MEMO

TO: Governing Board
San Francisco Bay Restoration Authority

FR: Kenneth K. Moy
Legal Counsel

RE: 'Interim' Staff

DT: April 6, 2009

The San Francisco Bay Restoration Authority (Authority) is created by statute as a "regional agency" without a dedicated source of funding. The Association of Bay Area Governments (ABAG), the State Coastal Conservancy (Conservancy) and the Authority have overlapping goals regarding marsh restoration on the San Francisco Bay shoreline. ABAG and the Conservancy have offered staff resources to support the Authority's efforts on an as needed basis until further notice. The Authority is empowered to accept such assistance as 'interim' staff [Govt. Code §66704(m)]. The ABAG and Conservancy staff will not be Authority employees.

To facilitate and document this process, the Authority should formally accept the offer from ABAG and Conservancy by adopting Resolution 1 (attached). Further, the Authority should consider appointing interim staff to fill certain roles:

- ABAG's Executive Director as Director of the Authority;
- ABAG's Legal Counsel as Legal Counsel to the Authority;
- ABAG Finance Director as the Authority's Treasurer; and
- Clerk of ABAG's Executive Board as Clerk to the Authority's governing board.

These appointments will facilitate ordinary and routine business and governmental transactions and establish clear responsibility for specialized functions.

Please note that under certain circumstances, I may have a conflict of interest if I am in position of having to advise the Governing Board on a matter potentially adverse to ABAG's interest. In that event, I will so advise the Board and suggest a course of action.

When the Authority authorizes a financing to fund restoration, it may be possible to reimburse ABAG and/or the Conservancy for the costs of interim staff. The proposed resolution is worded to preserve the potential for reimbursement.

RECOMMENDED ACTION:

Adopt Resolution 1.

Attachments
Cc: Henry L. Gardner, ABAG
Amy Hutzel, State Coastal Conservancy