

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 10, 2013

**SENATE BILL**

**No. 792**

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**Introduced by Senator DeSaulnier**

February 22, 2013

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An act to add Sections 66537, 66537.1, 66537.2, 66537.3, 66537.4, 66537.5, 66537.6, and 66537.7 to the Government Code, relating to planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, DeSaulnier. Regional entities: Bay Area.

Existing law creates the Metropolitan Transportation Commission, the Bay Area Toll Authority, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, with various powers and duties relative to all or a portion of the 9-county San Francisco Bay Area region with respect to transportation, air quality, and environmental planning, as specified. Another regional entity, the Association of Bay Area Governments, is created as a joint powers agency comprised of cities and counties under existing law with regional planning responsibilities. Existing law provides for a joint policy committee of certain regional entities in this 9-county area to collaborate on regional coordination. Existing law requires regional transportation planning agencies, as part of the regional transportation plan in urban areas, to develop a sustainable communities strategy pursuant to Senate Bill 375 of the 2007–08 Regular Session coordinating transportation, land use, and air quality planning, with specified objectives.

This bill would require the joint policy committee to prepare a regional organization plan for the affected regional entities. The regional

organization plan would include a plan for integrating, by July 1, 2016, certain major planning documents of the individual entities into a comprehensive regional plan that also addresses other specified goals, and a plan for consolidating certain functions that are common to the regional entities. The regional organization plan would also include a statement relative to the expected reduction of overhead, operation, and management costs. The bill would require the joint policy committee to ensure public participation in the development and adoption of the plan, to hold at least one public hearing in each county of the region, and to adopt a final plan by June 30, 2015. *The bill would require provisions of the comprehensive regional plan to be implemented by July 1, 2016.* The bill would also require the joint policy committee to develop and adopt public and community outreach and inclusive public participation programs and to maintain an Internet Web site. The bill would also require the joint policy committee to appoint an advisory committee on economic competitiveness with specified members from the business community and other organizations to adopt goals and policies related to the inclusion of economic development opportunities in the plans of the regional entities. The bill would require the joint policy committee, until a comprehensive regional plan is adopted, to conduct a review of the major planning documents and associated policies, and plans, and regulations of each regional entity, including an assessment of the consistency of the documents, policies, plans, and regulations with each other, with the requirements of Senate Bill 375 of the 2007–08 Regular Session, and with the goals and policies adopted by the advisory committee on economic competitiveness. The bill would require the joint policy committee to issue a consistency report describing the findings of each review and to hold hearings in that regard, and would require the applicable regional entity to consider the findings. The bill would require all cost savings derived from implementation of the regional organization plan to be directed to the joint policy committee's general fund. By imposing new duties on the joint policy committee, the bill would impose a state-mandated local program.

The bill would require the Legislative Analyst's Office to analyze voting power disparities based on population, race, and ethnicity relative to the voting power of each city and county on the governing board of each of the regional agencies, and to report to the Legislature by July 1, 2014, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 66537 is added to the Government Code,  
2 to read:

3 66537. For purposes of Sections 66537.1 to 66537.7, inclusive,  
4 the following definitions shall apply:

5 (a) "Region" means the area encompassed by the Counties of  
6 Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo,  
7 Santa Clara, Solano, and Sonoma.

8 (b) "Regional entities" means the Metropolitan Transportation  
9 Commission, including any joint exercise of powers agencies that  
10 include the commission as a member agency; the Bay Area Toll  
11 Authority; the Bay Area Air Quality Management District; the San  
12 Francisco Bay Conservation and Development Commission; and  
13 the Association of Bay Area Governments.

14 SEC. 2. Section 66537.1 is added to the Government Code, to  
15 read:

16 66537.1. (a) The joint policy committee created pursuant to  
17 subdivision (d) of Section 66536 shall prepare a regional  
18 organization plan that includes all of the following:

19 (1) A plan for integrating, by July 1, 2016, the major planning  
20 documents described in subdivision (c) of Section 66536.1 into a  
21 comprehensive regional plan that also addresses priority  
22 infrastructure needs, the goals and policies related to economic  
23 development opportunities adopted pursuant to subdivision (b) of  
24 Section 66537.6, and social equity goals to ensure that people of  
25 all income levels, races, and ethnicities share fairly in the benefits  
26 and burdens associated with the comprehensive regional plan and  
27 its implementation.

1 (2) A plan for consolidating the functions that are common to  
2 the regional entities, including, but not limited to, personnel and  
3 human resources, budget and financial services, electronic data  
4 and communications systems, legal services, contracting and  
5 procurement of goods and services, public information and  
6 outreach services, intergovernmental relations, transportation, land  
7 use, economic, and related forecasting models, and other related  
8 activities. Consideration shall be given to ensuring that there are  
9 common personnel classifications where appropriate among the  
10 regional entities, and the consolidation of other functions or  
11 activities, as deemed feasible, that will further the mission of the  
12 joint policy committee and will reduce redundancy. The plan shall  
13 also include a statement as to the expected reduction in the cost  
14 of overhead and in the cost of operation and management of the  
15 regional entities.

16 (b) On or before December 31, 2014, the staff shall submit to  
17 the joint policy committee a draft regional organization plan. The  
18 joint policy committee shall ensure early, continuous, and inclusive  
19 public participation in the development and adoption of the regional  
20 organization plan and shall hold at least one public hearing in each  
21 county of the region to receive public comment on the draft plan.  
22 A final plan shall thereafter be ~~adopted for implementation on or~~  
23 ~~before June 30, 2015 adopted on or before June 30, 2015. All of~~  
24 *the provisions of the comprehensive regional plan developed under*  
25 *paragraph (1) of subdivision (a) shall be implemented by July 1,*  
26 *2016.*

27 (c) All cost savings derived from implementation of the regional  
28 organization plan shall be directed to the joint policy committee's  
29 general fund.

30 SEC. 3. Section 66537.2 is added to the Government Code, to  
31 read:

32 66537.2. The joint policy committee shall develop and adopt  
33 public and community outreach and inclusive public participation  
34 policies to govern the development and adoption of the regional  
35 organization plan as well as regular joint policy committee  
36 meetings. These policies shall also govern the meetings of regional  
37 entities, the meetings of standing committees, and meetings of ad  
38 hoc or other temporary committees. In developing the policies,  
39 the joint policy committee shall ensure that outreach programs are  
40 inclusive of limited-English-proficient populations, and utilize all

1 available communication technologies, including webcasting and  
2 social media, print, radio, and television. The joint policy  
3 committee shall also establish policies for the holding workshops  
4 of the joint policy committee and the regional entities in the cities  
5 and counties of the region. The joint policy committee shall provide  
6 an opportunity for the public to comment on the draft and the final  
7 recommended policies. The policies shall be adopted on or before  
8 October 31, 2014.

9 SEC. 4. Section 66537.3 is added to the Government Code, to  
10 read:

11 66537.3. The joint policy committee shall maintain an Internet  
12 Web site containing relevant information pertaining to the joint  
13 policy committee's activities.

14 SEC. 5. Section 66537.4 is added to the Government Code, to  
15 read:

16 66537.4. The joint policy committee shall be subject to the  
17 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)  
18 of Part 1 of Division 2 of Title 5).

19 SEC. 6. Section 66537.5 is added to the Government Code, to  
20 read:

21 66537.5. (a) Until the joint policy committee adopts a  
22 comprehensive regional plan as described in Section 66537.1, the  
23 joint policy committee shall review both the draft and adopted  
24 versions of both of the following:

25 (1) Major planning documents described in subdivision (c) of  
26 Section 66536.1.

27 (2) Policies, plans, and regulations of each regional entity  
28 associated with the major planning documents.

29 (b) The review shall include an assessment of the consistency  
30 of the planning documents, policies, plans, and regulations with  
31 each other, with the requirements of Senate Bill 375 of the 2007–08  
32 Regular Session, and with the goals and policies related to  
33 economic development opportunities adopted pursuant to  
34 subdivision (b) of Section 66537.6. The joint policy committee  
35 shall issue a consistency report describing the findings of each  
36 review. The joint policy committee shall hold public and  
37 community hearings in accordance with its public outreach policies  
38 regarding the draft consistency findings. The findings of each  
39 consistency review shall be considered by the applicable regional

1 entity in connection with any proposed amendment to a planning  
2 document, policy, plan, or regulation.

3 SEC. 7. Section 66537.6 is added to the Government Code, to  
4 read:

5 66537.6. (a) The joint policy committee shall appoint an  
6 advisory committee on economic competitiveness with members  
7 from the business community, including representatives of small  
8 businesses and the technology and manufacturing sectors,  
9 community colleges, public and private universities, labor, local  
10 governments, community organizations with an interest in  
11 expanding economic opportunity for low-income populations and  
12 communities, and other organizations involved with the private  
13 economy.

14 (b) The joint policy committee, in consultation with the advisory  
15 committee, shall adopt goals and policies related to the inclusion  
16 of economic development opportunities in the plans of the regional  
17 entities and the comprehensive regional plan. The goals and  
18 policies shall also promote amenities that are special to the region  
19 and contribute to the region's quality of life. Social equity goals  
20 and considerations shall be integrated throughout to ensure that  
21 low-income populations and populations of color share fairly in  
22 the benefits and burdens of the economic development goals and  
23 policies and their implementation.

24 SEC. 8. Section 66537.7 is added to the Government Code, to  
25 read:

26 66537.7. On or before July 1, 2014, the Legislative Analyst's  
27 Office shall analyze and report to the Legislature on the voting  
28 power that each city and county in the region has on the governing  
29 board of each of the regional entities, including an analysis of any  
30 voting power disparities based on population, race, and ethnicity.  
31 The analysis shall utilize appropriate metrics, such as votes per  
32 million in population. The report to the Legislature shall include  
33 recommended changes to regional entity governance and voting,  
34 including any recommended legislation, that would lessen  
35 disparities, if any, to insignificant levels.

36 SEC. 9. If the Commission on State Mandates determines  
37 that this act contains costs mandated by the state, reimbursement  
38 to local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division  
2 4 of Title 2 of the Government Code.

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