



San Francisco Bay Restoration Authority

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To: Governing Board

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Subject: **AB 2103 Amendment to Clarify Enabling Legislation**

Attachment: AB 2103 (Amended in Senate, June 2, 2010)

Recommendation

None.

Summary

At its January 15, 2010 meeting, the San Francisco Bay Restoration Authority Governing Board determined that 1) the Authority would sponsor an amendment to its enabling legislation that would provide needed clarifying language in order for the Authority to carry out its purposes and 2) staff of the State Coastal Conservancy would manage this legislative change. The resulting bill, AB 2103 (Hill), has been approved by the Assembly and the Senate Local Government Committee and is due for consideration on the Senate floor in early August.

Background

AB 2103 (Hill) was drafted in order to clarify the intent of AB 2954 (Lieber), which created the San Francisco Bay Restoration Authority in 2008. In addition to various clarifications to the Authority's ability to levy assessments, the bill, as introduced, principally was intended to:

1. Spell out the obligation of affected counties to place certain types of regional measures proposed by the Authority before voters in the next regularly schedule election and to use language from the Authority's corresponding resolution for the ballot question, title and summary; and

2. Make explicit the authority to adopt and implement a regional measure if cumulatively, throughout the Authority's jurisdiction, the regional measure receives the constitutionally required affirmative votes.

Without materially changing its intended effect, the bill has been amended in both the Assembly and the Senate, principally to replace some proscriptive language with citations of existing statutes. The latest version is attached to this memo for reference. The version approved by the Assembly (74-0) and the version passed out of the Senate Local Government Committee (3-0) are essentially the same.

The full Senate is expected to vote on the bill in early August, followed by reconciliation between the Senate and Assembly versions later in the month, and then submission to the Governor for signature in September. At this point, no significant controversy is anticipated. When the signed version of the legislation is available, staff will provide it to the Governing Board.