



# Governing Board

## SUMMARY MINUTES (DRAFT)

Wednesday, January 29, 2014

1:30 p.m. to 3:30 p.m.

Meeting Location:

1330 Broadway, 11<sup>th</sup> Floor Conference Room  
Oakland, California

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

Agenda and attachments available at:  
[www.sfbayrestore.org](http://www.sfbayrestore.org)

### 1. Call to Order

Samuel Schuchat, Chair, called the meeting to order at about 1:30 p.m.

### 2. Roll Call

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

Present were Samuel Schuchat, Keith Caldwell, Cindy Chavez, Rosanne Foust, and John Gioia.

Absent were John Sutter and Dave Pine.

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

### 3. Public Comments

There were no public comments.

### 4. Announcements

There were no announcements.

### 5. Approval of Summary Minutes of November 30, 2013

Schuchat recognized a motion by Foust and a second by Chavez to approve the summary minutes of the Governing Board meeting on November 20, 2013. There was no discussion. The motion passed unanimously.

Ayes: Schuchat, Caldwell, Chavez, Foust, Gioia.

Absent: Pine, Sutter.

Sutter joined the meeting.

## **6. Chair's Report**

### **A. Introduction of New Governing Board Member**

Schuchat introduced Cindy Chavez, Supervisor, County of Santa Clara, who fills the Governing Board seat representing Bayside Cities/Counties.

Schuchat reported that he and Amy Hutzel attended a meeting with other entities to coordinate efforts to place ballot measures for the November election.

### **B. New Polling by RLG/STB Just Conducted**

Schuchat reported that RLG and Save The Bay are now conducting polling. A report on polling results is forthcoming.

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

Schuchat and Hutzel reported on the status of developing a project list of examples of projects which may be eligible for funding and an accompanying map. Land owners and land managers of wetlands and non-governmental organizations and others have been contacted to provide input. A revised list and map will be presented at the next meeting.

Members discussed the status of the draft expenditure plan, and that projects included in a project list are not being used for the ballot measure.

Pine joined the meeting.

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

Kenneth Moy, ABAG Legal Counsel, reported on the annual consolidated financial reports for Fiscal Years ending 2009, 2010, 2011, 2012, and 2013.

Schuchat recognized a motion by Foust and a second by Chavez to approve and post the consolidated annual financial reports for Fiscal Years ending 2009, 2010, 2011, 2012, and 2013. There was no discussion. The motion passed unanimously.

Ayes: Schuchat, Caldwell, Chavez, Foust, Gioia, Pine, Sutter.

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

Dave Pine, Supervisor, County of San Mateo, reported on the selection of Election Counsel to support drafting of a ballot measure.

Schuchat recognized a motion by Foust and a second by Caldwell to approve the selection of Remcho, Johnson and Purcell as 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, and to acknowledge that Kenneth Moy will represent both ABAG and the Authority as Legal Counsel.

Members discussed the selection of election counsel and determined that they had no conflicts resulting from past relationships between members and the recommended firm.

The motion passed unanimously.

Ayes: Schuchat, Caldwell, Chavez, Foust, Gioia, Pine, Sutter.

#### **9. Funding needed for County Election Charges**

Schuchat reported on the funding needed for county election costs, election counsel, polling, and expenses.

Patrick Band, Save The Bay, provided additional information on estimated county election costs and implementation of SB 279. County Registrars from Contra Costa, Napa, and Santa Clara Counties will provide a range of election costs for the nine Bay Area counties.

Members discussed the estimated election costs, county election costs, SB 279 implementation, and fundraising to cover election costs.

#### **10. Outreach by Governing Board Members**

Schuchat reported on the current list of supporters of the work of the Restoration Authority.

Members reported on outreach efforts.

Schuchat presented at a panel at a San Mateo County Climate Change summit and will present at a League of Women Voters of the Bay Area meeting.

Foust presented at the San Mateo County Chamber of Commerce and will send materials to Half Moon Bay, San Mateo Area, and San Francisco's Chamber of Commerce, and the matter will be presented at the San Mateo C/CAG and SAMCEDA.

Caldwell will continue to meet with elected officials and will contact Senator Thompson.

Pine presented at the ABAG Executive Board meeting on January 16 and will contact operating engineers representatives, BayBIO, C/CAG, and Senator Feinstein.

Gioia will contact Congressman Miller and the East Bay Leadership Forum.

Sutter will contact business group representatives and the matter will be presented at an East Bay Regional Park District meeting.

The Governing Board next took up Item 13.

#### **11. External Communications**

Patrick Band, Save The Bay, reported on external communications, including production of updated outreach materials, talking points and other documents.

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

Schuchat reported on the timeline through the November election and the need to add an early June meeting.

Members discussed the availability of county Registrar offices in June and July.

Schuchat recognized a motion by Foust and a second by Pine to adopt a Schedule of Tasks, Deadlines and Governing Board decisions from January 2014 through November 2014, and to add a June meeting to the Governing Board meeting schedule. There was no discussion. The motion passed unanimously.

Ayes: Schuchat, Caldwell, Foust, Pine, Sutter.

Absent: Chavez, Gioia.

## **13. Joint Powers Agreement Term Sheet**

Schuchat recused himself from the discussion. Governing Board Vice Chair John Gioia, Supervisor, County of Contra Costa, chaired the meeting.

Hutzel reported on the joint powers agreement proposed terms among the Restoration Authority, the Association of Bay Area Governments, and the State Coastal Conservancy. She reviewed a timeline for receiving authorization from ABAG and the Coastal Conservancy and the Restoration Authority's Governing Board. ABAG and the Coastal Conservancy would continue to provide staff support at no charge to the Restoration Authority when the JPA is executed and until a ballot measure passes, after which time costs incurred by ABAG and the Coastal Conservancy would be reimbursable by the Restoration Authority.

Amy Roach, Staff Counsel, State Coastal Conservancy, reported on the Conservancy Board's support of the proposed joint powers agreement and Conservancy's Board's preference regarding indemnification, namely Option 1.

Moy reported on ABAG and the Restoration Authority's position and advice regarding indemnification, namely Option 2.

Members discussed the proposed terms of the Joint Powers Agreement, including costs and staffing and organizational structure, indemnification options, and meeting with representatives of the State Coastal Conservancy Board and the Association of Bay Area Governments' Executive Board to discuss indemnification options under a Joint Powers Agreement.

Gioia recognized a motion by Foust and a second by Chavez to consent to the dual representation by Kenneth Moy, ABAG Legal Counsel, of the Restoration Authority and the Association of Bay Area Governments in negotiating and drafting a proposed joint powers

agreement among ABAG, the Conservancy and the Restoration Authority. There was no discussion. The motion passed unanimously.

Ayes: Caldwell, Chavez, Foust, Gioia, Pine, Sutter.

Absent: Schuchat

Gioia recognized a motion by Sutter and a second by Pine to select indemnification option two (2) under the proposed terms of a Joint Powers Agreement among the Restoration Authority, the Association of Bay Area Governments, and the State Coastal Conservancy, and to meet with representatives of the Association of Bay Area Governments and State Coastal Conservancy to discuss indemnification options under a Joint Powers Agreement.. There was no discussion. The motion passed unanimously.

Ayes: Caldwell, Chavez, Foust, Gioia, Pine, Sutter.

Absent: Schuchat.

Gioia and Chavez left the meeting. Schuchat resumed chairing the meeting. The Governing Board next took up Item 11.

#### **14. Appointment of Additional Advisory Committee Member**

Amy Hutzal, California State Coastal Conservancy, reported on additional appointments to the Advisory Committee. Staff recommended the appointment of Jordan Wellwood, Center Director, Richardson Bay Audubon Center and Sanctuary; Josh Collin, Chief Scientist, San Francisco Estuary Institute; and Casey Fromson, Governmental Affairs Officer, Caltrain Modernization Program, San Mateo County Transportation District.

Schuchat recognized a motion by Foust and a second by Pine to appoint Jordan Wellwood, Center Director, Richardson Bay Audubon Center and Sanctuary; Josh Collin, Chief Scientist, San Francisco Estuary Institute; and Casey Fromson, Governmental Affairs Officer, Caltrain Modernization Program to the Advisory Committee. There was no discussion. The motion passed unanimously.

Ayes: Schuchat, Caldwell, Foust, Pine, Sutter.

Absent: Chavez, Gioia.

#### **15. Adjournment**

The Governing Board meeting adjourned at about 3.29 p.m.

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

Submitted by the Clerk of the Governing Board:  
February 19, 2014

Approved by the Governing Board:  
TBD