



**VENTURA COUNCIL
OF GOVERNMENTS**

MINUTES

Tuesday, January 9, 2007

3:00 p.m.

City of Camarillo

Police Department

3701 E. Las Posas Road, Camarillo, California 93010

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1. **CALL TO ORDER:** Chair Hunter called the meeting to order at 3:08 p.m.
 2. **FLAG SALUTE:** Member Holden led the Pledge of Allegiance.
 3. **ROLL CALL:**

Member Patrick Hunter	City of Moorpark
Member Jan McDonald	City of Camarillo
Member Holden	City of Oxnard
Member Glancy	City of Thousand Oaks
Member Aguirre	City of Santa Paula
Member Conaway	City of Fillmore
Member Parks	County of Ventura
Member Sharkey	City of Port Hueneme
Member Miller	City of Simi Valley
Member Smith	City of Ojai
Member Morehouse	City of Ventura
 4. **PUBLIC COMMENT:** None.
 5. **BOARD MEMBER COMMENTS:** Member Morehouse reminded the group that Kris Kristofferson would be performing at the Ventura Theatre on February 16. He also encouraged the group to support the efforts of Everette Garmon, City of Ventura, in his efforts to raise money for the Martin Luther King National Monument in Washington, DC. All were invited to walk for Dr. Martin Luther King January 15, 2007, in Oxnard.
 6. **APPROVAL OF THE FINAL AGENDA:** Member Miller moved to approve and Member Sharkey seconded. Carried unanimously by voice vote.
 7. **CONSENT CALENDAR**
 - A. Adopt the Minutes of the November 9, 2006 Meeting.
 - B. Adopt the Minutes of the December 14, 2006 Meeting.
 - C. Status Report on Ventura County Civic Alliance (VCCA) / VCOG Grant Project: "Compact for a Sustainable Ventura County."

D. Letter of Support – City of Ventura / SCAG Compass Blueprint Program Demonstration Project Application

Chair Hunter indicated that there was a request to pull Item C, and asked for anything further on the Consent Calendar.

Motion to approve **Items A** and **B** first and seconded by Members Sharkey and Miller. Approved unanimously by voice vote. Member Conaway abstained on A and B.

Chair Hunter entertained a motion on Item D. Item adopted unanimously. Member Smith abstained.

Member Parks commented on Item C, and mentioned that when this first came to the Ventura Council of Governments (VCOG), and VCOG was told that there was going to be an Executive Committee that would steer the project. She understood it as part of the motion. The project has moved forward, some decisions have been made, some of the phasing has been changed and the VCOG Steering Committee has not been involved yet. She expressed concern that that it was moving ahead on its own, without involvement of the Steering Committee, which still has not been made up. It was supposed to be comprised of members from VCOG and the Civic Alliance. She expressed concern that it appears to have taken on a life of its own, and that this needs to come back with scenarios on growth, and she opined that it's important for elected officials to be involved and so far we (elected officials) are not.

Member Hunter inquired as to whether or not VCOG designated members at that time or just a committee.

Member Parks responded that VCOG meets so irregularly and it appears that decisions are being made without VCOG's input.

Mr. Bobkiewicz, Interim Executive Director responded that Supervisor Parks' comments were those that he recalled from the VCOG discussions. The Administrative Committee of VCOG was looking at agenda issues at their meeting in December. It was decided that VCOG would have a written report—a status report on this agenda—and have further discussion at the March meeting.

Member Parks commented that it would be okay, except that from what she has seen, decisions have been made and VCOG has had no input into them and that concerned her because these decisions are not being shared. She suggested bringing it back at the next meeting (March 8, 2007), have it on the agenda for that meeting and not go any further without VCOG's involvement.

Chair Hunter responded that VCOG was just to provide input, and did not designate members for the committee, and asked the question of Mr. Bobkiewicz.

Mr. Bobkiewicz responded that there is a timeframe from SCAG for those that may not have been involved in this previously. The VCCA came to VCOG earlier in 2006, asking VCOG to co-sponsor a grant application that they made to SCAG under

SCAG's 2% project. They submitted that application, it's been approved and SCAG has been moving forward. What SCAG has basically done, is to provide staff time, from a series of consultants to help with this, so they have been moving forward, and Rebecca Evans, the Executive Director from the Civic Alliance was present and could add some more detail.

Supervisor Parks brought these concerns to Mr. Bobkiewicz's attention over the Christmas holidays and from the scope that they are working on. It is a 3-part project that VCOG had previously given authority to move forward with the first and second phases of that, but not the third. They are working on those first and second phases with the consultants from SCAG. That project is moving forward. Ms. Evans was present and spoke to the timing as far as their need to move forward versus a pause until VCOG's March meeting.

Rebecca Evans, Executive Director from the Civic Alliance spoke and responded that SCAG chose the consultants, so that decision was made by SCAG. They contacted the VCCA to set up an initial meeting, letting Mr. Bobkiewicz know the timing. Since then, the consultants have put together a "Draft Scope of Work" which was included in the report and what they (VCCA) are working on is a draft guiding principles for the work as we move forward. Any decisions made are simply draft recommendations by the special consultants assigned by SCAG to the project. The original date of completion, as required by SCAG, was June 30 but they are now talking about September 30. They are talking about bisecting the fiscal year.

Ms. Evans responded that there was going to be a meeting January 10, 2007 to look into draft guiding principles to move forward, and are based on the Faulkner House Compact. VCCA's next report will include the draft guiding principles. VCCA is open and welcomes anyone who would like to participate.

Member Hunter posed a question to Mr. (Karl) Berger, given the way this agenda item was phrased; did Mr. Berger see a problem in forming that committee today (January 9, 2007) or designating committee members?

Mr. Berger responded that the agenda item was received without a broader provision in the agenda, he recommended against forming subcommittees.

Chair Hunter asked Ms. Evans if she saw a problem in awaiting that committee and working closely with that committee and addressing some of the current concerns Mrs. Parks has.

Ms. Evans responded that she didn't see a problem—they will continue to gather data and explore as a part of this, but everything is still in draft recommendation form working with the consultants, so if they can continue working on the draft guiding principles, she didn't foresee a problem, particularly since she got the sense that their deadline for completion had been moved to September. She will verify at the meeting of January 10, 2007.

Member Parks commented that one of requests she had was to have it plugged into the transportation study that VCTC was working on, since they are going to be doing public forums, and a decision was made that they would prefer not to, but thought it was something VCOG may want to discuss. She also indicated that she understood that they had just moved Phase I and Mr. Bobkiewicz had indicated Phase I and II, but Phase I was just the data gathering, and now it could be the Public Forum Phase which, as she understood, have already got their draft. She felt that it was coming together and appreciated the subcommittee's being part of it, which is a requirement of that sponsorship.

Member McDonald echoed that she recalled the same discussion and the first phase was the information gathering and after the information was gathered, VCOG would begin to participate.

Chair Hunter indicated that it would be agendized for the March meeting with the purpose, among others, of designating committee members to work with.

Mr. Bobkiewicz responded that before moving off the item, just for the Board's reference, this was decided on at VCOG's July 13, 2006 meeting and the motion approved was, "To cosponsor, with approval for Phases I and II and not obligating any funds for the project." Phase I was data-collection and scenario development. Phase II—identification of preferred regional future, and Phase III: implementation--which was the phase that VCOG did not previously support. Just to add clarity on the phasing and the motion.

Motion to conclude on this item first and seconded by Members Sharkey and Holden respectively. Carried unanimously by voice vote.

8. **ORDER OF BUSINESS**

- A. **Regional Housing Needs Assessment Review – Review of Allocation Options**: Mr. Bobkiewicz reported that staff has been working very diligently over the last several months with the draft RHNA allocation that has been provided by SCAG. VCOG has designated the County Planning Directors to be the lead group of that and Chris Stephens, the head of the Resource Management Agency for the County has been acting as VCOG staff, working with the planning directors. At VCOG's December 14 meeting, the Board directed the planning directors to come to this meeting with a final set of options to consider for a preferred allocation of the RHNA numbers for Ventura County. On January 8, 2007, the City Managers and the Assistant County Executive Officer met for 2½ hours reviewing the options presented by the planning directors and submitted, for VCOG's consideration, an additional option to be considered. That additional option carries the unanimous recommendation of the City Managers and the Assistant County Executive Officer.

Mr. Bobkiewicz recommended that Chris Stephens talk briefly about the work that the Ventura County Planning Directors had undertaken on VCOG's behalf, and then asked City Manager Rick Cole of Ventura, who also serves as the

Chair of the City Managers group (VCCM) to talk a bit about the process of January 8.

Chris Stephens mentioned that VCCM met 3 or 4 times over the last couple of months to see if they could identify methodologies for allocating the housing unit number that SCAG prepared – the draft housing numbers for VCOG sub-regions. They went through a number of iterations and identified the following factors in developing the RHNA Options: existing jobs; existing housing; vacant land, as being identified in what is available out there that can accommodate growth, as well as what they call “General Plan Build-out.” The group looked at how they might array those—in essence it was a different way of weighting each of those factors. There were also some local estimates that were developed but it was subjective, inconsistently developed, and not similar to General Plan Build-out.

The Planners group had a meeting the week of January 1, 2007, looked at seven options and whittled them down to four that are included in the packet. As Mr. Bobkiewicz referred to it, “the lesser of the evils—the least objectionable options.” There were shortcomings with each of the factors that the planning directors looked at, and thought everyone was well aware of those and felt that these options provided a good description of how things might be allocated and those were the basis of some of the discussion at the City Managers’ meeting of January 8. Looking at the numbers, the City Managers’ group came up with the thought, with only a couple of exceptions, fell within the range of any one of the numbers for those jurisdictions and one of those options. They were within the range of what the planning directors developed. He did not see anything outside of the factors considered by the planning directors. Asked for questions from the floor, there were none.

Rick Cole, Chair of VCCM, spoke on behalf of his ten colleagues, and recognized that VCCM, like VCOG is pleased with January 8’s successful outcome, with the recognition that all are different, represent different communities and finding common ground was the goal.

VCCM supported the effort by the county professionals--to arrive at a single recommended alternative to several options. They felt that they were the best equipped to put politics behind them and make sense.

That process did not produce either a single objective or even a recommended objective—rather, a series of objectives—but no alternative. It was important to make that effort. VCCM began with the ideal single objective and equitable standard, however the factors might have been weighed—that all could agree made sense. What became clear, early on in the meeting was no such standard was shared with each of the communities that were there (January 9), and noted it was probably not surprising, given our County’s history of home rule, independence and given the significant diversity, and a unique situation that was different than all the 700 counties in the state, which are the guidelines for the development of 30 years of county support for individual cities. They

came up with a very different model. Rather than the model that they all could come with charts and graphs, showing you why, this effort made more sense. What VCCM came up with was might be equitable to a base closure scenario. You have a situation where individually, legal, political and geographic gridlock precludes coming up with something that everyone could agree upon as a set of principles for the standards. They came up with a single approach that was presented (January 9, 2007), and it was not thought to be the best idea, and in fact, everyone had strong criticism of the process and the results, it was just the least worst of the alternatives.

By far, the solution that worked better for us was the default. The SCAG default was unlikely to stand in our communities. He felt that all would probably stipulate that. The trouble is that if we don't come up with a delegation of RHNA among ourselves, we stand a very real risk—a probability—that the 28,481 number will go up because the chances of each individual community being heard sensitively and with understanding in this group was far greater than going to 6 counties, all of which have their own self interests at stake and who care that much less.

For those cities like Ventura, Moorpark, Thousand Oaks and Fillmore, who in this recommendation are taking a greater number than the SCAG default, there are superficial advantages to say if this doesn't work, that's fine, we did the SCAG default. But he also felt that for those who represent those cities, it was a very shortsighted approach for the following 3 reasons:

- Collectively, the County's number is likely to go higher;
- We are much more likely to be pitted against each other down on 7th Street in Los Angeles, and we will go as adversaries into a den of lions; and
- We are used to working with each other in these scenarios and VCCM came up with what they thought will work the best for all—if we are not successful, we are unlikely to get much consideration and understand the challenges to the numbers we are sending.

If we work together, we have the opportunity of delivering a fairly remarkable result, which is a county that keeps its own destiny to itself. VCCM understood the legal, geographic and political challenges to the numbers that they presented but hoped they were helpful.

Chair Hunter inquired for clarity, that a “delegation agreement” was simply a resolution of this body?

Mr. Cole responded that the City Managers discussed this with SCAG staff and it was not clear—they strove for unanimity—they thought it was very important that it not be said that 10 people were for it and one goes down to SCAG for appeal. But, it was VCCM's understanding that this body could achieve a delegation agreement.

Mr. Bobkiewicz commented that Karl Berger, who is the City Attorney in Santa Paula, and also serves as Special Legal Counsel for VCOG, has reviewed that document and could walk through the particulars. The delegation agreement is an actual contract between VCOG and SCAG. Lynn Harris, who is the manager of Community and Housing Development for SCAG was present and it has been her responsibility to coordinate and facilitate the RHNA process for SCAG. She was also a resource who can speak to the ins and outs of the delegation agreement--a specific contract that has responsibilities for both VCOG and SCAG and suggested that Mr. Berger be recognized.

Mr. Berger concurred with Mr. Bobkiewicz's comments, that a delegation agreement is a contract, and that statutory language requires the delegation agreement be submitted by the recognized region and sub-region to SCAG by January 31, 2007. SCAG has offered a draft contract, which Mr. Berger reviewed and revised. Redlined comments were provided to Mr. Bobkiewicz and Chris (Stephens) and to his colleagues, the City Attorneys, as well. He had not heard back from the attorneys other than the City Attorney of Thousand Oaks, with whom he has had the opportunity to speak with on a couple of occasions with some of her issues with the agreement. In principle, the agreement sets forth the direct responsibilities of SCAG sub-region. He noted that the agreement relies upon SB12 introduced December 4, 2006, the so-called RHNA Pilot Program. It was introduced as urgency legislation that the CA Legislature could adopt upon a 2/3 vote and would become effective immediately upon adoption. However, as of January 9, there was no activity regarding SB12 other than its introduction. Mr. Berger will continue to monitor its progress through the Legislature.

Chair Hunter asked if that agreement insulates the body from further criticism or exposure down the line—there are certain safeguards for VCOG from SCAG?

Mr. Berger responded that legally speaking, it provides VCOG with certain protections—not as far as he would like them to go. Unlike with most contracts Mr. Berger deals with as a City Attorney, where the vendors are at a bit of a disadvantage regarding contract language, VCOG might have to accept much of the language from SCAG's draft contract without the opportunity for change. That said, Mr. Berger stated that the language, as revised, was probably the best that he could hope for.

Chair Hunter inquired that a certain majority was all that was required to enter into that agreement, and Mr. Berger responded that he had not seen anything to the contrary.

Member Smith commented that just by a simple majority vote there was nothing to prevent a dissident city from lodging a protest.

Mr. Berger responded that it was correct. However, if the VCOG voted unanimously to approve the draft RHNA numbers and delegation agreement, that vote would help reduce the changes that an individual city would appeal the

RHNA numbers. Moreover, the delegation agreement and the legislation required VCOG, and not SCAG, to deal with appeals from individual jurisdictions.

Member Morehouse commented that he would like to fill in some gaps. He expressed his frustration with being the only representative liaison to SCAG from this body. Out of that committee at SCAG there was a committee that has become the Appeals Process. He is now seated with that role, there is no alternate. Other representatives currently representing the sub-region of VCOG at SCAG are: Councilmember Becerra from Simi Valley; Toni Young, Port Hueneme; Mr. Morehouse and representing VCTC, Keith Millhouse, Moorpark, and lost representative Judy Mikels—there is no unincorporated representative currently. Ventura County is not weighted as well as Los Angeles County or Orange County or Riverside County and he indicated he would like a better sense of cooperation and stick together.

He further commented that he would like Ms. Harris to clarify that if we took delegation, if there is a firewall. It was his understanding, that if any other city were successful in their appeal to the greater SCAG appeals body, those numbers would be redistributed throughout the greater SCAG region. If you took a delegation you've got a firewall—it can't bring new numbers into your sub-region.

Lynn Harris responded that Mr. Morehouse expressed it adequately. The existing RHNA law, which was different than any other law any of us had ever worked under both for your compilation of your housing element and SCAG's responsibilities. It changed over 2 years ago. It included a provision that mandates that SCAG, when the Appeals Board approves an appeal, the number of appealed units gets redistributed to every city in the region unless there areas of the region that accepted delegation, in which case, the 7% stays outside of your region and you handle the appeals within your region and redistribute within your region as you see fit. Your only responsibility to SCAG is to give a completed, final RHNA allocation for Ventura County that you have adequately run all your numbers, and decided based on that 28,481 number. She thought that was the only protection in terms of in the agreement of getting a higher allocation—an unknown allocation, because the 7% is 7% of the total number of units that SCAG was required by the State Housing Community Development Department to define as "housing need" in the 6 County Region. That was a big number—they gave us a range from 687,000 to 733,000. We were allowed to reallocate up to 7% of that number region-wide in those cities that don't take delegations, without appealing.

Member Morehouse responded that SCAG is tying into regional transportation plans, which in his opinion made some sense. In the meantime, all are in the same boat, having scrambled with numbers.

Member McDonald inquired that if VCOG accepted delegation and handled its sub-regional numbers, if there were appeals to VCOG, whom do they sue?

Member Morehouse responded “VCOG”.

Member McDonald then posed, that once accepted, it’s all done at “home”?

Member Morehouse responded in the affirmative.

Chair Hunter inquired as to whether or not the delegation agreements insulated VCOG from taking on additional units from cities in other regions should they successfully appeal?

Member Morehouse responded that the 28,481 number was secure once the agreement is adopted.

Member Smith inquired of Member Morehouse if SB12 includes more punitive aspects to 2413 coming around the corner?

Member Morehouse responded that it should have no punitive. The idea was to give a longer timeline. Right now, housing elements had to be done in 5 years—the punitive side would be that we could lose funds that would be tied to the State, such as grants, tax funds, etc.

Member McDonald inquired of Rick Cole where the planners came up with their numbers. When VCOG got the numbers from SCAG, no one really knew where these numbers came from.

Rick Cole responded that they looked at the theories behind the 6 options, the flaws and all the facts of reality that each (in the County) had invested in a different take on this approach. Thousand Oaks had to go before the voters, Ojai had concerns for water; Port Hueneme had a lack of land; Camarillo had a lack of ag land and the development of it. They looked at all and there was no way to apply a single standard. They were not going to argue that Thousand Oaks was wrong, etc.; rather all had their own perspectives.

Member McDonald asked if they started with a base and how did they get to those numbers.

Mr. Cole responded that they did not use a method—that they looked at all 6 options and where they were all short. They took all the methodology and used that and still came up short. They kept closing the gap until each community had their “push / pull” factors and the reasons for their discomfort, still kept pushing numbers that they could live with and kept reaching.

Member Holden added that they started with some numbers that went back and forth and some were too low, some too high and tried to get a consensus that fell short of that. From his perspective, no city got exactly what they wanted, but no one got the short end of the stick, either.

Mr. Cole added that in the end, there was not enough agreement but had to conclude with what they all had to deal with.

Member Parks commented that the unanimity was remarkable, and if one looks at the local estimate, each city took a little more and came up short, and kept at it. She added that it was amazing and she credited the group (VCCM) with that.

Member Miller motioned getting consensus supports the move to accept the numbers. Member Sharkey seconded. Motion carried unanimously by voice vote.

Member Holden further commented that this was bigger and this process speaks volumes for what they may have in the future. On a percentage basis, some took higher and stepped up to the plate. From his perspective, as they get the larger numbers that the larger cities have, this issue was affordability. Oxnard has taken on lower to moderate housing and supported these numbers. He also invited the neighboring cities, in the spirit of this process, to come up with the affordable numbers that are needed.

Member Smith commented that she was new to VCOG and added that she would bring it back to Council, and inquired if this was a VCOG decision and does not go back to Council.

Member Holden responded that the decision of this meeting was binding.

City Manager Mitnick thanked Wally Bobkiewicz for stepping in as Interim Executive Director and complimented his leadership on this issue.

Chair Hunter recognized all the City Managers and thanked them for all their hard work.

- B. **Election of Chair and Chair-Elect:** Mr. Bobkiewicz indicated that the by-laws of VCOG require that annually there would be Chair-Elect chosen at the first meeting of the new year; however, the previous Chair-Elect was no longer with VCOG, and was not able to become Chair automatically as per VCOG's by-laws. The chair would serve for calendar year 2007 and the Chair-Elect would serve for 2007 and then become Chair in January of 2008.

Chair Hunter offered his gratitude and appreciation to Mr. Bobkiewicz. He stepped into a very difficult time for VCOG when it was struggling and provided extraordinary leadership. As the Chair, and the outgoing Chair, he congratulated and thanked him on a job well done. He added that it has been a privilege to serve as Chair for the last 2 years and appreciated working with all. He has learned a great deal and felt that he does his job in his city better than he did before he assumed this position and thanked the body for that opportunity.

As Chair, Mr. Hunter submitted his recommendation the name of Carl Morehouse from the City of Ventura as Chair to VCOG. Motion was first and seconded by Members Parks and Miller respectively. Motion carried unanimously by voice vote.

Chair Hunter asked for election of Chair Elect.

Member McDonald nominated Member Holden. Member Parks seconded. Motion carried unanimously by voice vote.

- C. **Appointment of 2007 Administrative Committee:** Mr. Bobkiewicz reported that under the by-laws of VCOG it is composed of the Chair, the Chair-Elect and the Immediate Past Chair. Also the Chair of each Standing Committee, which VCOG does not currently have, and other members recommended by the Chair. What has been the past practice is that there be a Councilmember from the East County and one from the West County.

Administrative Committee was appointed as follows:

Mayors Morehouse; Holden; Hunter; Miller and Aguirre.

Member Holden congratulated Chair Hunter for his leadership and thanked him for his efforts as Chair.

9. **AGENCY REPORTS:** Mary Travis from VCTC reported that the Commissioners had formed a subcommittee to review employee/retiree health benefits.
10. **INTERIM EXECUTIVE DIRECTOR REPORT:** None.
11. **REQUEST FOR FUTURE AGENDA ITEMS:** None.
12. **ADJOURNMENT:** Meeting adjourned 4:21 p.m. to March 8, 2007.