

ASSOCIATION OF BAY AREA GOVERNMENTS

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.

