



## **Resolution 7**

### **SPECIAL PARCEL TAX BALLOT MEASURE FOR VOTER APPROVAL: THE SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION MEASURE**

WHEREAS, the San Francisco Bay is the region's greatest natural resource and its central feature and contributes significantly to California's economic health and vitality. The Bay is a hub of interconnected open-spaces, watersheds, natural habitats, scenic areas, agricultural lands, and regional trails;

WHEREAS, the San Francisco Bay and its wetlands, waterways and shoreline are a significant part of the State's coastal resources and a healthy Bay not only enhances the quality of life for all Bay Area residents but is essential to support the state's human and wildlife populations;

WHEREAS, the San Francisco Bay must be protected and restored so that current and future generations may use and enjoy it;

WHEREAS, the restoration, preservation, and maintenance of the San Francisco Bay and its wetlands, improvement of Bay water quality, provision of public access to the Bay shoreline, and enhancement of shoreline recreational amenities for the growing population of the San Francisco Bay Area are immediate state and regional priorities;

WHEREAS, wetland restoration in the San Francisco Bay is necessary to address the growing danger that global warming and rises in sea level pose to the economic well-being, public health, natural resources, and environment of California. Tidal wetlands can prevent flooding and adapt to rising sea levels;

WHEREAS, the protection and restoration of the San Francisco Bay require efficient and effective use of public funds, leveraging of local funds with state and federal resources, and investment of significant resources over a sustained period for habitat restoration on shoreline parcels, parks, and recreational facilities, and public access to natural areas;

WHEREAS, in 2008, the State established the San Francisco Bay Restoration Authority (the "Authority") for the purpose of assisting in the restoration, enhancement, protection and enjoyment of the wetlands and wildlife in the San Francisco Bay and shoreline, including raising funds for programs that would protect and restore the Bay;

WHEREAS, the Authority is a regional governmental entity comprising the nine counties that touch the San Francisco Bay, including the Counties of Alameda, Contra Costa, Marin, Napa,

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San Mateo, Santa Clara, Solano and Sonoma, and the City and County of San Francisco (the “San Francisco Bay Area”);

WHEREAS, after years of study, the Authority has prepared the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure in order to fund programs that will:

- Reduce trash, pollution and harmful toxins;
- Improve water quality;
- Restore habitat for fish, birds and wildlife;
- Protect communities from floods; and
- Increase shoreline access for public enjoyment.

WHEREAS, the State has authorized the Authority to levy a special parcel tax, subject to two-thirds voter approval, within the San Francisco Bay Area to fund these programs. A minimal parcel tax on real property of only \$9 a year will ensure these essential programs are funded and that the San Francisco Bay will be protected and restored for the use and enjoyment of current and future generations. Such a levy will generate approximately \$15,000,000 a year to fund specific clean water, pollution prevention and habitat restoration projects; and

WHEREAS, the proceeds from the parcel tax will be spent only for local projects that directly improve the Bay, and cannot be taken away by the State. The Measure also requires citizen oversight, transparency, independent audits of all money collected and spent, and strict caps on the amount that may be spent on project management and administration.

**NOW THEREFORE, THE SAN FRANCISCO BAY RESTORATION AUTHORITY GOVERNING BOARD HEREBY RESOLVES, DETERMINES AND ORDERS AS FOLLOWS:**

**Section 1. Approval of Ballot Measure.**

Pursuant to Government Code sections 50075 through 50077.5 and the San Francisco Bay Restoration Authority Act (commencing with section 66700 of the Government Code), the Authority hereby adopts the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (the “Measure”) and approves the placement of the Measure on the November 4, 2014 election ballot within the San Francisco Bay Area. A full copy of the Measure is attached hereto as Exhibit A.

**Section 2. Tax Imposed and Rate.**

Subject to two-thirds approval of the voters voting on the Measure, the special parcel tax that is the subject of this Resolution shall be levied in the amount and in accordance with the terms and procedures set forth in the Measure, for a ten-year year period commencing July 1, 2015 and

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ending June 30, 2025. The parcel tax shall be levied at an annual rate of nine dollars (\$9) per parcel of taxable real property wholly or partially within the San Francisco Bay Area. The proceeds from the parcel tax shall be used solely for the purpose of supporting the programs and priorities set forth in the Measure and shall be spent exclusively for projects in the nine counties comprising the Authority.

#### **Section 3. Method of Collection.**

Subject to two-thirds approval of the voters voting on the Measure, the special parcel tax that is the subject of this Resolution shall be collected by the Tax Collector of each county and city and county within the San Francisco Bay Area in accordance with the terms and procedures set forth in the Measure.

#### **Section 4. Accountability.**

The special parcel tax that is the subject of this Resolution shall be subject to the transparency, independent audit, and accountability measures set forth in Exhibit A, including requirements that: (a) the proceeds of the parcel tax be used solely for supporting the programs and priorities set forth in the Measure; (b) the proceeds of the parcel tax be deposited in a special account; (c) the funds be spent only for projects in the San Francisco Bay Area and cannot be taken by the State; (d) an independent, annual audit be conducted of all funds collected and allocated under the measure; and (e) an annual report be prepared showing both the amounts of funds collected and expended and the status of any project required or authorized to be funded as identified in the Measure.

#### **Section 5. Additional Action.**

The Vice Chair of the Governing Board of the Authority, or any of his or her designees, is hereby authorized and directed to make any changes to the text of the Measure set forth in Exhibit A, to the abbreviated form of the Measure, or to the text of this Resolution or Resolution 8 (calling the special election), as may be convenient or necessary to comply with the intent of this Resolution and Resolution 8 to place the ballot measure on the November 4, 2014 ballot, the requirements of elections officials, or the requirements of the law.

#### **Section 6. CEQA.**

Pursuant to the State California Environmental Quality Act (CEQA) Guidelines section 15378(b)(4), adoption of this resolution to place the parcel tax, a government funding mechanism, on the ballot for voter approval is not a project subject to the requirements of CEQA. Prior to approval of funding of any projects pursuant to the Measure, any necessary environmental review required by CEQA shall be completed.

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**PASSED AND ADOPTED** by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on May 28, 2014, by the following vote:

AYES: Governing Board Members \_\_\_\_\_

NOES: Governing Board Members \_\_\_\_\_

ABSENT: Governing Board Members \_\_\_\_\_

ABSTAIN: Governing Board Members \_\_\_\_\_

\_\_\_\_\_  
John Gioia  
Vice Chair

I, Frederick Castro, Clerk of the Governing Board of the San Francisco Bay Restoration Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Governing Board of the San Francisco Bay Restoration Authority at its meeting of May 28, 2014, which Resolution is on file in the office of this regional governmental entity.

\_\_\_\_\_  
Frederick Castro  
Clerk of the Governing Board

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### **EXHIBIT A**

#### **THE SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION MEASURE**

##### **Section 1. Findings and Purpose.**

Over the last century, we have had a massive impact on the San Francisco Bay with landfill and toxic pollution. It is not too late to reverse what we've done and restore the Bay for future generations. To meet that objective, in 2008, state law established the San Francisco Bay Restoration Authority, whose purpose is to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitats in the San Francisco Bay and along its shoreline.

The purpose of the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure is to protect and restore San Francisco Bay to benefit future generations by reducing trash, pollution, and harmful toxins, improving water quality, restoring habitat for fish, birds, and wildlife, protecting communities from flood and increasing shoreline public access.

A flat parcel tax of \$9 per year generating approximately \$15,000,000 per year will fund programs to protect and restore San Francisco Bay. The revenues generated by this Measure may be spent solely for the purpose of supporting programs and priorities that improve San Francisco Bay, and the Measure prohibits funds from being spent elsewhere or taken by the State. The Measure also requires transparency, independent audits, citizen oversight, and strict caps on administration costs.

##### **Section 2. San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Expenditure Plan.**

The revenues from the flat parcel tax set forth in Section 3 shall be used solely for the purpose of supporting the programs and priorities set forth in this Section.

##### **A. Program Descriptions**

Under this Measure, the San Francisco Bay Restoration Authority (the "Authority") may undertake projects along the Bay shorelines within the jurisdiction of the Authority, which includes the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma and the City and County of San Francisco (the "San Francisco Bay Area"). The shorelines include the shorelines of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, and most of the Northern Contra Costa County Shoreline to the edge of the Delta Primary Zone. The Measure shall support the following programs:

##### **1. Safe, Clean Water and Pollution Prevention Program**

The purpose of this Program is to remove pollution, trash and harmful toxins from the Bay in order to provide clean water for fish, birds, wildlife, and people.

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- a. Improve water quality by reducing pollution and engaging in restoration activities, protecting public health and making fish and wildlife healthier.
- b. Reduce pollution levels through shoreline cleanup and trash removal from San Francisco Bay.
- c. Restore wetlands that provide natural filters and remove pollution from the Bay's water.
- d. Clean and enhance creek outlets where they flow into San Francisco Bay.

#### **2. Vital Fish, Bird and Wildlife Habitat Program**

The purpose of this Program is to significantly improve wildlife habitat that will support and increase vital populations of fish, birds, and other wildlife in and around San Francisco Bay.

- a. Enhance the San Francisco Bay National Wildlife Refuge, shoreline parks and open space preserves, and other protected lands in and around the Bay, providing expanded and improved habitat for fish, birds and mammals.
- b. Protect and restore wetlands and other Bay and shoreline habitats to benefit wildlife, including shorebirds, waterfowl and fish.
- c. Provide for stewardship, maintenance and monitoring of habitat restoration projects in and around the Bay, to ensure their ongoing benefits to wildlife and people.

#### **3. Integrated Flood Protection Program**

The purpose of this Program is to use natural habitats to help protect communities along the Bay's shoreline from the risks of severe coastal flooding caused by storms and high water levels in the Bay.

- a. Provide nature-based flood protection through wetland and habitat restoration along the Bay's edge and at creek outlets that flow to the Bay.
- b. Build and/or improve flood protection levees that are a necessary part of wetland restoration activities, in order to protect existing shoreline communities, agriculture, and infrastructure.

#### **4. Shoreline Public Access and Education Program**

The purpose of this Program is to enhance the quality of life of Bay Area residents, including those with disabilities, through safer and improved public access and educational opportunities, as part of and compatible with wildlife habitat restoration projects in and around San Francisco Bay.

- a. Construct new, repair existing and/or replace deteriorating public access trails, signs, and related facilities along the shoreline and manage these public access facilities.
- b. As a limited component of pollution prevention, habitat restoration, flood protection, and public access projects, provide education about the health of the Bay in order to protect natural resources and encourage community engagement.

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##### **B. Additional Allocation Criteria and Community Benefits**

1. The Authority shall ensure that the revenue generated by the Measure is spent in the most efficient and effective manner possible, consistent with serving the public interest and in accordance with existing law. The Authority shall give priority to projects that:
  - a. Have the greatest positive impact on the Bay as a whole, in terms of clean water, wildlife habitat and beneficial use to Bay Area residents.
  - b. Have the greatest long-term impact on the Bay, in order to benefit future generations.
  - c. Provide for geographic distribution across the region and ensure that there are projects funded in each of the nine counties that comprise the San Francisco Bay Area over the life of the Measure.
  - d. Increase impact value by leveraging state and federal resources as well as public/private partnerships.
  - e. Serve economically disadvantaged communities.
  - f. Benefit the economy of the region, including local workforce development, employment opportunities for Bay Area residents, and nature-based flood protection for critical infrastructure and existing shoreline communities.
  - g. Work with local organizations and businesses to engage youth and young adults and assist them in gaining skills related to natural resource protection.
  - h. Incorporate monitoring, maintenance and stewardship to ensure the most efficient and effective strategies for restoration and achievement of intended benefits.
  - i. Meet the selection criteria of the Coastal Conservancy's San Francisco Bay Area Conservancy Program and are consistent with the San Francisco Bay Conservation and Development Commission's coastal management program and with the San Francisco Bay Joint Venture's implementation strategy.
2. The Authority shall conduct one or more public meetings annually to gain public input on selection of projects under this Measure. All actions, including decisions about selecting projects for funding, will be made by the Authority in public meetings with advance notice and with meeting materials made available in advance to the public.
3. The Authority may accumulate revenue over multiple years so that sufficient funding is available for larger and long-term projects. All interest income shall be used solely to support the programs and priorities set forth in this Section.
4. No funds generated by the Measure shall be used for political advocacy.
5. No more than 6% of the revenue generated by this Measure may be used by the Authority for general government purposes, including to administer the projects funded under this Measure. Any unused funds may be carried over for use in subsequent years.

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##### **C. Accountability and Oversight**

In order to ensure accountability, transparency and public oversight of all funds collected and allocated under this Measure and to comply with state law, all of the following shall apply:

1. The specific purpose of the parcel tax shall be to support only the programs and priorities set forth in this Section. The proceeds of the parcel tax shall be applied only to those specific purposes of this Section and shall be spent only in accordance with the procedures and limitations set forth in this Section.
2. A separate account shall be created by the Authority into which all proceeds from the parcel tax must be deposited. The Authority shall commission an independent, outside annual audit of all revenues deposited in, and all expenditures made from, the special, separate account and publish an annual financial statement.
3. All funds generated by the parcel tax, except as set forth in Section 2.B.5 above, shall be spent on projects within the San Francisco Bay Area, and shall not be taken by the State.
4. The Authority shall prepare an annual written report showing (i) the amount of the funds collected and expended from the proceeds of the parcel tax and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the parcel tax, as identified above. The report shall comply with all provisions of Government Code section 50075.3, be posted on the Authority's website, and be submitted to the Bay Restoration Advisory Committee, established pursuant to Government Code section 66703.7 (the "Advisory Committee"), for review and comment.
5. The Advisory Committee shall provide advice to the Authority on all aspects of its activities under this Measure to ensure maximum benefit, value and transparency for safe, clean water, pollution reduction, habitat restoration, flood protection and public access in and around the Bay. Advisory Committee meetings will be announced in advance and will be open to the public. The responsibilities of the Advisory Committee shall include: (a) advising the Authority about implementation of this Measure; (b) making recommendations regarding expenditure priorities under this Measure; (c) reviewing expenditures on an annual basis to ensure they conform to the Measure; and (d) reviewing the annual audit and report prepared by the Authority, describing how funds were spent.

##### **Section 3. Funding of San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Expenditure Plan.**

Subject to voter approval, the Authority hereby establishes a flat parcel tax the proceeds of which shall be used solely for the purpose of supporting the programs and priorities set forth in this



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Measure. The parcel tax shall be levied at a rate of nine dollars (\$9) per parcel within the jurisdiction of the Authority which consists of the San Francisco Bay Area. The tax shall be levied annually for a total of ten (10) years, commencing effective July 1, 2015 and ending June 30, 2025.

The parcel tax shall be levied on each parcel of taxable property within the San Francisco Bay Area, and shall be collected by the tax collectors of each county and city and county in the San Francisco Bay Area (the “Tax Collectors”) at the same time as, and along with, and will be subject to the same penalties as general, *ad valorem* taxes collected by the Tax Collectors. The parcel tax and any penalty shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid. Any parcel tax levied shall become a lien upon the properties against which taxes are assessed and collectible as herein provided. The parcel tax shall appear as a separate item on the tax bill.

All property that is otherwise exempt from *ad valorem* property taxes in any year shall also be exempt from the parcel tax in such year. The Authority shall adopt procedures that set forth any clarifications and exemptions to address unique circumstances and any procedure for claimants seeking an exemption, refund, reduction or recomputation of the parcel tax.

**Section 4. Establishment of Appropriation Limit.**

Pursuant to Article XIII-B of the California Constitution, the appropriation limit of the Authority shall be set by the total revenues actually received by the Authority from the proceeds of the tax for the first fiscal year of operation, as adjusted each fiscal year after the first year for the estimated change in the cost of living, population and number of parcels on which the tax is levied. The appropriation limit may be further adjusted by any other changes that may be permitted by Article XIII B of the California Constitution. Any future increases in the appropriation limit shall be approved by a majority vote of the voters therein.

**Section 5. Amendments and Severability.**

A. The Governing Board of the Authority shall be empowered to amend this Measure by majority vote of its members to further the purposes of this Measure, to conform the provision of this Measure to applicable state law, to modify the methods of levy and collection of the parcel tax, or to assign the duties of public officials under this Measure.

B. If any part of this Measure is held to be invalid for any reason, such decision shall not affect the remaining portions of this Measure and the voters declare that they would have passed the remainder of this Ordinance as if such invalid portion were not included.