

Governing Board

MEETING AGENDA

Wednesday, January 29, 2014 1:30 p.m. to 3:30 p.m.

Meeting Location: California State Coastal Conservancy 1330 Broadway, 11th Floor Conference Room Oakland, California 94612

For additional information, please contact: Clerk of the Governing Board, (510) 464-7900

> Agenda and attachments available at: www.sfbayrestore.org

The Governing Board may take action on any item on this agenda.

1. Call to Order

Samuel Schuchat, Executive Officer, California State Coastal Conservancy, will call the meeting to order.

- 2. Roll Call
- 3. Public Comments
- 4. Announcements
- 5. Approval of Summary Minutes of November 20, 2013

Action

Attachment: Summary Minutes for November 20, 2013

6. Chair's Report

Information/Discussion

Samuel Schuchat

A. Introduction of New Governing Board Member

Attachment: Rapport letter dated January 9, 2014

Governing Board San Francisco Bay Restoration Authority **MEETING AGENDA** January 29, 2014 Page 2 of 3

B. New Polling by RLG/STB Just Conducted

C. Status on the Development of the Project List and Map

7. Annual Financial Reports: Fiscal Years Ending 2009, 2010, 2011, 2012, and 2013

Action

Herbert Pike, ABAG Finance Director Attachment: Pike memo dated January 7, 2014

8. Election Counsel and other Technical Advice to Support Drafting of Ballot Measure *Action*

Dave Pine, Supervisor, County of San Mateo Attachment: Moy memo dated January 21, 2014

9. Funding needed for County Election Charges

Information/Discussion

Samuel Schuchat

Attachment: Hutzel memo dated January 22, 2014

10. Outreach by Governing Board Members

Information/Discussion

Reports from Governing Board members and staff.

Attachment: List of Supporters

11. External Communications

Information/Discussion

Patrick Band, Save The Bay

12. Refined Timeline through November Election and Addition of June Meeting

Action

Samuel Schuchat

Attachment: Timeline

13. Joint Powers Agreement Term Sheet

Information/Discussion

Samuel Schuchat

Attachments: Hutzel memo dated January 21, 2014; Moy memo dated January 21, 2014

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14. Appointment of Additional Advisory Committee Member

Action

Amy Hutzel, California State Coastal Conservancy Attachments: Hutzel memo dated January 21, 2014; Advisory Committee Roster

15. Adjournment

Next meeting is on February 26, 2013, 1:00 p.m. to 3:00 p.m.

Agenda submitted by the Clerk of the Governing Board: January 24, 2014

Agenda posted: January 24, 2014



Governing Board

SUMMARY MINUTES (DRAFT)

Wednesday, November 20, 2013 1:00 p.m. to 3:00 p.m.

Meeting Location:

Joseph Bort MetroCenter 101 8th Street, Conference Room 171 Oakland, California 94607

For additional information, please contact: Clerk of the Governing Board, (510) 464 7900

Agenda and attachments available at: www.sfbayrestore.org

1. Call to Order

Samuel Schuchat, Chair, called the meeting to order at about 1:05 p.m.

2. Roll Call

Frederick Castro, Clerk, reported that four members were present. A quorum of the Governing Board was present.

Present were Samuel Schuchat, Rosanne Foust, Dave Pine, and John Sutter.

Absent were Keith Caldwell, Dave Cortese, and John Gioia.

Present were Ezra Rapport and Kenneth Moy (ABAG); Judy Kelly and Karen McDowell (San Francisco Estuary Partnership); Amy Hutzel and Melanie Denninger (California State Coastal Conservancy).

3. Public Comments

Sandra Threlfall, Waterfront Action, commented on the Restoration Authority meeting notices.

Governing Board San Francisco Bay Restoration Authority SUMMARY MINUTES (DRAFT) November 20, 2013 2 of 4

There were no other public comments.

4. Announcements

There were no announcements.

5. Approval of Summary Minutes of September 25, 2013

A motion to approve the summary minutes of the Governing Board meeting on September 25, 2013, was made by Sutter and seconded by Pine. The motion passed unanimously.

6. Chair's Report

A. Appreciation for Former Governing Board Member Dave Cortese

Schuchat informed members that a Certificate of Appreciation from ABAG will be presented to Supervisor Cortese for his service on the Governing Board.

B. Status of Appointment of Successor by ABAG

Moy reported that notice was sent to supervisors, mayors and councilmembers of Bayside cities and counties informing them of the Governing Board vacancy. Deadline for submitting letters of interest to the ABAG President is November 29, 2013. The ABAG Executive Board is expected to ratify an appointment on December 5, 2013. The term of appointment of the person filling the position will be April 2017.

C. Proposed Presentation to ABAG Executive Board in January 2014

Schuchat updated members of a presentation to the ABAG Executive Board at its January 2014 meeting about the Restoration Authority's activities and the upcoming ballot measure, and to solicit support for the Restoration Authority. Gioia and Pine, who are members of the ABAG Executive Board, will make the presentation.

Members reviewed a list of supporters of the Restoration Authority.

D. Update on Advisory Committee

Schuchat reported that he had briefed Ben Field, South Bay Labor Council; Mitch Avalon, Contra Costa Public Works and Bay Area Flood Protection Agencies Association; and Chris Elias, Santa Clara Valley Water District, the three newly appointed members to the Advisory Committee, from which he received suggestions regarding outreach and meetings with their respective organizations. He also received recommendations for a replacement for Dan Taylor of California Audubon and for appointing a person with a scientific background.

7. Report on Draft Expenditure Plan

Hutzel reported on the draft expenditure plan, including guidance received from a committee on the expenditure plan comprised of Sutter, Pine and Schuchat. A revised plan was circulated among Advisory Committee members for comments.

Members reviewed and discussed the revised expenditure plan, including project eligibility, allocation criteria, specificity of the plan, allocation of funds among program areas, programmatic approach and project list, and authority administration. Next steps include developing a more comprehensive list of potentially eligible projects and associated maps, responding to Advisory Committee members, posting the draft expenditure plan online, and legal counsel review.

8. Report on Restoration Authority Administrative Responsibilities

Schuchat and Hutzel reported on a preliminary staffing plan and budget for supporting the Restoration Authority after passage of the ballot measure. The plan includes staffing from the Association of Bay Area Governments, San Francisco Estuary Partnership, State Coastal Conservancy, and external consultants, for an annual budget of less than 5% of the proceeds from the measure.

Members discussed the merits of a joint powers agreement between the State Coastal Conservancy, Association of Bay Area Governments, and the Restoration Authority. Members discussed contingency allowance for lawsuits and grant project oversight.

Hutzel described a timeline for informing the respective agency boards about a joint powers agreement, a decision regarding a joint powers agreement by the Governing Board, and approval of a joint powers agreement by the respective agency boards.

Members discussed the impact on current Governing Board membership in the event that a joint powers agreement involves the State Coastal Conservancy, and possible partnership alternatives.

9. Report on Outreach by Governing Board and Advisory Committee

Schuchat reported that, in addition to briefing the three new Advisory Committee members, he plans to meet with South Bay Labor Council, League of Women Voters, Sierra Club, and League of Conservation Voters. He also reported on the State of Estuary Conference where he participated on a panel on the wetlands protection, flood protection and the Bay Area economy.

Pine reported that he is convening a conference in San Mateo County on sea level rise on December 9, which will include participation by Congresswoman Jackie Speier and State Assemblymember Rich Gordon. He also participated in the wetland tour of Bair Island sponsored by the San Francisco Bay Joint Venture; met with State Assemblymember Kevin Mullin and Assemblymember Gordon for their support. He will follow-up with San Mateo County labor organizations, the Loma Prieta Chapter of the Sierra Club, and with biotech representatives.

Foust reported on meeting with Assemblymembers Gordon and Mullin; efforts to meet with Congressman George Miller; and meeting with the Bay Area Business Coalition. She will follow-up on making a presentation to the San Mateo County Cities/County Association of Governments.

10. Approval of 2014 Schedule for Governing Board Meetings

Schuchat presented a proposed schedule for Governing Board meetings in 2014. Meetings will be at the California State Coastal Conservancy, 1330 Broadway, 11th Floor Conference Room.

Schuchat recognized a motion by Foust, and seconded by Pine, to approve the Governing Board meeting schedule for 2014. The motion passed unanimously.

Schuchat announced that San Francisco Bay Joint Venture wetland tours will start again in April 2014.

11. Adjournment

The Governing Board meeting adjourned at about 1:42 p.m.

The next Governing Board meeting is on January 29, 2014, 1:30 p.m., at the California State Coastal Conservancy, 1330 Broadway, 11th Floor Conference Room, Oakland, California.

Submitted by the Clerk of the Governing Board: December 20, 2013

Approved by the Governing Board: TBD

Representing City and County Governments of the San Francisco Bay Area



January 9, 2014

Cindy Chavez Supervisor Board of Supervisors County of Santa Clara County Government Center 70 West Hedding Street San Jose, CA 95110

Dear Supervisor Chavez:

The Executive Board, at its meeting on **December 5, 2013**, unanimously approved your appointment as a member of the Governing Board of the **San Francisco Bay Restoration Authority**, for the **Bayside Cities/Counties** seat, effective immediately. This appointment ends **March 20, 2017**. The Executive Board appreciates your willingness to serve and is confident that the **San Francisco Bay Restoration Authority** will benefit from your participation.

The San Francisco Bay Restoration Authority was established by enactment of AB 2954 (Lieber) in 2008 as a new regional government agency charged with raising and allocating resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline.

Enclosed are the legislation establishing the San Francisco Bay Restoration Authority and the list of Governing Board members.

(A)

Supervisor Cindy Chavez January 9, 2014 2

For additional information, please contact Governing Board Chair Samuel Schuchat, Executive Officer, California State Coastal Conservancy, (510) 286 1015, or Judy Kelly, Director, San Francisco Estuary Partnership, (510) 622 8137.

Sincerely,

Ctra Ezra Rapport

Executive Director

Cc Samuel Schuchat Judy Kelly Kenneth Moy

Enclosures: AB 2954 Governing Board Members Representing City and County Governments of the San Francisco Bay Area

ABAG

- To: Governing Board San Francisco Bay Restoration Authority
- Fr: Herbert Pike, Treasurer
- Dt: January 7, 2014
- Re: Annual Financial Reports Fiscal Years Ending 2009, 2010, 2011, 2012 and 2013

Recommended Action: Accept consolidated financial report for the five fiscal years ending 2009, 2010, 2011, 2012 and 2013.

Pursuant to the letter dated April 20, 2009 from the Association of Bay Area Governments (ABAG) to the Governing Board of the San Francisco Bay Restoration Authority (Authority), I have been serving as Treasurer to the Authority. I am also the Finance Director for ABAG. Under GASB, ABAG is required to include the Authority, as a discrete component unit, in its annual financial audit because ABAG appoints a majority of the members of the Governing Board. ABAG has done so for each of the five fiscal years listed above.

As a discrete component unit, the Authority financials are presented as a separate column within ABAG's audited financial statements. In compliance with Government Code Section 66705, I have attached a consolidated financial report for all of the five fiscal years. The information in the report is derived from ABAG'S financial audits for each of the respective fiscal years.

SAN FRANCISCO BAY RESTORATION AUTHORITY STATEMENT OF ACTIVITIES FOR THE YEARS ENDED JUNE 30

_	2009	2010	2011	2012	2013
REVENUES					
Grants	-	-	125,000	-	-
Total Revenues	-	-	125,000	-	-
EXPENSES					
Consultant Services	-	-	125,000	-	-
Total Expenses	-	-	125,000	-	-
Change in Net Position	-	-	-	-	-
Net Position - Beginning	-	-	-	-	-
Net Position - Ending	-	-	-	-	-

Note: The grant funds received in FY 09-10 and spent in FY 10-11 were applied for by the Association of Bay Area Governments' San Francisco Estuary Partnership. The funds were used to retain consultants to conduct surveys and provide legal and technical advice to the San Francisco Bay Restoration Authority.

SAN FRANCISCO BAY RESTORATION AUTHORITY STATEMENT OF NET POSITION FOR THE YEARS ENDED JUNE 30

	2009	2010	2011	2012	2013
ASSETS					
Cash	-	125,000	-	-	-
Total Assets	-	125,000	-	-	-
LIABILITIES					
Unearned Revenue	-	125,000	-	-	-
Total Liabilities	-	125,000	-	-	-
NET POSITION					
Restricted	-	-	-	-	-
Unrestricted	-	-	-	-	-
Total Net Position	-	-	-	-	-

Note: The grant funds received in FY 09-10 and spent in FY 10-11 were applied for by the Association of Bay Area Governments' San Francisco Estuary Partnership. The funds were used to retain consultants to conduct surveys and provide legal and technical advice to the San Francisco Bay Restoration Authority.

Representing City and County Governments of the San Francisco Bay Area



To: Governing Board, San Francisco Bay Restoration Authority

Fr: Kenneth Moy, Legal Counsel

Dt: January 21, 2014

Re: Election Counsel

At the direction of the Governing Board, Authority staff conducted a process for selecting election counsel to advise the Authority regarding the legal requirements for placement of a special tax as a regional measure in the nine counties of the Authority's jurisdiction. In early December, three firms were invited to submit their qualifications to serve in that capacity. Two firms submit and one was unable to do so because of a potential conflict.

The firms that submitted were:

- Remcho, Johansen & Purcell
- Strumwasser & Woocher LLP

Members of the two firms were interviewed by a panel consisting of Supervisor Dave Pine, Amy Roach, Senior Staff Counsel (Conservancy) and me on January 15.

Supervisor Pine will announce the results of the selection process and the committee recommendation at the Governing Board meeting.

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MEMORANDUM

DATE: January 22, 2014

TO: San Francisco Bay Restoration Authority Governing Board

FROM: Amy Hutzel San Francisco Bay Area Conservancy Program State Coastal Conservancy

SUBJECT: Ballot Costs

ATTACHMENT: SB 279 (Hancock; chaptered as Government Code Section 66704.05)

Introduction

Original estimates from each county place the bill for ballot costs for a nine-county measure at approximately \$5-7 million. The Restoration Authority's 2013 bill, SB 279 (Hancock; chaptered as Government Code Section 66704.05), streamlines procedures for a multi-county Restoration Authority measure and is anticipated to enable significant reductions in county ballot costs. Save The Bay is working with county election officials to implement SB 279 and hopes to have new estimates of the range of likely ballot costs in February or early March.

Challenges and decisions for the Governing Board include:

- Assembling the funding needed to cover county ballot costs
- Proceeding in face of estimated ranges for ballot costs, rather than specific amounts
- Determining whether all or a portion of the funding for ballot costs must be held by the Restoration Authority prior to the Governing Board adopting a ballot measure resolution

Background

While the Restoration Authority was granted regional taxing authority through enabling legislation in 2008, there is currently no mechanism or funding stream to address the cost of placing a measure on ballots in all nine Bay Area counties. Original estimates from each county place the total bill for putting a regional ballot measure to the vote at upwards of \$5-7 million. These costs include printing of ballots and measure language, analysis and pro/con arguments, postage, language translation, staffing, overhead, and a litany of additional requirements related to running and administering an election and elections office. This memo outlines current estimates for ballot costs and next steps for staff and elections officials under SB 279, which aims to reduce duplication and streamline procedures for running a regional multi-county measure by the Authority.

Previous Examples, Current Estimates

Although no precedent exists for a nine-county regional measure in the Bay Area, recent countywide measures and the previous example of the seven-county transportation measure, Regional Measure 2(RM2), provide some approximation. The table below shows costs billed to the Bay Area Toll Authority, RM2's sponsor.

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County	RM2 Incremental
	Cost
Alameda	\$509,359
Contra Costa	\$630,970
Marin	\$118,931
Napa	-
San Francisco	\$317,001
San Mateo	\$527,643
Santa Clara	\$1,462,820
Solano	\$294,062
Sonoma	-
TOTAL:	\$3,860,788

Although costs listed here are significant, it is important to note that SB 279 (Hancock) has provided the Restoration Authority with potentially significant cost-saving direction. The legislation reads, in part:

"...the Authority shall reimburse each county in which the special tax measure appears on the ballot only for the incremental costs incurred by the county elections official related to submitting the measure to voters."

We believe that costs to the Authority will be dramatically less than those in recent countywide

measures, and significantly less than those in the case of RM2. Key line-items regularly charged to districts that are not understood to be "incremental," and cost savings due to coordination and reduced duplication in elections offices include:

- Identification of "lead county," based on largest population (Santa Clara)
 - Only one translation for each required language (vs. seven in RM2)
 - Impartial analyis drafted by Restoration Authority legal counsel, reviewed by lead county
 - Coordination of letter designation
- Staffing, rent, administrative and overhead costs
- Additional labor costs, excluding any costs associated with vote canvass
- Potentially smaller voter packet/measure text (RM2 ran to 28 pages)
- Drayage/transportation, mileage, and similar costs

It is also important to note that while SB 279 will likely reduce ballot costs significantly, the legislation only applies to the "first election" at which the Restoration Authority proposes a special tax measure. Furthermore, while elections costs are traditionally divided by the number of "voting opportunities" (i.e., ballot measures) in each county and thus reducing the cost to special districts in years when a greater number of measures appear on the ballot, the incremental cost definition in SB279 eliminates any such spreading out of costs.

Next Steps

Governing Board

As it has discussed previously, the Governing Board needs to assemble funding to cover county ballot costs.

County Election Officials, Staff and Save The Bay

Led by Contra Costa County Registrar Joe Canciamilla, with support from John Tuteur (Napa) and Shannon Bushey (Santa Clara), elections officials from the nine Bay Area counties are planning a series of coordination calls in January and February to help resolve the issues listed above and identify any others. Save The Bay and Coastal Conservancy staff are following these conversations, and will apprise the Governing Board of the status of elections cost estimates and other outcomes as we learn of them. It is our understanding that Registrars will have an estimated range of costs to the Restoration Authority in February or early March.

Significant coordination efforts are needed, and will be provided by Save The Bay and staff, as the Restoration Authority evaluates a possible November 2014 measure, drafts measure copy, and confirms timing for consolidation resolutions in each of the nine counties.



Supporters

The following organizations and officials have expressed support for the work of the San Francisco Bay Restoration Authority to raise local funding for Bay restoration.

United States Congress

Congressmember Anna Eshoo Congressmember Mike Honda Congressmember Jared Huffman Congressmember Barbara Lee Congressmember Zoe Lofgren Congressmember Jackie Speier Congressmember Eric Swalwell Fmr. Congressmember Lynn Woolsey

Legislature & Statewide Officers

Superintendent of Public Instruction Tom Torlakson Senator Jim Beall Senator Ellen Corbett Senator Noreen Evans Senator Loni Hancock Senator Jerry Hill Senator Mark Leno Senator Lois Wolk Fmr. Senator Elaine Alquist Assemblymember Tom Ammiano Assemblymember Susan Bonilla Assemblymember Joan Buchannan Assemblymember Rob Bonta Assemblymember Wes Chesbro Assemblymember Paul Fong Assemblymember Richard Gordon Assemblymember Marc Levine Assemblymember Kevin Mullin Assemblymember Bill Quirk Assemblymember Nancy Skinner Assemblymember Phil Ting Assemblymember Bob Wieckowski Fmr. Assemblymember Michael Allen Fmr. Assemblymember Fiona Ma Fmr. Assemblymember Sandre Swanson

Environmental Organizations

Audubon California The Bay Institute California League of Conservation Voters California Sportfishing Protection Alliance California State Parks Foundation **Clean Water Action Committee for Green Foothills** Defenders of Wildlife **Ducks Unlimited** Friends of Five Creeks Friends of Corte Madera Creek Watershed Friends of Coyote Creek Watershed Friends of the San Leandro Creek Friends of Sausal Creek Friends of Gallinas Creek Greenbelt Alliance Golden Gate Audubon Society Lake Merritt Institute Madrone Audubon Society Marin Audubon Society Marin Open Space Trust Napa Solano Audubon Society The Nature Conservancy San Francisco Bay Joint Venture San Francisco Baykeeper Santa Clara County Creeks Coalition Santa Clara League of Conservation Voters Santa Clara Valley Audubon Society Save The Bay Sonoma Land Trust The Trust for Public Land **Urban Creeks Council**

Bay Area Business Groups

Bay Area Council San Mateo County Economic Development Association Silicon Valley Leadership Group

Bay Area County Supervisors

Alameda County Supervisor Keith Carson Alameda County Supervisor Wilma Chan Alameda County Supervisor Scott Haggerty Alameda County Supervisor Nate Miley Alameda County Supervisor Richard Valle Contra Costa County Supervisor John Gioia Contra Costa County Supervisor Federal Glover Marin County Board of Supervisors Marin County Supervisor Susan Adams Marin County Supervisor Steven Kinsey Marin County Supervisor Kathrin Sears Napa County Supervisor Keith Caldwell Napa County Supervisor Brad Wagenknecht San Francisco Supervisor John Avalos San Francisco Supervisor London Breed San Francisco Supervisor David Campos San Francisco Supervisor David Chiu San Francisco Supervisor Malia Cohen San Francisco Supervisor Jane Kim San Francisco Supervisor Eric Mar San Francisco Supervisor Scott Wiener San Francisco Supervisor Norman Yee San Mateo County Supervisor Carole Groom San Mateo County Supervisor Don Horsley San Mateo County Supervisor Dave Pine San Mateo County Supervisor Warren Slocum San Mateo County Supervisor Adrienne J. Tissier Santa Clara Supervisor Cindy Chavez Santa Clara County Supervisor S. Joseph Simitian Santa Clara County Supervisor Ken Yeager Solano County Supervisor Erin Hannigan

Solano County Supervisor Linda Seifert

Sonoma County Supervisor Susan Gorin

Local Bay Area Elected Officials

Margaret Abe-Koga, Mountain View Councilmember Jesse Arreguín, Berkeley Councilmember Ruth Atkin, Emeryville Councilmember Vinnie Bacon, Fremont Councilmember Marc Berman, Palo Alto Councilmember Desley Brooks, Oakland Councilmember Ronit Bryant, Mountain View Councilmember Tom Butt. Richmond Councilmember David Canepa, Daly City Mayor Erin Carlstrom, Santa Rosa Vice Mayor Suzanne Chan, Fremont Councilmember Stewart Chen, Alameda Councilmember Kansen Chu, San Jose Councilmember Chris Clark, Mountain View Vice Mayor Julie Combs, Santa Rosa Councilmember W. Clarke Conway, Brisbane Mayor Pauline Cutter, San Leandro Councilmember Peter Drekmeier, Fmr. Palo Alto Mayor Ted Driscoll, Portola Valley Councilmember Emily Duncan, Union City Vice Mayor Carol Dutra-Vernaci, Union City Mayor Jose Esteves, Milpitas Mayor Thomas Ferrito, Fmr. Los Gatos Mayor Rosanne Foust, Redwood City Councilmember Maureen Freshchet. San Mateo Councilmember Rich Garberino, South San Francisco Vice Mayor Pat Gascoscos, Union City Councilmember David Glass, Petaluma Mayor Michael Gregory, San Leandro Councilmember Pradeep Gupta, South San Francisco Councilmember William J. Harrison, Fremont Mayor Rose Herrera, San Jose Councilmember Minane Jameson, Board Director, Hayward Area Recreation and Park District Dan Kalb, Oakland Councilmember Ash Kalra, San Jose Councilmember Mike Kasperzak, Mountain View Councilmember Gabe Kearney, Petaluma Councilmember

Kirsten Keith, Menlo Park Councilmember Larry Klein, Palo Alto Councilmember Liz Kniss, Palo Alto Councilmember Gustav Larsson, Sunnyvale Councilmemberelect Kenneth Leary, American Canyon Councilmember Benny Lee, San Leandro Councilmember Linda LeZotte, Santa Clara Valley Water District **Board Member** Sam Liccardo, City of San Jose Councilmember Jason Liles, Fmr. Healdsburg Mayor David Lim, San Mateo Mayor Eric Lucan, Novato Mayor Pro Tem Jesus Malgapo, Vallejo Councilmember Jamie Matthews, Santa Clara Mayor Linda Maio, Berkeley Vice Mayor Tara Martin-Milius, Sunnyvale Councilmember Jael Myrick, Richmond Councilmember Lynette Gibson McElhaney, Oakland Councilmember Robert H. McConnell, Vallejo Councilmember Maryann Moise, Portola Valley Councilmember Carmen Montano, Milpitas Councilmember Ray Mueller, Menlo Park Mayor Jim Navarro, Union City Councilmember Alfredo Pedroza, Napa Councilmember Julie Pierce, Clayton Mayor and Vice President, ABAG Jim Prola, San Leandro Vice Mayor Diana Prola, San Leandro Unified School District, President Mark Salinas, Hayward Councilmember

Pete Sanchez, Suisun City Mayor Libby Schaaf, Oakland Councilmember Greg Scharff, Palo Alto Mayor Brian Schmidt, Santa Clara Valley Water District **Board Member** Nancy Shepherd, Palo Alto Vice Mayor Jac Siegel, Mountain View Councilmember Diana Souza, San Leandro Councilmember Hermie Sunga, Valleio Councilmember John Sutter, East Bay Regional Park District **Board President** Michael Sweeney, Hayward Mayor Lena Tam, City of Alameda Councilmember Dave Warden, Belmont Councilmember José Francisco Zermeño Cárdenas, Hayward Councilmember

Bay Area Community Organizations

East Bay Bicycle Coalition Marin County Bicycle Coalition Napa County Bicycle Coalition Piedmont Garden Club Sonoma County Bicycle Coalition San Francisco Bay Trail Project Silicon Valley Bicycle Coalition SPUR Trails for Richmond Action Committee Woodside-Atherton Garden Club

Bay Area Public Agencies

Association of Bay Area Governments (ABAG) Hayward Area Recreation and Park District San Francisco Estuary Partnership

DRAFT SCHEDULE OF TASKS, DEADLINES & GOVERNING BOARD DECISIONS: JANUARY 2014 THROUGH NOVEMBER 2014 1-22-14

NOTES: 1. EXCLUDES CAMPAIGN ACTIVITIES 2. INCLUDES TASKS FOR GOVERNING BOARD MEMBERS (GB), STAFF (S) AND SAVE THE BAY (STB)

TOPIC	MONTH												
FUNDRAISING (for county ballot charges, polling, ballot	JANUARY (GB mtg. Jan. 29) (GB, S, STB) Refine fundraising strategy, ID roles/expectations,	FEBRUARY (GB mtg. Feb. 26) (GB) Implement fundraising strategy & report progress.	MARCH (GB mtg. Mar. 19) (GB) Implement fundraising strategy & report progress; review	APRIL (No GB meeting) (GB) Implement fundraising strategy & report progress.	MAY GB mtg. May 28) (GB) Implement fundraising strategy & report progress .	JUNE (GB mtg. TBD) (GB) Implement fundraising strategy & report progress.	JULY (GB mtg. July 23)	AUGUST (No GB meeting)	SEPTEMBER (GB mtg. Sept. 24)	OCTOBER (No GB mtg.)	NOVEMBER (GB mtg. Nov. 19)		
advisors, filing fees)	determine dates & amts. of cash needed.		est. of cash needed for ballot charges and filing fees, revise strategy as needed. March 14 : Must have \$?? for ballot advisors & \$?? for polling.		June 11: Must have \$?? for ballot costs and filing fees.								
POLLING	(STB) With another external party, conduct poll.	(STB) Report to GB and Advisory Committee on findings of poll. (GB) Determine implications for viability of Nov. 2014 ballot measure.	(GB) Provide direction for May RA tracking poll. (GB) Authorize disbursement of funds for tracking poll.	(GB Polling Cmte., S, STB) Select & hire pollster, refine tracking poll.	(S) Manage polling by pollster and analyze findings by May 21. (GB Polling Cmte., S, STB) With pollster, report to GB on poll. (GB) Determine implications for viability of Nov. 2014 ballot measure.								
REVENUE MEASURE	 (GB, S, STB) Continue to solicit feedback on expenditure plan. (S, STB) Refine supporting materialspowerpoint, maps, lists of sample projects, etc. (GB) Schedule June GB meeting to enable timely adoption of resolution and related matters. (S) Take steps to select ballot advisors. (GB) Approve selection of ballot advisors. (S) Schedule Advisory Comte. for April workshop. 	 (GB, S, STB) Continue to solicit feedback on expenditure plan. (S, STB) Refine supporting materialspowerpoint, maps, lists of sample projects, etc. (S) Refine est. of cost of ballot advisors. (S) Schedule April meeting of Advisory Cmte. regarding ballot language and expenditure plan. 	remaining issues regarding terms of ballot language and expenditure plan. (GB) Authorize disbursement of funds for ballot advisors. (GB) Appoint GB cmte. on revenue measure?	Cmte., S, STB) Conduct Advisory Cmte. discussion of remaining issues regarding terms of ballot language and expenditure plan. (GB Revenue Measure Cmte., S, STB) Summarize conclusions from Advisory Cmte; assemble all info needed to decide whether to place measure on Nov. 2014 ballot; formulate semi-final ballot language and	whether to place measure on Nov. 2014 ballot. (GB) Formulate semi- final ballot language and expenditure plan; take	to counties and coordinate w/each county bd. of sups. to pass consolidation resolution, etc.	(GB Revenue Measure Cmte., S, STB) Draft supporting arguments. (GB) Approve supporting arguments. (STB) File supporting arguments.	county boards of supervisors pass					

ΤΟΡΙΟ	MONTH												
	JANUARY (GB mtg. Jan. 29)	FEBRUARY (GB mtg. Feb. 26)	MARCH (GB mtg. Mar. 19)	APRIL (No GB meeting)	MAY GB mtg. May 28)	JUNE (GB mtg. TBD)	JULY (GB mtg. July 23)	AUGUST (No GB meeting)	SEPTEMBER (GB mtg. Sept. 24)	OCTOBER (No GB mtg.)	NOVEMBER (GB mtg. Nov. 19)		
BALLOT ACCESS	(STB) Continue work with registrars to ID ballot cost estimates, ID any need for advance payments, clarify outstanding questions not addressed in SB 279 and report to GB.	(STB) Continue work with registrars to ID ballot cost estimates, ID any need for advance payments, clarify outstanding questions not addressed in SB 279. Obtain cost estimates and payment deadlines and report to GB.	(STB) Reesolve any outstanding ballot access issues not addressed in SB 279 and report to GB.		(GB) Authorize disbursement of filing fees and, if needed, advance payments to counties.								
OUTREACH, EDUCATION & COMMUNICATION	 (GB, STB) Refine and execute outreach plan for Jan. thru June to reach wider audience. (S) Set date & locale for April Joint Venture wetland tour; make invitations. (S, STB) Provide GB with suggested talking points for responding to inquiries. 	(GB, S, STB) With Advisory Cmte., execute outreach plan to reach wider audience.	(GB, S, STB) With Advisory Cmte., execute outreach plan to reach wider audience. (S) Set date & locale for June Joint Venture wetland tour; make invitations. [External education program begins.]	(GB, S, STB) With Advisory Cmte., execute outreach plan to reach wider audience. (GB, S, STB) Joint Venture to conduct wetland tour. [External education program continues.]	 (S, STB) Update external communications materials. (GB, S, STB) With Advisory Cmte., execute outreach plan to reach wider audience. (S) Set date & locale for August Joint Venture wetland tour; make invitations. [External education program continues.] 	I (GB, S, STB) With Advisory Cmte., execute outreach plan to reach wider audience. (S, STB) Schedule early September Advisory Cmte. mtg. re: outreach and education. (GB, S, STB) Joint Venture to conduct wetland tour. [External education program concludes.]	(S) Set date & locale for October Joint Venture wetland tour; make invitations.	(GB, S, STB) Joint Venture to conduct wetland tour.	(S, STB) Meet with Advisory Cmte. re: outreach and education	(GB, S, STB) Joint Venture to conduct wetland tour.			
ADMINISTRATION	(S) Present possible terms of JPA for discussion by GB, ABAG Executive Board, & State Coastal Conservancy Board, and obtain direction from each. Possible authorization for ABAG staff to negotiate and execute. (GB) Approve financial report for posting to website (GB) Make additional appts. to Advisory Cmte.	 (GB) Further discussion of JPA terms, as needed. (S) Resolve any issues among JPA parties. (S) Treasurer reports to GB on proposal for setting up RA account. (GB) Direct Treasurer to establish an account by March 12 and receive funds for the Restoration Authority. (GB) Make additional appts. to Advisory Cmte. 	 authorization to execute. Seek ABAG staff approval of terms. (S) Treasurer establishes account for RA funds by March 12. (GB) Make additional appts. to Advisory Cmte., 	JPA and assume responsibilities.	(GB) Make additional appts. to Advisory Cmte., as needed.		(GB) Make additional appts. to Advisory Cmte., as needed.		(GB, S, STB) Begin discussion of post- election activities under passage and no-passage scenarios. (S) Report on predicted schedule and amounts of receipts to be distributed by counties to RA, including provisions for delinquent payments. (GB) Make additional appts. to Advisory Cmte. as needed.		(S, STB) Refine draft work program for remainder of FY 14/15. (GB) Approve work program for remainder of FY 14/15. (GB) Adopt meeting schedule for CY 2015. (GB) Make additional appts. to Advisory Cmte., as needed.		



MEMORANDUM

DATE:	January 21, 2014
то:	San Francisco Bay Restoration Authority Governing Board
FROM:	Amy Hutzel San Francisco Bay Area Conservancy Program State Coastal Conservancy
SUBJECT:	San Francisco Bay Restoration Authority Joint Powers Agreement

ATTACHMENTS:

- Proposed Joint Powers Agreement Terms
- Proposed Organization Chart

Summary: The San Francisco Bay Restoration Authority is considering entering into a joint powers agreement ("JPA") pursuant to the Joint Exercise of Powers Act (Government Code § 6500 et seq.) with the Association of Bay Area Governments (ABAG) and the State Coastal Conservancy in early 2014. All three entities have authority to further Bay restoration through grant programs. Pursuant to a JPA, ABAG and the Conservancy could contribute their knowledge, expertise and established programs to implementation of the Authority's grant program. A JPA would enable the entities to maximize efficiency through collaboration. Attached for discussion at the Authority's January 29, 2014 Board meeting is a list of proposed terms for a JPA and a related draft organization chart showing how the entities would work together.

Timeline

- January 16: ABAG staff received authorization of their Executive Board to negotiate and enter into a JPA.
- January 23: Conservancy Board to discuss draft terms of a JPA.
- January 29: Authority Governing Board to discuss draft terms of a JPA.
- February 26 or March 19: Authority staff to seek Governing Board authorization to enter into a JPA.
- March 27: Conservancy staff to seek Conservancy Board authorization to enter into a JPA.
- April : Execute JPA and assume responsibilities

Background and Discussion:

The Authority receives no funding from the State and does not currently have access to any other fiscal resources. Since 2008, at no cost to the Authority, several ABAG staff members have served as temporary staff to the Authority and the Conservancy has provided assistance.

ABAG staff, in their dual capacity as Authority staff and ABAG staff, and Conservancy staff have been discussing a possible JPA between the Authority, ABAG and the Conservancy. The Joint Exercise of Powers Act authorizes public entities to enter into an agreement to jointly exercise any power common to the parties. (See Government Code § 6502). The Authority, ABAG and the Conservancy all have the power to grant funds for projects that restore the Bay. A JPA would enable the three entities to collaborate so as to avoid redundancy and to economically and efficiently implement their grant programs.

Pursuant to a JPA, ABAG staff and Conservancy staff could function as staff to the Authority, thereby bringing their expertise and established programs to implementation of the Authority's grant program. Under the current draft proposal, Conservancy staff would perform the executive and program staff functions for the Authority while ABAG would perform some program staff functions as well as act as treasurer to the Authority. If a revenue measure passes, the Authority would pay the actual costs for ABAG and the Conservancy based on budgets prepared by ABAG and the Conservancy and approved by the Authority. This approach maximizes use of the Authority's tax revenues through use of the Conservancy's existing San Francisco Bay Area Conservancy Program and ABAG's existing infrastructure rather than building a stand-alone staff structure for Authority. It also avoids redundancy of both the Authority and the San Francisco Bay Area Conservancy Program awarding grants for Bay restoration.

The project management costs associated with the parcel tax will likely be capped at 5% to assure voters that the tax revenues will be used efficiently. ABAG and the Conservancy have developed a staffing proposal that reflects the need to minimize administrative costs while effectively implementing a transparent and results-oriented grant program as well as providing the necessary fiscal and budgetary management.

JOINT POWERS AGREEMENT

SFBRA/ABAG/SCC PROPOSED TERMS January 17, 2014

1. <u>Parties to the Agreement</u>

- San Francisco Bay Restoration Authority ("SFBRA")
- Association of Bay Area Governments ("ABAG")
- California State Coastal Conservancy ("SCC")

2. <u>Purpose of the Agreement</u>

• The purposes of this agreement are to operate the SFBRA through existing agencies that have the capacity and expertise necessary to carry out the SFBRA's mission under the guidance of its Government Board, and to maximize efficiency, avoid redundancy, minimize costs, ensure accountability and coordinate closely to achieve these purposes.

3. <u>Staffing Responsibilities for SFBRA Act Implementation</u>

- **Executive Officer SCC:** Overall responsibility for implementation of San Francisco Bay Restoration Authority Act under direction of the SFBRA Governing Board. Executive responsibilities include prepare strategic plan and budget; assure compliance with special tax measure requirements and other revenue restrictions; manage SFBRA public meetings; coordinate Advisory Committee; manage external communications; consult with ABAG; and direct project staff.
- **Program Staff –SCC and ABAG:** Under direction of the Executive Officer, perform program staff functions, including: development of procedures for grant evaluation and prioritization, review applications, prepare grants and contracts, oversee projects, and review invoices. SCC and ABAG will decide jointly which program staff functions will be performed by ABAG taking into account ABAG expertise. ABAG is expected to contribute approximately 20-25% of program staff.
- **Treasurer/Fiscal Agent ABAG:** Under the direction of the SFBRA Governing Board, receive, safeguard, invest, and disburse funds; collect taxes from counties; perform fiscal audits; provide accounting; prepare and submit internal and external financial reports; make recommendations regarding risk management and procure adequate insurance on behalf of SFBRA.

- Legal SCC: Advise the SFBRA Governing Board and staff, retain and manage outside counsel to represent SFBRA in the event of litigation. ABAG to provide legal advice in the event of a conflict of interest by SCC that is not waived by SFBRA and SCC.
- Clerk of the Board: SCC: Maintains the official records of SFBRA, calls and notices meetings in accordance with law, responsible for notifying Governing Board members of FPPC filing requirements and maintaining FPPC filings, and provides clerical and logistical support to Governing Board members.
- **Information Technology ABAG:** Maintain and manage website on behalf of SFBRA in accordance with written protocols and procedures.

4. <u>Date Parties Assume Their Obligations</u>

• Parties assume their respective responsibilities upon execution of JPA. This will transition the Executive Officer, Legal Counsel and Clerk of the Board functions from ABAG to SCC.

5. <u>Duration</u>

- JPA remains in effect until January 1, 2029; can be extended by written agreement of the parties.
- SFBRA can terminate JPA upon 180 days written notice to SCC and ABAG.
- ABAG and SCC can withdraw from the JPA upon 180 days written notice; remaining parties may amend agreement to reallocate responsibilities, add other parties, or terminate.

6. <u>Payment</u>

- Staff services or other allowable costs incurred by the parties after a revenue measure passes (even if it is not effective immediately) are eligible for reimbursement by the SFBRA; staff services or other costs incurred by the parties before the measure passes, or if it fails to become effective, are the sole responsibility of the entity incurring the costs.
- SFBRA will reimburse ABAG and SCC for their actual costs in carrying out responsibilities under this agreement, incurred after passage of the measure, consistent with a budget approved in advance by the SFBRA Governing Board. Actual costs include costs of contracts for goods and services, staff costs at fully burdened rates for each applicable job classification, and travel essential to carrying out responsibilities under this agreement. ABAG and SCC will promptly notify SFBRA's Governing Board if costs may exceed the budget. Such notice will include proposals for reducing costs and/or an estimate of the exceedances. Exceedances will be paid only if the budget is amended to include them.

7. <u>Indemnification</u>

- Options:
 - Option 1: SFBRA agrees to indemnify ABAG and SCC for tort liability arising out of performance of this agreement.
 - Option 2: ABAG and SCC agree to indemnify SFBRA for tort liability arising out of performance of this agreement.
 - Option 3: No indemnification for tort liability; under existing law, each public entity is jointly and severally liable, and obligated to contribute one-third to tort liability.
 - Option 4: Each public entity agrees to indemnify the others for tort liability associated with actions of their own employees in performance of this agreement.
- Counsel to SFBRA intends to recommend Option 2 to SFBRA.

8. <u>Audits and Accountability</u>

- ABAG will fulfill SFBRA's statutory obligation to provide for regular audits of the SFBRA's accounts and records, and shall maintain accounting records and shall report accounting transactions in accordance with generally accepted accounting principles adopted by the Government Accounting Standards Board of the Financial Accounting Foundation for both public reporting purposes and for reporting of activities to the State Controller. (Govt. Code 66705(a).)
- ABAG will fulfill SFBRA's statutory obligation to provide for annual financial reports and to make copies of the annual financial reports available to the public. (Govt. Code 66705(b).)
- SFBRA may order independent audits.
- SCC will perform its responsibilities in accordance with applicable laws, the SFBRA enabling law and guidelines created by SFBRA.

9. <u>Communication and Coordination Among Parties to the Agreement</u>

• The parties will cooperate and coordinate to ensure maximum efficiency, economy and quality of support for the SFBRA. Coordination will include regular communication between SCC and ABAG staff regarding management and policy issues, as well as how effectively the agencies are working together and satisfying their responsibilities under this agreement.

- ABAG will provide SCC monthly summaries of SFBRA fund balances, interest, income, and expenditures, including allocation among subaccounts, if any.
- SCC will provide ABAG quarterly projections of cash needs.

10. <u>Procedures</u>

• SCC will draft contracting process and other necessary procedures for approval by SFBRA Governing Board.

11. <u>Participation Requirements</u>

• Contracts for materials, supplies and services shall meet State of California objectives for participation by small businesses and disabled veteran business enterprises.

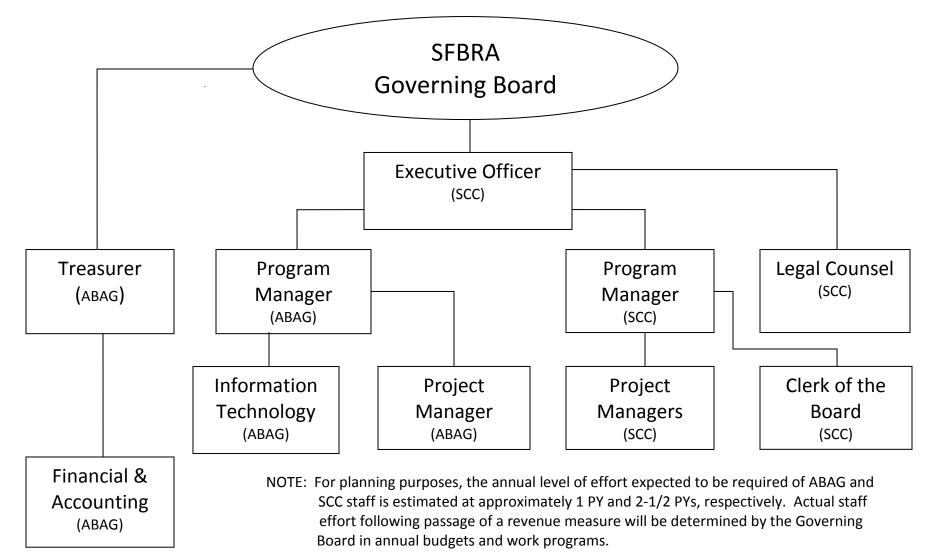
12. <u>Amendment</u>

• This term should provide that the agreement can be amended only by a written amendment signed by all parties.



Draft 1-21-14

PROPOSED SFBRA/ABAG/SCC JOINT POWERS AGREEMENT ORGANIZATION CHART



Representing City and County Governments of the San Francisco Bay Area



- To: Governing Board, San Francisco, Bay Restoration Authority
- Fr: Kenneth Moy, Legal Counsel
- Dt: January 21, 2014
- Re: Proposed Joint Powers Agreement among Association of Bay area Governments (ABAG), San Francisco Bay Coastal Conservancy (Conservancy) and San Francisco Bay Restoration Authority (Authority)

Recommended Action: ABAG has given its conditional consent to my representing both ABAG and the Authority in negotiating and drafting a proposed joint powers agreement among ABAG, the Conservancy and the Authority. I recommend that the Authority grant its comparable conditional consent for joint representation.

Discussion: For reasons stated in the companion memorandum from the Conservancy, it and ABAG are offering to enter into a joint powers agreement with the Authority that (a) formalizes the voluntary support services that we been providing to the Authority and (b) establishes a process for continuing support services on a reimbursable basis upon passage of a revenue measure. Please be advised that on January 16, the Executive Board of ABAG authorized ABAG staff to enter into such an agreement.

The Executive Board was also asked to consent to my representation of both ABAG and the Authority in the negotiation and drafting of the joint powers agreement. In my opinion, the interests of ABAG and the Authority are not adverse with respect to the business and organizational relationship contemplated under the agreement. If they become so, I will immediately withdraw from the transaction.

The ABAG Executive Board gave its consent to this dual representation but it is effective only upon the Authority giving its complementary consent.

A



MEMORANDUM

DATE: January 21, 2014

- TO: Governing Board San Francisco Bay Restoration Authority
- FROM: Amy Hutzel Program Manager San Francisco Bay Area Conservancy State Coastal Conservancy
- SUBJECT: Appointment of additional Advisory Committee members

Attachment: Roster of existing Advisory Committee members

Staff recommends that the Governing Board make two additional appointments to its Advisory Committee: Jordan Wellwood, Director of Audubon's Richardson Bay Center and Sanctuary, is proposed to replace former Advisory Committee member, Dan Taylor, of California Audubon, who retired last fall. Josh Collins, Chief Scientist for the San Francisco Estuary Institute, would enrich and expand the expertise of the Advisory Committee (roster attached) with respect to wetland ecology and related matters. The Governing Board's committee on the Advisory Committee, Councilmember Foust and Supervisor Gioia, have been consulted about these proposed appointments.

The following are short biographies for Ms. Wellwood and Dr. Collins:

Jordan Wellwood is the Center Director at Richardson Bay Audubon Center & Sanctuary in Tiburon and has been with Audubon California since early 2009. Now in her third position at Audubon, Jordan's experience within the organization includes policy and advocacy, partnership development, chapter capacity-building, strategic planning, and development/fundraising. Jordan chose the non-profit world after a private-sector career in sales and business development because of her desire to focus her energy contributing to creating a healthier planet. She holds an Honors Bachelors of Environmental Studies from the University of Waterloo in Ontario, Canada, and a Masters of Business Administration from Santa Clara University. Jordan takes every opportunity to enjoy the spectacular outdoors that California offers. Josh Collins is the Chief Scientist at the San Francisco Estuary Institute, where he oversees the development and integration of SFEI's scientific work. Dr. Collins is a landscape ecologist and regional ecological planner with special expertise in mapping and assessing stream and wetland ecosystems. He was the originator and science coordinator for the Bay Area Regional Wetlands Ecosystem Goals Project and is advising on the current update. He has been a technical advisor on many other regional and site-specific ecological plans and assessments around San Francisco Bay and elsewhere. Dr. Collins received his Doctorate in Entomological Sciences at the University of California at Berkeley and did post-doctoral work in Geography and Ecology at the UC Berkeley and UC Davis. As an ecologist in the public utilities industry, he assessed the impacts of power plants on marine, estuarine, and riverine ecosystems. As a consulting ecologist in private practice, he designed stream and wetland restoration projects and developed methods to assess their performance. Since joining SFEI in 1993, Dr. Collins has initiated continuing programs in wetland science, watershed science, historical ecology, and regional GIS. He is a leader for a variety of efforts in the West to set long range ecological goals and he has been instrumental in the development of wetland and stream monitoring and assessment methods for California and the nation. Among his many current advisory roles, Dr. Collins chairs the technical team supporting California's new wetland and riparian area protection policy.



ADVISORY COMMITTEE

Updated November 21, 2013

Steve Abbors	General Manager, Mid-Peninsula Regional Open Space District
Josh Arce	Executive Director, Brightline Defense Project
Dion Aroner	Partner, Aroner, Jewel & Ellis Partners
Mitch Avalon	Founding Chair, Bay Area Flood Protection Agencies Association
John Coleman	Executive Director, Bay Planning Coalition
Grant Davis	General Manager, Sonoma County Water Agency
Chris Elias	Deputy Operating Officer for Watersheds, Santa Clara Valley Water District
Ben Field	Executive Director, South Bay Labor Council
Pete Figueiredo	Financial Secretary, Operating Engineers Local #3
John Frawley	President and Chief Executive Officer, The Bay Institute
Larry Goldzband	Executive Director, San Francisco Bay Conservation and Development
·	Commission
Zeke Grader	Executive Director, Pacific Coast Federation of Fishermen's Associations
Beth Huning	Coordinator, San Francisco Bay Joint Venture
Jerry Kent	East Bay Regional Park District (retired)
David Lewis	Executive Director, Save San Francisco Bay Association
Sally Lieber	Consultant
Andrea Mackenzie	General Manager, Santa Clara County Open Space Authority
Mike Mielke	Vice President, Environmental Programs and Policy, Silicon Valley
	Leadership Group
Richard Mitchell	Director of Planning and Building, City of Richmond
Anne Morkill	Project Leader, San Francisco Bay National Wildlife Refuge Complex
Cynthia Murray	President and CEO, North Bay Leadership Council
Douglas Overman	Executive Vice President for External Affairs Programs, Golden Gate
	National Parks Conservancy
Bruce Raful	Proprietor, Raful & Associates
John Rizzo	Trustee, San Francisco City College
Patrick Rutten	Southwest Regional Supervisor, NOAA Restoration Center
Sarah Rose	Chief Executive Officer, California League of Conservation Voters
Richard Sinkoff	Director of Environmental Programs and Planning, Port of Oakland
Bob Spencer	Economic Consultant
Renee Spenst	Regional Biologist, Western Region, Ducks Unlimited (on leave)
Laura Thompson	Manager, San Francisco Bay Trail Project, Association of Bay Area Govts.
Kate White	California State Transportation Agency
Scott Wilson	Acting Manager, Bay-Delta Region, Department of Fish and Game
Bruce Wolfe	Executive Officer, San Francisco Regional Water Quality Control Board
Jim Wunderman	President and Chief Executive Officer, Bay Area Council

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