² As indicated previously, the Joint Exercise of Powers Act provides that only "public agencies" can enter into a JPA. A sovereign nation is not a "public agency" defined in the Joint Exercise of Powers Act.

³ Any incorporated city within the boundaries of the County of Fresno may become a member of the COFCG by executing the JPA without prior approval or ratification of the other members of the JPA.

⁴ In addition to the questionable efficacy of the cooperating member status, it is questionable whether a nonprofit organization may be a cooperating member of COFCG. A 1998 Attorney General Opinion reviewed the Act and determined that a nonprofit corporation is not a "public agency", as defined by the Act, and therefore cannot be a member of a joint powers agency.

part of the debate when the cooperating member is in such close proximity to the other members.

The JPA appears to extend one courtesy to a cooperating member that it does not extend to members of the public. A cooperating member is entitled to receive data, studies, planning documents, special services, technical assistance, and other written materials and services of the COFCG, subject to policies adopted by the COFCG. (JPA, section 1.5.) Before approving membership of COFCG for a cooperating member, COFCG should adopt written policies regarding the scope of services and materials that will be made available to a cooperating member.

Although the JPA does not specifically state, it would appear that a cooperating member is not a signatory to the JPA.

A 1998 Attorney General opinion addressed the question of whether a joint powers agency may be comprised of different classes of members, including "limited" or "associate" members that are not parties to the agreement creating the agency. (81 Ops.Cal.Atty.Gen. 362, 372 (1998).) The Attorney General concluded that the Joint Powers of Exercise Act does not recognize such different classes of membership. An Attorney General opinion is not binding on a court of law. However, an Attorney General opinion is persuasive authority often cited in court opinions. Here, I see no reason why a court of law would not follow the Attorney General's opinion. Based thereon, a court could find that COFCG's cooperating member status is invalid under the Joint Exercise of Powers Act. Such a court determination would not necessarily be harmful to the COFCG, as long as COFCG ensured that no COFCG decision required the participation of the cooperating agency and that no COFCG funds were given to the cooperating agency based on its status as a cooperating agency. Additionally, it would be advisable to amend the JPA to provide a means of terminating membership of a cooperating member.

III. Options Available To Your Board.

In summary, the following are some of the options available to your Board regarding membership of Big Sandy on COFCG:

- (1) Deny membership on COFCG.
- (2) Allow membership on COFCG committees.
- (3) Seek special legislation allowing Big Sandy membership on COFCG.
- (4) Allow Big Sandy "cooperating member" status on COFCG. I would advise this be done via an MOU that clearly specifies the parameters of their "membership".

cc: Barbara Goodwin, Executive Director, COFCG



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Fresno, CA 93710

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FAX

Agency: Fresno COG

To: Maria Day

FAX: 233-9645

Phone: 233-4148

From: Carrol Terrazas for
Steve Samuelian

Date: 8/28/09

Re:

Pages (incl. cover sheet): 30

- ☐ URGENT
- ☐ For Review
- ☐ Please Comment
- ☐ Please Reply
- ☐ Please Recycle

Comments:

California Consulting report for Aug. attached

(This fax and any files attached are intended solely for the use of the individual or entity to which they are addressed. If you have received this e-mail in error, please notify the sender immediately)

THE SAN JOAQUIN VALLEY CLEAN ENERGY ORGANIZATION
AND CALIFORNIA CONSULTING, LLC
INVITE YOU TO ATTEND A WORKSHOP
FOCUSING ON THE
ENERGY EFFICIENCY & CONSERVATION BLOCK GRANTS (EECBG)

Thursday, August 13th
10:00 AM – 12:00 Noon
San Joaquin Valley Air Pollution Control District Office
1990 E. Gettysburg Ave.
Fresno, CA 93726

FOCUS: CEC Guidelines for the EECBG Program
Eligible Projects
Cost Effectiveness Criteria
Services available through the SJVCEO/SJVAPCD partnership

The San Joaquin Valley Clean Energy Organization (SJVCEO) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) are partnering to help eligible cities and counties in the Valley obtain EECBG funds from the CEC.

RSVP: Please rsvp to:
Cynthia Downing, San Joaquin Valley Clean Energy Organization
(800) 791-2345 or e-mail: cdowning@pesc.com

Broadcasts of the workshop will be available at the following Air District offices:

Northern Region:
4800 Enterprise Way
Modesto, CA 95356
(209) 557-6400

Central Region:
1990 E. Gettysburg Ave.
Fresno, CA 93726
(559) 230-6000

Southern Region:
34946 Flyover Court
Bakersfield, CA 93308
(661) 392-5500

Budget "Fact Sheets" from the Governor's Office - 'AT&T Yahoo! Mail'



Budget "Fact Sheets" from the Governor's Office

Tuesday, August 4, 2009 5:35 PM

From: "ca-consulting@sbcglobal.net" <ca-consulting@sbcglobal.net>

CalWorks Reform 2009-2010.pdf (49KB), IHSS Reform 2009-2010.pdf (45KB),
Medi-Cal 2009-2010.pdf (46KB)

Attached are several fact sheets regarding important budget items. This information was provided by the Governor's Office.

Steve Samuelian
Manager

California Consulting, LLC

Central Valley Office

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phone 559-244-0801

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Sacramento Office

<http://us.mc819.mail.yahoo.com/mc/showMessage?sMid=0&filterBy=&midIndex=0&mid=...> 8/4/2009

**THE BUDGET SOLUTION: 2009-2010****CALWORKS REFORM: GETTING CALIFORNIANS BACK TO WORK**

IN TOUGH BUDGET TIMES, FOCUSING LIMITED RESOURCES WHERE THEY ARE MOST NEEDED

We are also very happy that in this budget we make government more efficient and also we are cutting the waste and abuse in some of the programs.

California's welfare-to-work program – California Work Opportunities and Responsibilities to Kids (CalWORKs) – is by many measures the most generous in the country, both in terms of cash assistance paid to its participants and in the severity of sanctions for those who do not comply with its requirements. In our current economy, the program is unsustainable. The Governor has repeatedly proposed reforms to the program, dating back five years to his first state budget. In this budget negotiation, he was successful in winning both short-term savings and long-term reforms as a way to focus the program on moving larger numbers of families toward self-sufficiency.

Governor's Reforms:

Short-term reform. There will be greater flexibility by the counties to provide supportive services to the populations meeting all or a portion of state and federal work requirements. Counties can target their limited resources to the most appropriate populations in their region, based on need.

- **This reform will lead to a savings of \$510 million in 2009-10.**

Long-term reforms. Beginning in July 2011, the following changes will be made to CalWORKs to help achieve structural stability in our state budget and increase the "work" focus of the program:

➤ **Reforming aid limits will strengthen the program's focus on work:**

- There continues to be a lifetime maximum of 60 months. However, starting on July 1, 2011, adults will not be able to stay on the program for more than 48 consecutive months. After 48 months, they are removed from the program and cannot receive aid for 12 months. After "sitting out" of the program for 12 months, an adult can receive another 12 months aid – for total lifetime maximum of 60 months.
- If work-eligible adults exceed 60 months, they lose the "adult" portion of the grant and the remaining family grant is reduced by 25 percent. If they meet work requirements, they will receive 100 percent of the child-only grant. If they are able to work but don't, they will receive only 50 percent of the family grant.
- For non-work-eligible adults, the maximum aid is 75 percent of the child-only grant, unless they meet work participation requirements.

➤ **Self-Sufficiency Reviews:** All CalWORKs adults are required to meet face-to-face twice a year with county workers as a condition of eligibility. If they do not attend the meeting, they no longer meet the eligibility requirements and will face sanctions or termination from the program.

➤ **Graduated Sanctions:** Individuals who refuse to comply with program requirements will be subject to increased sanctions similar to sanctions used in other states.

- **Step 1:** If an adult refuses to comply over 3 consecutive months, the adult-portion of the grant (\$139) is removed.
- **Step 2:** If, after another 3 months and an intervention, the adult does not comply, 25 percent of the remaining 'child-only' grant is removed.
- **Step 3:** If, after another 3 months and an intervention, the adult still does not comply, another 25 percent is removed from the child-only portion, for a total 50 percent child-only grant reduction.

➤ **Sanction "clock":** An adult in sanction status will continue to have that sanction time counted against their 48 month limit and lifetime maximum total of 60 months of aid.

- **These reforms will lead to a savings of \$600 million annually beginning in 2011-12.**

Background:

California's welfare program is too generous and too lenient to sustain.

- California's current maximum benefit level is the third-highest in the country. \$694 per month in cash assistance for a family of three.
- While California has 12 percent of the nation's population, 30 percent of the nation's total welfare recipients are supported by this program.
- While caseloads have dropped nation-wide and in other populous states since the enactment of national welfare reform (for example, an 81 percent drop in Illinois and a 64 percent drop in New York between 1996 and 2002), California's drop has been far more modest (48 percent over the same time period).

Only a small portion of CalWORKs recipients are meeting the federal government's work requirements. This means the bulk of recipients are not fully engaged in the program's services that allow them to become employed and self-sufficient.

- At present, only 22 percent of CalWORKs recipients required to meet federal minimum work minimums are doing so. And since only 60 percent of our case recipients are even required to meet those minimums, an even smaller percentage of total California recipients are actually meeting the requirements.

**THE BUDGET SOLUTION: 2009-2010****REDUCING FRAUD WITHIN THE IN-HOME SUPPORTIVE SERVICES PROGRAM**
REDUCING COSTS THROUGH GREATER OVERSIGHT OF FRAUDULENT ACTIVITIES IN IHSS

It is our goal that in this budget we make government more efficient and, by cutting the waste, fraud and abuse in some of the programs, we can save money.

Nearly half a million Californians rely on the state's \$4 billion In-Home Supportive Services (IHSS) program. Unfortunately, county grand juries and district attorneys have found fraud and a lack of oversight within IHSS – estimating that there are hundreds of millions dollars each year that are inappropriately or fraudulently expended. Even the state Senate Office of Oversight and Outcomes agreed that there are significant problems validating the delivery of these services. The Governor insisted that we cannot cut funding to children's health care programs, schools, or law enforcement without also cutting out this kind of fraud and abuse.

Governor's Reforms:

The Governor put together an anti-fraud proposal and fought to include it within this budget solution. This long-term cost-containment proposal includes:

- Background checks and fingerprinting for all IHSS providers
- Fingerprinting for IHSS recipients
- Targeted mailings to high-risk or suspect providers
- Enhanced anti-fraud training for county social workers
- Time sheet improvement: requiring that timesheets be signed by both recipient and provider and enhancing timesheet reviews
- Prohibiting the use of P.O. Boxes to receive provider checks
- Unannounced home visits
- Allowing counties to use IHSS administrative funds for investigations
- Increasing the number of state fraud investigators for both the Department of Health Care Services and the Department of Social Services.
- Requiring providers to supply copies of identity documents and appear in person
- Specifying particular crimes for which a provider can be excluded from the program.

Background:

According to several Grand Juries, district attorneys and others, rooting out even a small percentage of IHSS fraud will save hundreds of millions of taxpayer dollars annually. The counties of Sacramento, Los Angeles, San Diego, Ventura, Contra Costa and San Luis Obispo have all launched grand jury investigations into IHSS abuse that demonstrated fraud within the program. Abuses include:

- IHSS recipients acting as their own "providers" and keeping the funds
- Providers claiming to "work" and receiving funds while the recipient is in a hospital or care home
- Incarcerated providers, who are unable to provide services, still collecting payment – either because they are submitting time cards or the recipient is submitting time cards on their behalf
- Recipients and providers conspiring to increase hours (which were not worked) and splitting the pay
- Providers changing time cards without the recipient knowing in order to receive extra pay
- Providers claiming hours worked when the recipient is deceased
- The use of fictitious Social Security numbers to create more than one IHSS case for payment

Specific examples of fraud and abuse include:

- A son in Compton who forged his mother's signature and billed IHSS for providing 385 hours of homecare costing \$3,394. This occurred while his mother was hospitalized and for nearly a month after her death.

- A twenty-year-old drug abuser who was the sole caretaker for his seriously disabled father and provided such poor care that the father frequently had bedsores and was not regularly bathed. The care was so bad that adult protective services had to be called in. Ultimately, the father died before he reached the age of 60.
- An individual from Downey who submitted false claims totaling \$13,243 by forging the signature of his deceased father, who was supposedly his in-home health care worker.
- In San Diego, a recipient with schizophrenia was approved for 52 hours of care per month. His caregiver charged the full amount, but only worked two hours per week.

Savings:

The Governor's fraud proposal, which, when combined with IHSS reform efforts, will lead to a savings of:

- \$526 million in 2009-10 (\$221 million of this is General Fund)
- A total of \$2.27 billion through 2012-13 (\$970 million of this is General Fund)



THE BUDGET SOLUTION: 2009-2010

MEETING MEDI-CAL'S LONG-TERM DEMANDS

ACHIEVING BUDGET SAVINGS WITH LONG-TERM REFORM TO IMPROVE MEDI-CAL

We're all very supportive of the budget, but we're making government more efficient and lean. We are cutting the waste, fraud and abuse out of the program. (Gov. Schwarzenegger, 2009)

Due to greater use of services, increased costs in the health care system and more individuals becoming eligible for services, Medi-Cal has been growing at a rate of approximately 8 percent per year. Since 2004, the Governor has been clear that Medi-Cal is unsustainable without fundamental reforms. Within the budget negotiations, the Governor fought for comprehensive restructuring proposals that will modernize the enrollment system and improve care coordination. With these structural reforms, Medi-Cal will be able to continue serving low-income, vulnerable Californians, while increasing program efficiency.

Governor's Reforms:

To ensure that the Medi-Cal program is sustainable, Governor Schwarzenegger fought for the following fundamental changes:

1. **Bringing California's enrollment system into the 21st Century.** The Governor is proposing to shift enrollment functions from the current confusing, labor-intensive paper system to an online process.
 - Modernizing this antiquated process will reduce costs and improve access. Currently, California employs more than 27,000 individuals in 58 counties to process Medi-Cal, CalWORKs and Food Stamp applications that lack uniformity across counties and rely on slow and time-consuming face-to-face and mail-in processes that are only available on weekdays between the hours of 9:00 to 5:00.
 - There are currently multiple county information technology systems in California that could be consolidated so funds are not wasted supporting duplicative and unnecessary technologies.
2. **Improving care coordination for reduced costs.** Slow the Medi-Cal growth rate by providing better care coordination for the various populations receiving Medi-Cal services.
 - Through a partnership with the federal government and stakeholders, California will identify populations for mandatory enrollment into an organized system of healthcare (i.e., a medical home model, enhanced primary care case management or managed care). By providing earlier and appropriate care for seniors and persons with disabilities, those covered by both Medicare and Medi-Cal (dual eligibles) and children with significant or complex medical needs, Medi-Cal will be able use its resources to keep people healthier and avoiding unnecessary emergency room visits.
 - Better integration of physical and behavioral health services.

These reforms will lead to a savings of \$1.8 billion annually starting in 2012-13.

Background:

Medi-Cal has been growing at a rate of 8 percent per year. Now, with nearly seven million low-income Californians seeking services, this growth has become unsustainable. Medi-Cal's expansion reflects the growth in health care costs, utilization and caseload, as well as two eligibility expansions in 2001.

- The most expensive-to-treat populations are often using the most inefficient and expensive delivery system for their medical conditions. Ten percent of Medi-Cal beneficiaries account for 74 percent of the total program costs. Within this population, 4 percent account for 60 percent of the costs.
 - Almost 70 percent of the Medi-Cal beneficiaries with disabilities suffer from two or more chronic conditions, and almost one-quarter of the population suffers from four or more chronic conditions.
 - Medi-Cal has over 1 million dual-eligibles (persons enrolled in both Medi-Cal and Medicare). These individuals are 100 percent more likely to be in poor health, 50 percent more likely to have diabetes, and 600 percent more likely to reside in a nursing facility. (Cite: The Henry J. Kaiser Family Foundation, *Medicare Chartbook*, Third Edition, Summer 2005)

More Budget "Fact Sheets" from the Governor's office - 'AT&T Yahoo! Mail'



More Budget "Fact Sheets" from the Governor's office

Thursday, August 6, 2009 6:18 PM

From: "steve samuelian" <ca-consulting@sbcglobal.net>

COLAs Fact Sheet.pdf (40KB), JT Procurement Budget Fact Sheet.pdf (43KB),
Budget Solution 2009-2010.pdf (72KB)

Attached are several fact sheets regarding important budget items. This information was provided by the Governor's Office.

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<http://us.mc819.mail.yahoo.com/mc/showMessage?sMid=4&filterBy=&midIndex=4&mid=...> 8/6/2009

**THE BUDGET SOLUTION: 2009-2010****COLAS: PUTTING AN END TO AUTO-PILOT BUDGETING**

Part of ensuring a balanced budget now and in the future is taking California's budget off auto-pilot spending. Cost-of-living adjustments (COLAs) and automatic increases in funding are built-in spending mechanisms that increase the state's spending from one year to the next regardless of the state's fiscal situation. These automatic increases in California's spending are among the biggest contributors to rampant budget growth. This budget would eliminate COLAs indefinitely for a number of state programs, saving the state billions of dollars over time. This is a huge win for all Californians and will help the state gain more control over how money is spent – ensuring funds are directed to the areas where it is needed most and will be used most effectively.

Stopping COLAs and Automatic Funding Increases

Automatic increases in funding and prescribed cost-of-living adjustments (COLAs) are a significant contributor to California's perpetual budget imbalance. COLAs were already frozen for the current year per the enacted budget, but the agreement the Governor brokered with legislative leaders will:

- Eliminate COLAs indefinitely. For the CalWORKs program, Corrections, and others, including the five percent automatic funding increases for the UC and CSU systems.
- Savings: \$300 million in 2009-10
\$4.2 billion through 2012-13

Specific Savings Include

- Suspending Price Increases for the Department of Corrections and Rehabilitation: Saves \$340 million through the 2012-13 fiscal year.
- Suspending the State Appropriations Limit for the Courts: Saves \$519 million through the 2012-13 fiscal year.
- Eliminating the University of California's 5-Percent Compact Increase: Saves \$154 million in 2009-10 and an additional \$957 million through 2012-13.
- Eliminating the California State University's 5-Percent Compact Increase: Saves \$146 million in 2009-10 and an additional \$916 million through 2012-13.
- Eliminating CalWORKs automatic Cost of Living Adjustment (COLA): Saves \$715.4 million through the 2012-13 fiscal year. California is currently statutorily required to provide the COLA by July 1 of each year.
- Eliminating State Supplementary Payment COLA: Saves \$691.7 million through the 2012-13 fiscal year. California is currently statutorily-required to provide this COLA by June 1 of each year.
- Suspend Price Increases for Other Departments (not listed above): Saves \$81.9 million through the 2012-13 fiscal year.



THE BUDGET SOLUTION: 2009-2010

IT PROCUREMENT REFORM

REDUCING COSTS, ENHANCING EFFICIENCY, REALIZING BENEFITS

California must improve its processes for procuring large information technology systems. Inexperienced purchasers, multi-year procurements, swiftly changing technologies, too many back-and-forth approvals, multiple rewrites of requirements and outdated laws and policies have resulted in inordinate delays, an inefficient use of state resources, skyrocketing costs and a stagnant technological environment for the state. By coordinating and streamlining how the state designs and contracts for major technology projects, the Governor's proposal will cut the procurement process in some cases down from five years to about one – reducing costs and enhancing revenue collections by more than one hundred million dollars.

The Solution:

The Governor has proposed a series of process and legislative changes (included within the 2009-10 budget), that when implemented will generate project benefits earlier, avoid costs and aid in the modernization of the state's technology environment.

Legislative Changes

As a part of the 2009-10 budget, the Governor has proposed the following changes to existing state procurement law:

- Phased Procurement: Allow for the contracting of separate phases of a single procurement. Contracting with two or more providers to build a pilot of the eventual system allows the State to validate requirements, test functionality, and work directly with potential providers prior to making a final selection.
- Burdensome Requirements – reducing costs and increasing competition: Authorize the Department of General Services (DGS) to withhold a percentage of the contract price based upon the evaluation of risk. Existing law requires that DGS withhold a minimum of 10 percent of the contract price. The current requirement increases contracting costs and results in fewer bids. Eliminating this requirement will reduce costs and increase competition for IT contracts.
- Disabled Veteran Business Enterprise (DVBE) Contracting: Eliminate the requirement that bidders make a good faith effort to perform DVBE participation requirements. This deletion will actually increase DVBE participation by requiring a bidder to meet the contractual DVBE goal (i.e. three percent of the bid price) and will also eliminate the need for state departments to review large volumes of paperwork that does not necessarily enhance DVBE participation goals.

Policy Changes

- A Request For Information (RFI) Process Should Be Implemented: The Governor's proposal would require an RFI stage to align program requirements with available market solutions, before any solicitation documents are created.
- Make a Number of Changes to IT Procurement Policy: These include many technical issues such as: when qualifications are verified; how RFP requirements are written; the use of templates for various components of the RFPs; allowing price negotiations to occur early in the process; and the pre-qualification of bidders ahead of RFP solicitations.

Benefits

- Accelerating tax revenues by more than \$160 million over five-years through an innovative data analysis system at the Franchise Tax Board
- Enhancing the transparency of state spending and reducing costs by modernizing the state's aging financial systems

- Improving state services for residents and businesses, while reducing operating costs through the automation of state services and processes

IT PROCUREMENT SYSTEM

IT PROCUREMENT SYSTEM - BACKGROUND

The State of California is a leader in the use of information technology to improve government services. The State's Information Technology Department (ITD) is responsible for the development and implementation of the State's information technology strategy. The ITD has a long history of providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses.

IT PROCUREMENT SYSTEM - OBJECTIVES

The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses.

IT PROCUREMENT SYSTEM - SCOPE

The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses.

IT PROCUREMENT SYSTEM - RESULTS

The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses.

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IT PROCUREMENT SYSTEM - CONCLUSION

The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses.

IT PROCUREMENT SYSTEM - REFERENCES

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IT PROCUREMENT SYSTEM - APPENDIX

The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses. The ITD has a strong commitment to providing high-quality information technology services to the State's residents and businesses.

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**THE BUDGET SOLUTION: 2009-2010****SOLVING THE ENTIRE PROBLEM*****THE GOVERNOR STOOD FIRM, REFUSING TO KICK THE CAN DOWN THE ROAD***

This budget solution includes \$15.9 billion in spending reductions, which on top of the \$15 billion made in February amounts to approximately \$30 billion dollars – roughly a third of our entire state budget. While there are some one-time solutions in the budget agreement, the Governor fought to minimize those one-time moves, and also to stave off the alternative of higher taxes. There are no tax increases in this budget agreement. Below is the math of how the Governor and legislative leaders agreed to solve the \$24.1 billion¹ deficit.

Expenditure Reductions**Total: \$15.9 billion**

- **Education:** 1) Recapturing savings previously thought lost by missing June 30 deadline and recalculating Prop 98 accordingly (and therefore the overall size of our problem); this means the additional increase of \$1.6 billion in the Prop 98 guarantee for 2009-10 that we'd expected does not happen. 2) Regional Development Agency shift to schools. 3) Additional cuts to UC and CSU funding (Just under \$2 billion total for 2008-09 and 2009-10).
 - \$9.4 billion
- **Corrections:** Leaders agreed upon a reduction level in corrections, the policy on how to get there will be determined upon the legislature's return in August.
 - \$785 millionⁱⁱ
- **General Government:** Suspension of COLAs; leveraging state assets (no current-year savings); consolidating and reorganizing boards and commissions including elimination of the Integrated Waste Management Board; IT procurement reform.
 - \$1.6 billion
- **State Employee Compensation:** Third furlough day adopted; eliminate rural health care; score health care savings.
 - \$820 million
- **Health and Human Services:** Long-term CalWORKs reforms including graduated sanctions and twice-yearly check-ins; Medi-Cal eligibility changes and improved care coordination; IHSS fraud initiative including fingerprinting; Healthy Families eligibility changes; etc.
 - \$3.0 billion
- **Vetoes:**
 - \$.4 billion

Fund Shifts**Total: \$1.1 billion**

- These include: CalFIRE interagency agreement with the Legislature and transportation spillover.

Revenues**Total: \$3.5 billion**

- These include: Optional personal income tax withholding changes; tax enforcement; SCIF proposal; special fund transfers.

Borrowing**Total: \$2.2 billion**

- These include: Proposition 1A suspension; loan from State Highway Account; various loans and fund shifts to keep state parks open.

Other**Total: \$1.4 billion**

- June to July state payroll and health premiums delay.

Total Solution: \$24.1 billion

- Reserve: \$490 million

Reforms**Total: \$2.3 billion (\$1.9 billion General Fund)**

Governor Schwarzenegger insisted that this budget solution could not be about only our short-term cash needs – it also must be about structural reforms to put our state budget on more solid footing in future years. The Governor worked with legislators to include in this solution structural reforms, many of which he has been fighting for since he was first elected to office. Some of these reforms will show significant savings in the current fiscal year (and much more in out-years. These include:

- **Consolidating and Eliminating Boards and Commissions.** Including elimination of the Integrated Waste Management Board.
 - \$50 million in 2009-10
- **Rooting Out Fraud From IHSS.** Putting in place a fraud prevention program that includes background checks (including fingerprinting) for service providers.
 - \$221 million in 2009-10 General Fund (\$517 million total funds)
- **Reforming CalWORKs.** For short-term savings, focusing available funding on those who are meeting the work requirements.
 - \$510 million in 2009-10
- **Corrections Custody and Parole Reforms.** Of the \$1.2 billion in reductions that legislative leaders agreed to for the 09-10 fiscal year the goal is to have roughly half of those reductions come from parole and corrections custody reforms.
 - \$641 million in 2009-10

¹ Note: The size of the problem was adjusted from \$26.3 billion to \$25.1 billion (which includes target reserve of \$2 billion) because: 1) the state is able to capture the \$3 billion in savings from 2008-09's Proposition 98 allocation previously believed to have been lost on June 30, which reduces the size of the 2009-10 guarantee by \$1.6 billion; and 2) June revenues came in \$536 lower than projected. Additionally, we did not reach the desired reserve of \$2 billion, instead attaining reserve of just \$918 million, meaning the Governor and legislators solved for \$24.1 billion.

² This, in addition to the \$400 million blue-penciled by the Governor in the February budget, equals an approximate \$1.2 billion spending reduction in Corrections for the 2009-10 fiscal year.

From: Energy Commission

Date: Thu, 6 Aug 2009 17:33:16 -0700

ECONOMIC STIMULUS & RECOVERY E-NEWS BLAST

E-News Blast, No. 18, August 6, 2009

If you can't see the content in your e-mail program, please click here: www.energy.ca.gov/recovery/news/e-news_blasts/2009-08-06_news_blast.html

IT'S ALL GREEN. . .

Check Out Next Week's Events And Green Job Info!

\$23 MILLION SOLICITATION FOR GREEN TRAINING HITS THE STREETS

Wanted: Partnership ideas for energy job training.

The California Energy Commission, the California Workforce Investment Board, and the California Employment Development Department released the first Solicitation for Proposals focusing on regional workforce development partnerships that will train workers for jobs in energy efficiency, renewable energy, and clean transportation. Proposals are due to the Employment Development Department by 3 p.m. on September 9, 2009. Check out the Solicitation at EDD's web site at [www.edd.ca.gov/Jobs_and_Training/WDSFP Workforce Development Solicitations for Proposals.htm](http://www.edd.ca.gov/Jobs_and_Training/WDSFP_Workforce_Development_Solicitations_for_Proposals.htm)

The Energy Commission is making \$14.5 million in ARRA funds available for the solicitation and \$3.5 million from the Energy Commission's Alternative and Renewable Fuel and Vehicle Technology Program (AB 118).

More information about the solicitation and the Clean Energy Workforce Training Program is available from the Energy Commission's Green Jobs website at [\[www.energy.ca.gov/greenjobs/\]](http://www.energy.ca.gov/greenjobs/)

NEXT WEEK - CLEAN ENERGY SUMMIT

The Clean Energy Workforce Training Program kicks off at the Clean Energy Summit. Listen to experts discuss how to leverage state and federal workforce development funding for the clean energy industry and provide information on the just-

released Solicitation for Proposals. Same agenda for both workshops. The workshop is free. However, please register at: www.energy.ca.gov/greenjobs/summits.html

IF YOU'RE ATTENDING BY THE INTERNET PLEASE SIGN UP ON WEBEX AT THE ADDRESSES BELOW.

Monday, AUGUST 10, 2009

West Sacramento (9 a.m. - 3:30 p.m.)

Ziggurat Building

To attend by Internet, you must register separately for the WebEx webcast at:

<https://energy.webex.com/energy/onstage/g.php?t=a&d=928151137>

Wednesday, AUGUST 12, 2009

Diamond Bar (9 a.m. - 3:30 p.m.)

South Coast Air Quality Management District

To attend by Internet, you must register separately for the WebEx webcast at:

<https://energy.webex.com/energy/onstage/g.php?t=a&d=926360574>

LOOKING FOR THE PERFECT GREEN PARTNER?

Interested in forming a green jobs partnership to submit as a Solicitation for Proposal? Complete the partnership form on the Energy Commission's green jobs website at [\[www.energy.ca.gov/greenjobs/partnership.html\]](http://www.energy.ca.gov/greenjobs/partnership.html) Check out potential partners information at [\[www.energy.ca.gov/greenjobs/partnership2.php\]](http://www.energy.ca.gov/greenjobs/partnership2.php)

Your 'perfect partner' is just a click away.

INQUIRING GREEN MINDS WANT TO KNOW

If your organization is holding a Clean Energy Forum regarding your application for the Solicitation for Proposals, we want to know. Register your event at [\[www.energy.ca.gov/greenjobs/forums.html\]](http://www.energy.ca.gov/greenjobs/forums.html).

We'll post it; others will see it.

DOE ARRA SOLICITATIONS and ANNOUNCEMENTS UPDATE

Advanced Batteries And Electrification: The U.S. Department of Energy (DOE) awarded \$2.4 billion to 48 new advanced battery and electric drive projects. Two California organizations received direct awards: South Coast Air Quality Management

District (\$45.4 million) and San Francisco City College (\$500,000).
http://apps1.eere.energy.gov/news/news_detail.cfm/news_id=12697

Scientific Research (Is there any other kind?): The DOE awarded \$327 million in ARRA funds towards scientific research, instrumentation, and laboratory infrastructure projects. The following California laboratories received ARRA funding:

- Lawrence Berkeley National Laboratory; Berkeley, CA - \$ 37.8 million,
- SLAC National Accelerator Laboratory; Stanford, CA - \$21.8 million
- Lawrence Livermore National Laboratory; Livermore, CA - \$810,000
- Sandia National Laboratories; Sandia, NM, and Livermore, CA - \$800,000

More info: <http://www.energy.gov/news2009/7737.htm>

New Feature on Grant Website: A new feature on [Grants.gov](http://www.grants.gov) will help users find and apply ARRA-funded and all federal grant opportunities. Check out [\[www.grants.gov\]](http://www.grants.gov)

NON-ARRA FUNDING ENERGY ANNOUNCEMENTS UPDATE

Energy Frontiers: DOE has announced a total \$777 million over five years to support the 46 new Energy Frontier Research Centers. Of this amount \$277 million is direct ARRA funds. Seven California EFRCs will receive \$108 million of combined ARRA and DOE budget funding: University of Southern California (\$12.5 million) and UC Santa Barbara (\$19 million) both ARRA funded, California Institute of Technology (15 million), LBNL (\$20 million), UC Berkeley (\$10 million), Stanford (\$20 million) and UCLA (\$11.5 million).

For more information: [\[www.sc.doe.gov/bes/EFRC.html\]](http://www.sc.doe.gov/bes/EFRC.html)

DOE FOA - 24/7

Looking for a quick read that lists all the competitive and state/local DOE Funding Opportunity Announcements? Look no further & this up-to-date list makes finding each DOE FOA quick and easy. Plowing through the FOAs? You're on your own.

[\[www.energy.gov/recovery/funding.htm\]](http://www.energy.gov/recovery/funding.htm)

ENERGY PROGRAMS SUMMARY

Looking for a thumbnail update on the ARRA energy-related programs? Check out the weekly updated Summary at www.energy.ca.gov/recovery/documents/FUNDING_SUMMARY.PDF (PDF file)].

In case you missed it, e-blasts are archived at www.energy.ca.gov/recovery/news/e-news_blasts/

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ARRA Funding Update - 'AT&T Yahoo! Mail'

**ARRA Funding Update**

Monday, August 10, 2009 6:24 PM

From: "steve samuelian" <ca-consulting@sbcglobal.net>

ARRA Upcoming Funding Opportunities 08.10.09.doc (36KB)

Our newest grant writer, Ginnie Sterling, has identified several upcoming funding opportunities through the ARRA/Stimulus. Please see attached memo from Ginnie.

If you are a current California Consulting, LLC client please contact us if you would like our team to pursue any of these grant opportunities for you. If you are not a current California Consulting, LLC client feel free to contact us to inquire about our services.

Steve Samuelian
Manager
California Consulting, LLC
Central Valley Office
1530 E. Shaw Avenue, Suite 114

<http://us.mc819.mail.yahoo.com/mc/showMessage?sMid=2&filterBy=&midIndex=2&mid...> 8/10/2009

American Recovery and Reinvestment Act of 2009 (ARRA)

Purpose of Program: Supplemental funds, appropriated under the American Recovery and Reinvestment Act of 2009 (ARRA), are intended to help stimulate the American economy. The purpose of ARRA is:

- (1) To preserve and create jobs and promote economic recovery;
- (2) To assist those most impacted by the recession;
- (3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health;
- (4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and
- (5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

Accordingly, almost all federal agencies have been appropriated funding specific to ARRA activities. Following are those that may be appropriate and applicable to CA Consulting clients.

Local Energy Assurance Planning (LEAP) Initiative (ARRA)

This initiative will allow cities to have well-developed, standardized energy assurance and resiliency plans that they can rely on during energy emergencies and supply disruptions. City governments will address energy supply disruption risks and vulnerabilities in their plans to lessen the devastating impact that such incidents have on the economy and the health and safety of citizens. The LEAP Initiative focuses on developing new, or refining existing, plans to integrate new energy portfolios (such as renewables, biofuels, etc) and new applications (such as Smart Grid technology) into energy assurance and emergency preparedness plans.

The application deadline is October 8, 2009.

EDA (ARRA)

EDA has ARRA specific funding for Public Works and Economic Adjustment Assistance programs and will give priority consideration to those applications that will significantly benefit regions that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring as stipulated under the ARRA. EDA provides financial assistance to distressed communities in both urban and rural regions. EDA will prioritize projects that will diversify the economic base and lead to a stronger, more globally competitive and resilient regional economy. EDA's economic development activities help create jobs by encouraging business inception and growth.

The application period is ongoing until funds are depleted or June 30, 2010.

Rural Business Enterprise Grant Program (ARRA)

RBEG standard guidelines apply while assistance under this program and may include on-site technical assistance to local and regional governments, public transit agencies and related non-profit and for profit organizations in rural areas; the development of

training materials; and the provision of necessary training assistance to local officials and agencies in rural areas. All projects requesting assistance through ARRA grant funds are to be conspicuously identified when the applications are submitted to the USDA Rural Development State Office.

The application period is ongoing until funds are depleted or June 30, 2010.

Office of Elementary & Secondary Education: Teacher Incentive Fund Program (ARRA)

The purpose of the Teacher Incentive Fund (TIF) is to support programs that develop and implement performance-based teacher and principal compensation systems, based primarily on increases in student achievement, in high-need schools. The goals of the TIF program include:

- Improving student achievement by increasing teacher and principal effectiveness;
- Reforming teacher and principal compensation systems so that teachers and principals are rewarded for increases in student achievement;
- Increasing the number of effective teachers teaching poor, minority, and disadvantaged students in hard-to-staff subjects; and
- Creating sustainable performance-based compensation systems.

LEAs with differentiated compensation systems already in place may apply for a TIF program grant to expand their programs so that they reach additional high-need school sites or to include teachers or administrators in high-need schools who are not participating in the current system. For purposes of the TIF program, a high-need school means a school with more than 30% of its enrollment from low-income families, based on eligibility for free or reduced-price lunch subsidies or other poverty measures that the State permits the LEAs to use. For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Award recipients are legally obligated to meet specific reporting requirements established by the ARRA.

The application package has not yet been posted.

Small Community Air Service Development Program

Eligible applicants are those communities that (1) are served by an airport that is not a small hub airport during calendar year 1997; and (2) have insufficient air service or unreasonably high airfare. Communities that do not currently have commercial air service are also eligible, but they must have met or be able to meet in a reasonable period all necessary requirements of the Federal Aviation Administration for the type of service involved in their grant proposal.

The program is designed to provide financial assistance to small communities to help them enhance their air service. The Department provides this assistance in the form of financial grants that are disbursed on a reimbursable basis. There are no limits on the amounts of individual awards and the amounts awarded will vary depending upon the features and merits of the proposals selected. Authorized grant projects may include activities that extend over a multi-year period under a single grant award; however, grant funds are to be used in a timely manner.

The application deadline is August 28, 2009.

Energy Efficiency Workshop - Aug. 13th - 'AT&T Yahoo! Mail'



Energy Efficiency Workshop - Aug. 13th

Tuesday, August 11, 2009 4:30 PM

From: 'steve samuelian' <ca-consulting@sbcglobal.net>

Workshop - CEC & EECBG 08.13.09.doc (27KB)

I encourage every City and County in the San Joaquin Valley to have a representative present at the workshop.

Steve Samuelian

Manager

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Sacramento Office

<http://us.mc819.mail.yahoo.com/mc/showMessage?sMid=1&filterBy=&midIndex=1&mid...> 8/11/2009

THE SAN JOAQUIN VALLEY CLEAN ENERGY ORGANIZATION
AND CALIFORNIA CONSULTING, LLC
INVITE YOU TO ATTEND A WORKSHOP
FOCUSING ON THE
ENERGY EFFICIENCY & CONSERVATION BLOCK GRANTS (EECBG)

Thursday, August 13th
10:00 AM – 12:00 Noon
San Joaquin Valley Air Pollution Control District Office
1990 E. Gettysburg Ave.
Fresno, CA 93726

FOCUS: CEC Guidelines for the EECBG Program
Eligible Projects
Cost Effectiveness Criteria
Services available through the SJVCEO/SJVAPCD partnership

The San Joaquin Valley Clean Energy Organization (SJVCEO) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) are partnering to help eligible cities and counties in the Valley obtain EECBG funds from the CEC.

RSVP: Please RSVP to:
Cynthia Downing, San Joaquin Valley Clean Energy Organization
(800) 791-2345 or e-mail: cdowning@pesc.com

Broadcasts of the workshop will be available at the following Air District offices:

Northern Region:
4800 Enterprise Way
Modesto, CA 95356
(209) 557-6400

Central Region:
1990 E. Gettysburg Ave.
Fresno, CA 93726
(559) 230-6000

Southern Region:
34946 Flyover Court
Bakersfield, CA 93308
(661) 392-5500

Funding Research - 'AT&T Yahoo! Mail'

Page 1 of 1

**Funding Research**

Tuesday, August 11, 2009 9:56 PM

From: "steve samueller" <ca-consulting@sbcglobal.net>**To:** "Carrol Terrazas" <carrol.ca-consult@sbcglobal.net>

UPCOMING APPLICATIONS 8-09-2.doc (46KB)

See attached.

More fantastic grant opportunities.

If you are a current California Consulting, LLC client please let us know if you would like us to write any of the attached grant applications for you. If you are not a current client, feel free to contact us about our services.
Steve

Safe, Accountable, Flexible, Efficient Transportation Equity Act: Legacy for Users

Federal Job Access & Reverse Commute (JARC) and New Freedom (NF) funding has been provided to Caltrans for allocation to small urbanized areas of 50,000 – 200,000 and non-urbanized areas with less than 50,000 populations. The JARC funding is to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized and non-urbanized areas to suburban employment opportunities. The NF funding is to provide new public transportation services to overcome existing ADA barriers.

JARC operating activities could include late night and weekend services, guaranteed ride home service, shuttle service, expanded fixed-route public transit routes, demand-responsive service, ridesharing and carpooling activities, and voucher programs. JARC capital activities could include ITS, promotion of operating activities, vehicles and mobility management activities.

NF operating activities might include expansion of para-transit service beyond minimum ADA requirements, expansion of hours for para-transit service, enhancement of services, voucher programs and volunteer driver programs while NF capital activities could include acquisition of accessibility equipment beyond ADA requirements, purchasing accessible vehicles to support taxi, vanpooling and/or ridesharing programs and mobility management activities.

If the local Caltrans is conducting the regional first-level review, the application must be postmarked August 31, 2009. Otherwise the application must be postmarked by October 31, 2009.

USDA Rural Development / Housing & Community Facilities Programs

Grant funds may be used to assist in the development of essential community facilities including construction, enlargement or improvement for health care, public safety and community and public services. This can include the purchase of equipment required for the facility's operation. The amount of grant assistance depends on the median household income and the population in the community where the project is located and the availability of grant funds. Grant assistance may be up to 75% of project costs. Projects will receive priority that:

- ◆ Serve small communities with populations less than 5,000
- ◆ Serve low-income communities with median household incomes below the higher of the poverty line or 60% of State non-metropolitan median household income
- ◆ Provide healthcare, public safety or public and community services

Applications are filed with the USDA Rural Development field offices on an ongoing basis.

US Department of Energy: Clean Cities FY09 Petroleum Reduction Technologies Project for the Transportation Sector

The purpose of this program is to support projects covering a range of commercial technology deployment and educational activities. In general, this program furthers the goal of developing more energy efficient and environmentally friendly highway transportation technologies that allow the nation to use less petroleum. For the past ten years, this program has been offered as a component of the State Energy Program Special Project grants. This module refers to the stand-alone program that is being issued to provide a more broad-based opportunity. There were three (3) Areas of Interest for this program: 1 – Refueling Infrastructure for Alternative Fuels; 2 – Incremental Cost of Dedicated Alternative Fuel Vehicles (AFVs); and 3 – Education, Outreach, and Workshops for Petroleum Reduction Fuels and Technologies

The American Recovery and Reinvestment Act (ARRA) added Area of Interest 4: **Alternative Fuel and Advanced Technology Vehicles Pilot Grant Program** whose purpose is to provide support to cost-shared projects that expand the use of alternative fueled vehicles and advanced technology vehicles. Eligible activities include the installation or acquisition of infrastructure necessary to directly support an alternative fueled vehicle or advanced technology vehicle. This program will also fund, on a limited basis, operation and maintenance of vehicles, infrastructure, and other associated equipment acquired through the program. Vehicles eligible for funding under this component include light, medium- and heavy-duty vehicles and other off-road/non-road commercial work alternative fuel or advanced technology vehicles.

All vehicles, including retrofits/conversion systems, must be certified or approved by the U.S. EPA and/or the California Air Resources Board (CARB) and meet the applicable Federal Motor Vehicle Safety Standards. Program funding may be used to pay for the incremental cost to purchase new OEM vehicles or the retrofit/conversion/repower of new and/or used conventional vehicles to run on authorized alternative fuels or use advanced technologies. Refueling infrastructure eligible under this component include new dispensing facilities; facility upgrades or building modifications; and refueling equipment and infrastructure design. Preference will be given to projects that:

- Are "shovel ready," meaning projects that can rapidly implement vehicles and/or support fueling infrastructure projects while accelerating job creation and economic benefit;
- Have a strategy to concentrate vehicles in activity centers or niche projects that maximize infrastructure utilization;
- Contribute to a sustainable alternative fuel and advanced technology vehicle market with the potential for future growth without additional

- federal funding and have documented fleet commitments for vehicle and/or fuel purchases;
- Exclusively use alternative fuels in dedicated vehicles, rather than bi-fuel capabilities; and/or
- Identify specific sites, have necessary permits in hand, and include written commitments from actual project partners and fuel suppliers.

The due date for Area of Interest 4 applications is September 30, 2009.

US Department of Energy: Smart Grid Investment Grant Program

The overall purpose of the Smart Grid Investment Grant Program (SGIG) is to accelerate the modernization of the nation's electric transmission and distribution systems and promote investments in smart grid technologies, tools, and techniques which increase flexibility, functionality, interoperability, cyber-security, situational awareness, and operational efficiency. This purpose will be accomplished through a merit-based, competitive solicitation for projects to receive federal financial assistance for up to 50% percent of eligible project costs. This financial assistance is intended to enable measurable improvements that can result from accelerated achievement of a modernized electric transmission and distribution system, including:

- Reliability of the electric power system.
- Electric power system costs and peak demand.
- Consumer electricity costs, bills, and environmental impacts.
- Clean energy development and greenhouse gas emissions.
- Economic opportunities for businesses and new jobs for workers.

It is expected that SGIG projects will also enable the entire electricity supply and delivery chain – as a whole or in part – (including power plants, transmission lines, substations, distribution lines, meters, and customer systems) to operate in a more reliable, efficient, secure, and affordable manner through operational improvements in areas such as outage detection, equipment maintenance, and asset deferral and at a higher level of environmental protection through increased capabilities for cost-effectively integrating renewable, energy efficient, and less carbon-intensive technologies. Such projects will also provide an economic stimulus to local areas, states, and regions through investment in electric infrastructure, expansion of economic opportunities for businesses, creation of jobs and enhancements of worker skills.

Round 2 and 3 application due dates are November 4, 2009 and March 3, 2010, respectively.

Workshop Summary - Energy Efficiency - 'AT&T Yahoo! Mail'



Workshop Summary - Energy Efficiency

Thursday, August 13, 2009 11:34 PM

From: "Carrol Terrazas" <carrol.ca-consult@sbcglobal.net>

Today, the San Joaquin Valley Air Pollution Control District, San Joaquin Valley Clean Energy Organization, California Consulting, LLC and others held a workshop at the Air District Fresno Office to discuss the upcoming Energy Efficiency Conservation Block Grant funding opportunity.

Video conferencing was conducted and participants viewed the workshop from the Air District Offices in Bakersfield and Modesto. As well, several individuals participated via telephone conference. More than 45 cities and counties across the Valley participated in the very successful and informative workshop.

Opening remarks were given by Tom Jordan of the San Joaquin Valley Air Pollution Control District. The workshop was moderated by Clean Energy Organization Executive Director Paul Johnson and speakers included representatives from PG & E, Southern California Gas Company, and Southern California Edison. As well, two representatives of the California Energy Commission participated via telephone.

Other program participants included:

Katie Stevens from the California Partnership for the San Joaquin Valley who spoke of the Partnership's role in the Stimulus process. Stevens highlighted the Partnership's push for bringing additional resources to the San Joaquin Valley.

Steve Samuelian, Owner of California Consulting, LLC thanked the Air District and the Clean Energy Organization for pulling together a collaborative approach to apply for this grant money and encouraged all eligible cities and counties throughout the 8 county Valley region to apply using this collaborative approach. Samuelian also spoke of the lobbying success the Valley has achieved when working together as a united region including the \$1 billion secured for Highway 99 and the Air Quality mitigation money the Valley received from Prop. 1B.

Several city representatives applauded the "united" approach to capture this funding and agreed to be part of the overall application.

Cities with populations under 35K and counties with populations under 200K are encouraged to contact the San Joaquin Valley Air Pollution Control District, the San Joaquin Valley Clean Energy Organization or California Consulting, LLC to participate in the collaborative application.

Representatives from the California Energy Commission were pleased that the Valley was taking a partnership approach to capture these funds.

Carrol Terrazas
Administrative Assistant
California Consulting, LLC
Central Valley Office
1530 E. Shaw, Suite 114
Fresno, CA 93710
(559) 244-0801
(559) 244-0804 fax

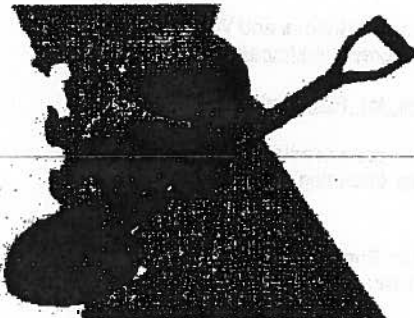
**Economic Stimulus & Recovery E-News Blast**

Friday, August 21, 2009 5:09 PM

From: "Carrol Terrazas" <carrol.ca-consult@sbcglobal.net>
To: "Carrol Terrazas" <Carrol.ca-consult@sbcglobal.net>

See attached News Letter.

This is a reminder to small cities and counties to send in your EECBG forms.

*California Energy Commission***Economic Stimulus & Recovery
E-NEWS Blast**

An e-mail newsletter on energy-related economic
stimulus and recovery activities in California.

**E-News Blast, No. 20, August 20, 2009**

If you can't see the content in your e-mail program, please click here: www.energy.ca.gov/recovery/msw/e-news_blasts/2009-08-20_news_blast_20.html

KUDOS TO SMALL CITIES AND COUNTIES

The Energy Commission appreciates the responsiveness of the more than 220 small cities and counties that have already returned their Statement of Intent indicating your interest to apply for the ARRA - EECBG funds. If you haven't responded yet - there's still time. Mail or fax the completed and signed form to:

California Energy Commission

Attn: EECBG Program

1516 Ninth Street, MS-42

Sacramento, CA 95814

FAX: (916) 654-4304

Don't have the Statement of Intent form? Download a copy at:

www.energy.ca.gov/recovery/documents/EECBG_Statement_of_Intent.doc (MS Word file).

ARE YOU READY TO RECEIVE FEDERAL MONIES?

If you are a public entity expecting to receive and use any federal funds, you must comply with the Single Audit Act and Office of Management and Budget (OMB) Circular A-133.

For more information on complying with the Single Audit Act please go to:

[\[www.energy.ca.gov/recovery/documents/2009-08-17_OMB_A-133_The_Single_Audit_Act.pdf\]](http://www.energy.ca.gov/recovery/documents/2009-08-17_OMB_A-133_The_Single_Audit_Act.pdf) (PDF file).

ASSEMBLYMEMBER FUENTES TO OPEN L.A. - ARRA WORKSHOP

Assemblymember Felipe Fuentes will give welcoming remarks at an informational workshop discussing California's energy-related ARRA funding programs. The workshop focuses on the status of the Energy Commission's EECBG Grant and SEP Programs including the proposed guidelines, green workforce development, and bundling grants with low-interest state loans.

FRIDAY, AUGUST 28, 2009

1 p.m. to 4 p.m.

John Ferraro Council Chamber

Room 340, City Hall

200 North Spring Street

Los Angeles, California

Can't attend? Sign up for the WebEx Internet webcast at <https://energy.webex.com/energy/onstage/g.php?&a&d=928632431>
For agenda and notice information go to www.energy.ca.gov/stimulus/documents/

CHECK OUT GREEN JOB INFO

Partner Database

Found your perfect match? Search for green jobs partners in our updated database. Click

www.energy.ca.gov/greenjobs/partnership2.php.

Clean Energy Summit Presentations On-Line

If you missed the Clean Energy Summit held on August 10 and 12, the PowerPoint presentations and Webex recordings are now available on the Green Jobs Web site. <http://www.energy.ca.gov/greenjobs/meetings/>.

Q&A's from the Clean Energy Summit are posted at EDD website

www.edd.ca.gov/Jobs_and_Training/WDSFP_Workforce_Development_Solicitations_for_Proposals.htm

Attend a Regional Clean Energy Forum

Applicants for the Clean Energy Workforce Training Program Solicitation for Proposal are scheduling Clean Energy Forums around the state. Learn more about green workforce development by attending a regional forum. Go to: www.energy.ca.gov/greenjobs/forums2.php to find one in your area.

Don't Wait - Solicitation Deadline Approaching

Wanted: Partnership Ideas for energy job training. Proposals for the \$23 million Clean Energy Workforce Training Program are due to the Employment Development Department by 3 p.m. on September 9, 2009. Check out the Solicitation at EDD's website at

http://www.edd.ca.gov/Jobs_and_Training/WDSFP_Workforce_Development_Solicitations_for_Proposals.htm.

ARRA FUNDING ANNOUNCEMENTS

Tribal Block Grants: U.S. Department of Energy (DOE) awards more than \$4 million in direct ARRA EECB Grant funds to 108 California Indian tribes. For a listing of tribes and award amounts go to

<http://apps1.eere.energy.gov/tribalenergy/eeecbg.cfm>.

Energy Preparedness: DOE awards more than \$3.67 million to California for plans to ensure quick recovery and restoration from any energy supply disruptions. Funds will be used by state governments to hire or retrain staff and expand state-level capacities to address challenges to the country's energy systems, including emergency situations such as blackouts, hurricanes, ice storms, and disruptions to heating supplies.

www.energy.gov/7791.htm

Manufacturing Tax Credits: U.S. Treasury Department announced they will award \$2.3 billion in tax credits for qualified investments in advanced renewable, storage, efficiency, vehicles components, and transmission energy projects, to support new, expanded, or re-equipped domestic manufacturing facilities. The Advanced Energy Manufacturing Tax Credit (MTC) provides a 30 percent tax credit for investments based on expected commercial viability of their project. Initial applications are due to DOE by September 16, 2009 and final due to the DOE and IRS on October 16, 2009. More information and application available at <http://www.energy.gov/recovery/48C.htm>.

Small Business Grants: DOE announced \$37 million for innovative research to develop near-term, clean energy technologies. Small businesses (fewer than 500 employees) with strong research capabilities in science or engineering are encouraged to apply to DOE's Small Business Innovation Research and Small Business Technology Transfer programs. Phase I application deadline is September 4, 2009. For more information http://www.science.doe.gov/sbirt/solicitations/FY%202009/FOA_Notice_ARRA.pdf (PDF file).

DOE FOA - 24/7

Looking for a quick read that lists all the competitive and state/local DOE Funding Opportunity Announcements? Look no further... this up-to-date list makes finding each DOE FOA quick and easy. Plowing through the FOAs? You're on your own. <http://www.energy.gov/recovery/funding.htm>

ENERGY PROGRAMS SUMMARY

Looking for a thumbnail update on the ARRA energy-related programs? Check out the weekly updated Summary at www.energy.ca.gov/recovery/documents/FUNDING_SUMMARY.PDF (PDF file).

Got this as a forward? Sign up to receive our future e-blasts. <http://www.energy.ca.gov/recovery/>

In case you missed it, e-blasts are archived at www.energy.ca.gov/recovery/news/e-news_blasts/

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MEMORANDUM

DATE: September 11, 2009
To: Policy Advisory Committee
COG Policy Board
FROM: Todd Sobrado, Planner
SUBJECT: Regional Clearinghouse Consent Calendar

RECOMMENDATION: Per Board procedure, unless an item is pulled from the Consent Calendar, tacit authorization is given for staff to forward any comment(s) received, or any Committee/Board comment(s) generated as a result of this informational item, to the appropriate agency. It is understood that if in the event any item should be pulled from the consent calendar, discussion and comment by the Committee members and the public will be taken.

DISCUSSION: The Regional Clearinghouse is a process of informing local agencies of federal grant requests, providing an opportunity to comment, and potentially avoid duplication of effort. Clearinghouse items are brought before the Policy Advisory Committee (PAC) and, if appropriate, the Transportation Technical Committee (TTC) for review and comment. Any resulting TTC/PAC comments, and any comments received from other agencies as a result of the Clearinghouse notification process, are noted on a monthly report brought forward to the Fresno COG Policy Board.

COG Policy Board action would be to authorize staff to forward any comments received or any Board comments to the State Clearinghouse and other appropriate agencies. The applicants have been notified of this meeting. While participation by the agency is optional, they have been personally requested to attend the Policy Board meeting in case there should be any questions. It should be noted that if in the event any of these items should be pulled from the consent calendar, that discussion and comment by the Committee/Board members and the public will be taken. *Project Notification and Review Reports* describing these projects are attached.

FUNDING: Proposed funding levels are as shown below:

Applicant	Federal Funds	Other Applicant Funds	Total Funds
Corporation for Better Housing - RHS 514 Loan for Valley View Village Development in Selma, CA	\$3,000,000	\$14,000,174	\$17,000,174
Fresno County EOC - One Time Program Improvement 2009 Head Start-Preschool and Early Head Start	\$1,159,412		\$1,159,412

Member Agencies: The cities of Clovis, Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma & Fresno County

FUNDING:

\$418,357 Applicant

\$12,581,817 Local

Other

\$17,000,174 TOTAL

Corporation for Better Housing – RHS 514 Loan for Valley View Village
development in Selma, CA

PROJECT NOTIFICATION AND REVIEW REPORT

Regional Clearinghouse Number: *RCH # 05-2009-158*
Project Title: *One Time Program Improvement 2009 Head Start-
Preschool and Early Head Start*
Applicant Agency: *Fresno County Economic Opportunities Commission*
Contact Person: *Naomi Quiring-Mizumoto*
Address: *1920 Mariposa Mall, Fresno, CA 93721*
Phone: *559-263-1205*
Federal Catalog #: *93-600*
Status: *Continuation*
Area of Impact: *Fresno County*
Federal Funding Agency: *Administration for Children and Families/DHHS*

FUNDING:

\$1,159,412 Federal
\$0 Applicant
\$0 State
\$0 Local
Other
\$1,159,412 TOTAL

Fresno County EOC One Time Program Improvement 2009 Head Start and Early Head Start -
\$1,159,412 – Federal

