



Governing Board

MEETING AGENDA

Wednesday, January 13, 2016
1:00 p.m. to 3:00 p.m.

Meeting Location
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, California 94612

Teleconference Location
County of Napa
Administration Building
1195 Third St., Suite 310
Napa, CA 94559

Public Conference Call:
Call-in Number: (877) 336-1831
Participant Code: 226167

For additional information, please contact:
Clerk of the Governing Board; (510) 286-5203

Agenda and attachments available at:
www.sfbayrestore.org

The Governing Board may take action on any item on this agenda.

1. Call to Order

Chair Dave Pine, Supervisor, County of San Mateo will call the meeting to order.

2. Roll Call

3. Public Comments

Information

4. Announcements

Information

5. Approval of Summary Minutes of November 18, 2015

Action

Attachment: Summary Minutes for November 18, 2015

6. Chair's Report

Information

Pine

A. Report on Governing Board Appointment

Attachments: Pierce Letter Dated January 5, 2016 and Governing Board Roster

7. Review Status of Threshold Issues

Information and Action on Item 7B

A. Tracking Poll Results

Ruth Bernstein, EMC Research, Inc.

B. Funding for Ballot Access Costs

Sam Schuchat, Executive Officer, California State Coastal Conservancy

Attachments: Memo and Resolution #11 on Ballot Access Funding

8. Report on Funding for San Francisco Bay Restoration Authority Operations

Information

Schuchat

9. Report on Project Stabilization Agreement

Action

Schuchat

**10. Review and Adopt Resolutions Calling a Special Election to be Held on
June 7, 2016 and Special Parcel Tax Ballot Measure.**

Action

Schuchat and Amy Hutzler, Deputy Executive Officer, State Coastal Conservancy

Attachments: Resolution #13 Calling a Special Election to be Held for the San Francisco Bay Restoration Authority on June 7, 2016; Requesting Services of Registrar of Voters; Requesting Consolidation of Election; and Specifying Certain Procedures for the Consolidation Election; and Resolution #14 Special Parcel Tax Ballot Measure for Voter Approval: The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure.

11. Report on Ballot Letter and Location and Process for Placement of the Resolution on County

Ballots

Information

Ken Moy, Legal Counsel, Association of Bay Area Governments

12. Appointment of New Advisory Committee Member

Action

Schuchat

Attachment: Hutzel memo on Advisory Committee Appointment

13. Adjournment

Next meeting is on Wednesday, February 24, 2016, 1:00 p.m. to 3:00 p.m.

Agenda submitted by the Clerk of the Governing Board:
January 6, 2016; Revised January 7, 2016

Agenda posted:
January 6, 2016; Reposted January 7, 2016

Blank Page



Governing Board

SUMMARY MINUTES (DRAFT)

Wednesday, November 18, 2015

1:00 p.m. to 3:00 p.m.

Meeting Location:

1330 Broadway, 11th Floor Conference Room
Oakland, California

For additional information, please contact:
Clerk of the Governing Board, (510) 286-5203

Agenda and attachments available at:
www.sfbayrestore.org

1. Call to Order

Ted Lempert, Chair, called the meeting to order at about 1:07 p.m.

2. Roll Call

Frederick Castro, Clerk of the Governing Board, reported that five (5) members were present. A quorum of the Governing Board was present.

Present were Ted Lempert, John Gioia, Dave Pine, Patricia Showalter, John Sutter.

Absent was Keith Caldwell.

Present were Kenneth Moy (ABAG); Judy Kelly and Karen McDowell (San Francisco Estuary Partnership); Sam Schuchat, Amy Hutzler, Kelly Malinowski (California State Coastal Conservancy).

3. Public Comments

There was no public comment.

4. Announcements

There were no announcements.

5. Approval of Summary Minutes of September 21, 2015

Lempert recognized a motion by Gioia and a second by Showalter to approve the summary minutes of the Governing Board meeting on September 21, 2015, as amended as follows:

Item 8, page 3, strikeout “Gioia”, and insert “Showalter”. There was no discussion. The motion passed with five (5) aye votes.

Ayes: Lempert, Gioia, Pine, Showalter, Sutter.

Nays: None.

Abstentions: None.

Absent: Caldwell.

6. Chair’s Report

Lempert announced that this was his last meeting as Chair. He thanked the Governing Board and agency staff for their work. Staff presented him with a framed photograph of a wetland and the *San Francisco Bay Shoreline Guide*.

7. Review Status of Threshold Issues

A. Funding for Ballot Access Costs

Sam Schuchat, Executive Officer, California State Coastal Conservancy, reported on funding for ballot access costs, including agreement with Santa Clara Valley Water District which goes before the SCVWD board on December 22, and outreach to the East Bay Recreation and Park District, the San Francisco Public Utility Commission, and the Sonoma County Water Authority.

Members discussed the agreement with the Santa Clara Valley Water District.

B. Public Support

Schuchat reported on public support, including press coverage since the last meeting, stemming from the release of the Bay Area Council’s *Surviving the Storm* report and the San Francisco Estuary Partnership’s State of the Estuary conference, and the Coastal Conservancy-supported *Baylands Ecosystems Habitat Goals* science update.

Members discussed scheduling an Advisory Committee meeting to bring members up-to-date and scheduling editorial boards.

C. Save The Bay Report on Campaign Progress

Paul Kumar, Save The Bay, reported on campaign progress, including the forming of People for a Clean and Healthy Bay; sponsored by the Bay Area Council, Save The Bay, and the Silicon Valley Leadership Group; the organizing of area committees; outreach to potential supporters; assembling of consultant team; pursuing donor contributions; and outreach labor, trades and labor councils.

Members discussed the continuing support of Save The Bay; support of the Sonoma Land Trust; developing messaging.

The following individual gave public comments: Barry Barnes, TBWB Strategies.

8. Report on Funding for San Francisco Bay Restoration Authority Operations

Schuchat reported on funding for the San Francisco Bay Restoration Authority operations, including outreach to and support received from cities and counties, special districts, nongovernmental organizations, state agencies, and businesses.

Members discussed following up with previously contacted organizations; support from the County of San Mateo; including information on restricting use of funds for non-campaign purposes; polling and consulting with legal and bond counsel; outreach to water agencies.

9. Report on Resolution on Job Creation

Schuchat reported on outreach to Operating Engineers Local Union 3.

The following individual gave public comments: Mark Kyle, Operating Engineers Local Union 3.

Members discussed outreach to building and construction trades and councils.

10. Report on Ballot Letter and Location and Process for Placement of the Resolution on County Ballots

Kumar reported on ballot letter and location and process for placement of the resolution on county ballots, including work with the Santa Clara County Registrar and Counsel regarding their role and ballot measure materials and outreach to County Boards of Supervisors, clerks of the Boards of Supervisors, and County Registrars and Counsels.

Members discussed outreach to County Boards of Supervisors and Registrars and Counsels.

11. Report on Draft Resolutions: Calling a Special Election and Special Parcel Tax Ballot Measure

Amy Hutzel, San Francisco Bay Area Program Manager, State Coastal Conservancy, reported on two revised draft resolutions, Calling a Special Election and Special Parcel Tax Ballot Measure, including addition of independent oversight committee, results of legal review, and update of project list and map.

Members discussed revenue distribution; reference to the project list and map; ballot question; revenue projections; independent oversight committee eligibility; accountability and use of proceeds of special tax; amendments and severability.

12. Report on Impartial Analysis

Ken Moy, Legal Counsel, Association of Bay Area Governments, reported on a preliminary draft response regarding an impartial analysis which will be provided to the Santa Clara County Registrar and Counsel.

Members discussed description of allocation of funds among counties.

13. Report from *Ad Hoc* Polling Committee

Judy Kelly, Executive Director, San Francisco Estuary Partnership, reported on the *Ad Hoc* Polling Committee, including selection of EMC to conduct a tracking poll regarding a June ballot measure, sample size, and polling questions.

Members discussed sample size; a split sample; focus on June voters.

14. Report on Schedule for Governing Board Meetings

Schuchat reported on the schedule for Governing Board meetings in 2016.

15. Adjournment

Lempert adjourned the Governing Board meeting at about 2:34 p.m.

Next meeting is on Wednesday, January 13, 2016, 1:00 p.m. to 3:00 p.m.

Submitted by the Clerk of the Governing Board:
January 6, 2016

Approved by the Governing Board:
TBD



January 5, 2016

Scott Wiener
Supervisor
Board of Supervisors
City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Supervisor Wiener:

I am pleased to appoint you as a member of the **Governing Board** of the **San Francisco Bay Restoration Authority** for the **West Bay** seat effective immediately. This appointment ends **March 20, 2017**. I appreciate your willingness to serve and I am confident that the **San Francisco Bay Restoration Authority** will benefit from your participation.

This appointment is expected to be ratified by the Executive Board at its meeting on January 21, 2016.

The San Francisco Bay Restoration Authority was established by enactment of AB 2954 (Lieber) in 2008 as a new regional government agency charged with raising and allocating resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. Enclosed are the legislation establishing the San Francisco Bay Restoration Authority and the list of Governing Board members.

The Governing Board meeting schedule for 2016 is also enclosed. Meeting notices and agendas are sent to Governing Board members at least one week before each meeting.



Scott Wiener
January 5, 2016
2

For additional information, please contact Samuel Schuchat, Executive Officer, California State Coastal Conservancy, (510) 286 1015, or Caitlin Sweeney, Director, San Francisco Estuary Partnership, (510) 622 2362.

Sincerely yours,



Julie Pierce
ABAG President
Councilmember, City of Clayton

Cc Samuel Schuchat
Caitlin Sweeney
Kenneth Moy

Enclosures:
AB 2954
Governing Board Members
Meeting Schedule

San Francisco Bay Restoration Authority
Governing Board

Appointed by the Executive Board of the Association of Bay Area Governments

Chair

Dave Pine
Supervisor
Board of Supervisors
County of San Mateo
400 County Center
Redwood City, CA 94063
Tel.: 650 363 4571
Fax: 650 368 3012
Email: dpine@smcgov.org
Appointed December 11, 2015

West Bay

Scott Wiener
Supervisor
Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 984102
Tel.: 415 554 6968
Fax: 415 554 6909
Email: scott.weiner@sfgov.org
Appointed January 4, 2016

East Bay

John Gioia
Supervisor
Board of Supervisors
County of Contra Costa
11780 San Pablo Avenue, Suite D
El Cerrito, CA 94530
Tel.: 510 231 8686
Fax: 510 374 3429
Email: john.gioia@bos.cccounty.us
Reappointed April 22, 2013

North Bay

Keith Caldwell
Supervisor
Board of Supervisors
County of Napa
County Administration Building
1195 Third Street, Suite 310
Napa, CA 94559
Tel.: 707 259 8277
Fax: 707 253 4176
Email: keith.caldwell@countyofnapa.org
Reappointed April 22, 2013

South Bay

Vacant

Bayside City/County

Patricia Showalter
Vice Mayor
City Council
City of Mountain View
City Hall
500 Castro Street, 3rd Floor
Mountain View, CA 94041-2010
Tel.: 650 903 6304
Fax: 650 962 8504
Email: Pat.Showalter@mountainview.gov
Appointed June 11, 2015

Bayside City/Park District

John Sutter
Director
East Bay Regional Park District
2950 Peralta Oaks Road
P.O. Box 5381
Oakland, CA 94605
Tel.: 510 530 3711
Tel.: 888 327 2757
Email: jsutter@ebparks.org
Reappointed April 22, 2013

Director

Ezra Rapport
Executive Director
Association of Bay Area Governments
101 8th Street
Oakland, CA 94607
Tel.: 510 464 7927
Fax: 510 464 7985
Email: ezrar@abag.ca.gov

Blank Page



MEMORANDUM

DATE: January 11, 2016

TO: Governing Board
San Francisco Bay Restoration Authority

FROM: Sam Schuchat
Executive Officer
State Coastal Conservancy

SUBJECT: Ballot Access Costs: San Francisco Bay Restoration Authority Agreements with East Bay Regional Park District and Sonoma County Water Agency

I recommend that the Authority adopt Resolution 11 authorizing the Chair to negotiate and execute agreements with the East Bay Regional Park District (“EBRPD”) and the Sonoma County Water Agency (“SCWA”) regarding contributions towards the Authority’s costs to place a parcel tax measure on the ballot in 2016.

Background

The Authority is considering whether to place a parcel tax measure on the ballot in 2016, but lacks sufficient funding for the costs to be charged by the nine counties for placing a measure on the ballot, which will be approximately \$2 million. On September 21, 2015, the Authority authorized execution of a memorandum of agreement with the Santa Clara Valley Water District (“SCVWD”) in which SCVWD agreed to pay up to \$1.5 million of the Authority’s costs to place a measure on the ballot, to be reimbursed out of tax revenues if the measure passes, and the Authority agreed to expedite review and consideration of SCVWD grant applications for the South Bay Salt Pond Restoration Project.

Memoranda of Agreement with EBRPD and SCWA

EBRPD provides open space, parks, trails, and recreational opportunities in Alameda and Contra Costa counties. In carrying out its mission, EBRPD undertakes bay restoration projects that provide a mix of tidal wetlands, related natural habitats, and wildlife-oriented public access and recreation along the San Francisco Bay shoreline in Alameda and Contra Costa counties. EBRPD supports the goals of the San Francisco Bay Restoration Authority Act and an Authority parcel tax measure, which could result in additional funding for EBRPD’s bay restoration projects. EBRPD is willing to enter into an agreement with the Authority on terms similar to those in the SCVWD agreement; EBRPD would contribute \$250,000 toward the Authority’s costs to place a

parcel tax measure on the ballot, to be reimbursed if a revenue measure passes, and the Authority would agree to expedite EBRPD grant applications.

SCWA manages water resources in Sonoma County for the benefit of people and the environment. Passage of the Authority's parcel tax measure could result in additional funding for restoration and protection of wetlands and natural habitats along the San Francisco Bay shoreline in Sonoma County. SCWA intends to consider, at its January 12, 2016 meeting, whether to enter into an agreement with the Authority, on terms similar to those in the SCVWD agreement, in which SCWA would contribute \$250,000 toward the Authority's costs to place a parcel tax measure on the ballot, to be reimbursed if the measure passes.

Given that additional funds for ballot costs are needed beyond SCVWD's contribution, the Authority would benefit from these agreements with EBRPD and SCWA.

Attachment
Resolution 11



Resolution 11

Authorizing Entry into Agreements with the East Bay Regional Park District and the Sonoma County Water Agency Concerning Ballot Measure Costs

Whereas, the San Francisco Bay Restoration Authority (“Authority”) was established by the San Francisco Bay Restoration Authority Act, California Government Code Sections 66700, et seq. (Act), as a regional entity to generate and allocate resources for the protection and enhancement of tidal wetlands and other wildlife habitat in and surrounding the San Francisco Bay; and

Whereas, the Act at California Government Code Section 66704(j) authorizes the Authority to enter into all necessary contracts; and

Whereas, on September 21, 2015, the Authority authorized its Chair to enter into the *Memorandum of Agreement Between the San Francisco Bay Restoration Authority and the Santa Clara Valley Water District Regarding Restoration of the South Bay Salt Ponds* (SCVWD MOA), setting forth an agreement by the Santa Clara Valley Water District to help the Authority pay the charges for placing a parcel tax measure on the ballot in nine counties.

Whereas, the East Bay Regional Park District desires to enter into agreement with the Authority similar to the SCVWD MOA, pursuant to which the East Bay Regional Park District would contribute additional funds for the Authority’s costs to place a parcel tax measure on the ballot in nine counties.

Whereas, the Sonoma County Water Agency desires to enter into an agreement with the Authority similar to the SCVWD MOA, pursuant to which the Sonoma County Water Agency would contribute additional funds for the Authority’s costs to place a parcel tax measure on the ballot in nine counties.

Now Therefore Be It Resolved, that the Governing Board of the San Francisco Bay Restoration Authority hereby:

- A. Authorizes its Chair to negotiate and enter into a memorandum of agreement with the East Bay Regional Park District on terms similar to those set forth in the SCVWD MOA.
- B. Authorizes its Chair to negotiate and enter into a memorandum of agreement with the Sonoma County Water Agency on terms similar to those set forth in the SCVWD MOA.
- C. Ratifies and confirms the acts of Its officers, agents and/or employees in heretofore executing the memorandum of agreement together with any acts performed In relation thereto.

San Francisco Bay Restoration Authority

Resolution No. 11

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on January 13, 2016, by the following vote:

AYES: Governing Board Members _____

NOES: Governing Board Members _____

ABSENT: Governing Board Members _____

ABSTAIN: Governing Board Members _____

Dave Pine
Chair

I, Kelly Malinowski, 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 January 13, 2016, which Resolution is on file in the office of this regional governmental entity.

Kelly Malinowski
Clerk of the Governing Board



Resolution #13

CALLING A SPECIAL ELECTION TO BE HELD FOR THE SAN FRANCISCO BAY RESTORATION AUTHORITY ON JUNE 7, 2016; REQUESTING SERVICES OF REGISTRAR OF VOTERS; REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION

WHEREAS, in accordance with Section 50075 et seq. of the Government Code, cities, counties and districts in California have the authority to impose special taxes pursuant to the provisions of Article XIII-A of the California Constitution, subject to the approval of two-thirds of the votes cast by voters voting upon the proposition;

WHEREAS, the San Francisco Bay Restoration Authority (“Authority”), a regional governmental entity, is authorized pursuant to the aforementioned provisions of the Government Code, as well as the San Francisco Bay Restoration Authority Act (Title 7.25 of the Government Code, commencing with section 66700), to levy a parcel tax, subject to the requisite two-thirds voter approval, in the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco (such nine counties, collectively, 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 (the “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 and recreation.

WHEREAS, the Authority proposes to levy a special parcel tax of \$12 per year for 20 years on each parcel wholly or partially in the San Francisco Bay Area, subject to two-thirds voter approval, to fund the programs identified in the Measure. Such a levy is anticipated to generate approximately \$25,000,000 a year to fund specific clean water, pollution prevention and habitat restoration projects and other purposes, including, without limitation, the possible payment of debt service on bonds issued by or on behalf of the Authority, all as set forth in the Measure; and

WHEREAS, pursuant to Government Code section 66704.05, when the Authority proposes the Measure to levy a parcel tax, the board of supervisors of the counties, including the City and County of San Francisco, (hereafter, all references to “County” include the City and County of San Francisco) in which the parcel tax is proposed, are required to call a special election on the Measure.

Resolution #13

**CALLING A SPECIAL ELECTION TO BE HELD
FOR THE
SAN FRANCISCO BAY RESTORATION AUTHORITY ON JUNE 7, 2016; REQUESTING
SERVICES OF REGISTRAR OF VOTERS;
REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING CERTAIN
PROCEDURES FOR THE CONSOLIDATION ELECTION**

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

FIRST: A special election is hereby called within each of the following nine Counties: Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, Sonoma and the City and County of San Francisco (comprising the entire jurisdiction of said Authority), which election is to be consolidated with the general election to be held on June 7, 2016. As required by Elections Code sections 13247 and 10403, the abbreviated form of the Measure as it shall appear on the ballot is as follows:

San Francisco Bay Clean Water, Pollution Prevention and
Habitat Restoration Program.

To protect San Francisco Bay for future generations by reducing trash, pollution and harmful toxins, improving water quality, restoring habitat for fish, birds and wildlife, protecting communities from floods, and increasing shoreline public access, shall the San Francisco Bay Restoration Authority authorize a parcel tax of \$12 per year, raising approximately \$25 million annually for twenty years with independent citizen oversight, audits, and all funds staying local?

Resolution #13

**CALLING A SPECIAL ELECTION TO BE HELD
FOR THE
SAN FRANCISCO BAY RESTORATION AUTHORITY ON JUNE 7, 2016;
REQUESTING SERVICES OF REGISTRAR OF VOTERS;
REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING
CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION**

The Measure shall be voted on within the entire jurisdiction of the Authority, which pursuant to the San Francisco Bay Restoration Authority Act (Act), comprises the nine Counties enumerated above and referred to in the Act as the San Francisco Bay Area. A 2/3 vote of all votes cast on the measure is required to pass the measure.

SECOND: The Registrar of Voters of each County in the San Francisco Bay Area is requested to give notice of said election in accordance with law and to perform all other acts which are required for the holding and conducting of said election.

THIRD: The Board of Supervisors of each County within the San Francisco Bay Area is hereby requested to order the consolidation of the Authority's special election with the other elections to be held on June 7, 2016, to conduct such election in accordance with the requirements set forth in Elections Code section 10418, and to provide the election precincts, polling places, and voting booths which shall in each County be the same, and that there shall be only one set of election officers in each of said precincts; and to further provide that the question set forth above shall be set forth in each form of ballot to be used at said election. Said Board of Supervisors is further requested to order the Registrar of Voters to: (a) set forth on all sample ballots relating to said consolidation election, to be mailed to the qualified electors of the Authority, the question set forth above and (b) provide absentee voter ballots for said consolidation election for use by qualified electors of said Authority who are entitled thereto, in the manner provided by law.

FOURTH: Pursuant to Government Code section 66704.05, each County within the San Francisco Bay Area shall use the exact ballot question, impartial analysis, and ballot language provided by the Authority. If two or more Counties are required to prepare a translation of ballot materials into a different language, the County that contains the largest population among those Counties that are required to prepare a translation of ballot materials into the same language shall prepare the translation and that translation shall be used by the other Counties, as applicable.

FIFTH: Pursuant to Government Code section 66704.05, the Registrar of Voters of each County within the San Francisco Bay Area shall mutually agree to use the same letter designation for the Measure.

SIXTH: Each Registrar of Voters of each County within the San Francisco Bay Area is hereby authorized and requested to canvass, or cause to be canvassed, as provided by law, the returns of said special election with respect to the total votes cast for and against said question and to certify such canvass of the votes cast to the Governing Board of the Authority.

Resolution #13

**CALLING A SPECIAL ELECTION TO BE HELD
FOR THE
SAN FRANCISCO BAY RESTORATION AUTHORITY ON JUNE 7, 2016;
REQUESTING SERVICES OF REGISTRAR OF VOTERS;
REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING
CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION**

SEVENTH: The clerk of this Board is hereby authorized and directed to certify to the due adoption of the resolution and to transmit a copy hereof so certified to each of the Registrar of Voters within the San Francisco Bay Area.

EIGHTH: The attachment to Resolution No. 14 shall comprise the full text of the Measure.

NINTH: The Authority recognizes that each County in the San Francisco Bay Area will incur additional costs because of the consolidation of the election on the Measure with the June 7, 2016 election and agrees to reimburse each County for the “incremental costs” thereof, as defined in Government Code section 66704.05(h). The Chair of the Authority is hereby authorized and directed to expend the necessary funds to pay those costs.

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on January 13, 2016, by the following vote:

AYES: Governing Board Members _____

NOES: Governing Board Members _____

ABSENT: Governing Board Members _____

ABSTAIN: Governing Board Members _____

Dave Pine
Chair

I, Kelly Malinowski, 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 January 13, 2016, which Resolution is on file in the office of this regional governmental entity.

Kelly Malinowski
Clerk of the Governing Board



Resolution #14

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 (sometimes referred to herein as the “Bay”) is the region’s greatest natural resource and its central feature and contributes significantly to the State’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 the State. 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: the Counties of Alameda, Contra Costa, Marin, Napa,

San Mateo, Santa Clara, Solano and Sonoma, and the City and County of San Francisco (such nine counties, collectively, 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 (the “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 and recreation.

WHEREAS, in accordance with Section 50075 et seq. of the Government Code, cities, counties and districts in the State have the authority to impose special taxes pursuant to the provisions of Article XIII-A of the California Constitution, subject to the approval of two-thirds of the votes cast by voters voting upon the proposition;

WHEREAS, the Authority is authorized pursuant to the aforementioned provisions of the Government Code, as well as the San Francisco Bay Restoration Authority Act (Title 7.25 of the Government Code, commencing with section 66700), to levy a parcel tax, subject to the requisite two-thirds voter approval, in the San Francisco Bay Area; and

WHEREAS, the Authority proposes to levy a special parcel tax of \$12 per year for 20 years on each parcel wholly or partially in the San Francisco Bay Area, subject to two-thirds voter approval, to fund the programs identified in the Measure. Such a levy is anticipated to generate approximately \$25,000,000 a year to fund specific clean water, pollution prevention and habitat restoration projects and other purposes, including the possible payment of debt service on bonds, all as set forth in the Measure; 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 (Title 7.25 of the Government Code, 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 June 7, 2016 election ballot within the San Francisco Bay Area. A full copy of the Measure is attached hereto.

Section 2. Tax Imposed and Rate.

Subject to two-thirds approval of the voters voting on the Measure, a special parcel tax (the “Special Tax”) shall be levied in the amount and in accordance with the terms and procedures set forth in the Measure, for a twenty-year year period commencing July 1, 2017 and ending June 30, 2037. The Special Tax shall be levied at an annual rate of twelve dollars (\$12) per parcel of taxable real property (as defined in the Measure) wholly or partially within the San Francisco Bay Area. The proceeds from the Special Tax shall be used solely to support the programs and priorities and other purposes set forth in the Measure, including, without limitation, the payment of debt service on bonds issued by or on behalf of the Authority for the purposes set forth in the Measure.

Section 3. Method of Collection.

Subject to two-thirds approval of the voters voting on the Measure, the Special Tax shall be collected by the Tax Collector of each county, including the City and County of San Francisco (hereafter, all references to “County” include the City and County of San Francisco) within the San Francisco Bay Area in accordance with the terms and procedures set forth in the Measure.

Section 4. Accountability.

The Authority’s levy, collection and expenditure of the Special Tax shall be subject to the transparency, independent audit, and accountability measures set forth in the Measure, including requirements that: (a) the proceeds of the Special Tax be used solely for supporting the programs and priorities and other purposes set forth in the Measure; (b) the proceeds of the Special Tax be deposited in a special account; (c) the proceeds of the Special Tax be spent only for projects in the San Francisco Bay Area identified in the Measure and cannot be taken by the State; (d) an independent, annual audit be conducted of all Special Tax proceeds collected and allocated under the Measure; (e) an annual report be prepared showing both the amounts of Special Tax proceeds collected and expended and the status of any project funded pursuant to the Measure; and (f) annual audits and reports be submitted to an Independent Citizen Oversight Committee for review, with its findings to be posted on the Authority’s website.

Section 5. Additional Action.

The 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 attached hereto, to the abbreviated form of the Measure, or to the text of this Resolution or Resolution No.13 (calling the special election), as may be convenient or necessary to comply with the intent of this Resolution and Resolution No.13 to place the Measure on the June 7, 2016 ballot, the requirements of elections officials, or the requirements of the law; and to take or authorize any administrative actions necessary to effectuate placing the measure on the ballot and administering the said election, including without limitation, drafting the argument in favor of the measure and fixing the dates on which arguments and rebuttals are due .

Section 6. CEQA.

Pursuant to the State California Environmental Quality Act (CEQA) Guidelines section 15378(b)(4), adoption of this resolution to place the Measure, 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.

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on January 13, 2016, by the following vote:

AYES: Governing Board Members _____

NOES: Governing Board Members _____

ABSENT: Governing Board Members _____

ABSTAIN: Governing Board Members _____

Dave Pine
Chair

I, Kelly Malinowski, 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 January 13, 2016, which Resolution is on file in the office of this regional governmental entity.

Kelly Malinowski
Clerk of the Governing Board

Attachment to Resolution 14 of

Governing Board
San Francisco Bay Restoration Authority

Special Parcel Tax Ballot Measure for Voter Approval
The San Francisco Bay Clean Water, Pollution Prevention and
Habitat Restoration Measure

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

The people of the San Francisco Bay Restoration Authority do ordain as follows:

Section 1. Findings and Purpose.

Over the last century, landfill and toxic pollution have had a massive impact on San Francisco Bay (sometimes referred to herein as the “Bay”). It is not too late to reverse this impact and restore the Bay for future generations. To meet that objective, in 2008, state law established the San Francisco Bay Restoration Authority (the “Authority”), 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 (the “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 and recreational areas.

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

Subject to voter approval, the Authority hereby establishes a special parcel tax (the “Special Tax”) the proceeds of which shall be used solely for the purpose of supporting the programs and priorities and other purposes set forth in this Measure. The Special Tax shall be levied at a rate of twelve dollars (\$12) per parcel within the jurisdiction of the Authority, which consists of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma and the City and County of San Francisco (such nine counties, collectively, the “San Francisco Bay Area”). The Special Tax shall be levied annually for a total of twenty (20) years, commencing July 1, 2017 and ending June 30, 2037.

The Special 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 (including the City and County of San Francisco) 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 Special Tax and any penalty shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid. Any Special Tax levied shall become a lien upon the properties against which taxes are assessed and collectible as herein provided. The Special 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 Special 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 Special Tax.

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

The revenues from the Special Tax set forth in Section 2 above shall be used solely for the purpose of supporting programs and priorities and purposes set forth in this Measure, including the following:

A. Program Descriptions

Under this Measure, the Authority may fund projects along the Bay shorelines within the Authority's jurisdiction, which consists of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma and the City and County of San Francisco. 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. These projects shall advance the following programs:

1. Safe, Clean Water and Pollution Prevention Program

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

- 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 the 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 the Bay.

2. Vital Fish, Bird and Wildlife Habitat Program

The purpose of this program to be funded under the Measure is to significantly improve wildlife habitat that will support and increase vital populations of fish, birds, and other wildlife in and around the 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 to be funded under the Measure is to use natural habitats to protect communities along the Bay's shoreline from the risks of severe coastal flooding caused by storms and high water levels.

- 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, to protect existing shoreline communities, agriculture, and infrastructure.

4. Shoreline Public Access Program

The purpose of this program to be funded under the Measure is to enhance the quality of life of Bay Area residents, including those with disabilities, through safer and improved public access, as part of and compatible with wildlife habitat restoration projects in and around the 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. Provide interpretive materials and special outreach events about pollution prevention, wildlife habitat, public access, and flood protection, to protect the Bay's health and encourage community engagement.

B. Additional Allocation Criteria and Community Benefits

1. The Authority shall ensure that the Measure's revenue is spent in the most efficient and effective manner, consistent with the public interest and in compliance 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, 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 in the San Francisco Bay Area over the life of the Measure.
 - d. Increase impact value by leveraging state and federal resources and public/private partnerships.
 - e. Benefit economically disadvantaged communities.
 - f. Benefit the region's economy, 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 develop 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 ensure that 50% of the total net revenue generated during the 20-year term of the Special Tax is allocated to the four Bay Area regions, defined as the North Bay (Sonoma, Marin, Napa and Solano Counties), East Bay (Alameda and Contra Costa Counties), West Bay (City and County of San Francisco and San Mateo County) and South Bay (Santa Clara County) in proportion to each region's share of the Bay Area's population, as determined in the 2010 census, and consistent with the priorities set forth in this section. As a result, each region will receive the following minimum percentage of

total net revenue generated during the 20-year term of the Special Tax: North Bay: 9%, East Bay: 18%, West Bay: 11%, South Bay: 12%. The remaining revenue shall be allocated consistent with all other provisions of this Measure.

3. 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.
4. 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 programs and priorities set forth in this Measure.
5. No Special Tax proceeds shall be used for campaign advocacy.
6. No more than 5% of the Special Tax proceeds generated in any given fiscal year may be used by the Authority for general government purposes in such fiscal year, including to administer the projects funded under this Measure. Any unused funds may be carried over for use in subsequent fiscal years.
7. The Authority shall have the right, power and authority to pledge Special Tax proceeds to the payment of bonds of the Authority or another public agency (including, but not limited to, a joint powers authority created pursuant to Article 1 of the Joint Exercise of Powers Act (Government Code Section 6500 et seq.)), and use Special Tax proceeds to pay debt service on such bonds and the costs of issuance related thereto.

C. Accountability and Oversight

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

1. The specific purpose of the Special Tax shall be to support only programs and priorities and other purposes listed in this Measure. The Special Tax proceeds shall be applied only for specific purposes of this Measure and shall be spent only in accordance with the procedures and limitations set forth in this Measure.
2. A separate account shall be created by the Authority into which all Special Tax proceeds must be deposited. The Authority shall commission an independent annual audit of all revenues deposited in, and all expenditures made from, the separate account and publish annual financial statements.
3. All Special Tax revenue, except as set forth in Section 3.B.6 above, shall be spent on projects for the benefit of the San Francisco Bay Area, and shall not be taken by the State.
4. The Authority shall prepare annual written reports showing (i) the amount of funds collected and expended from Special Tax proceeds and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the Special Tax, as

identified above. The report shall comply with 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. Advisory Committee meetings will be announced in advance and will be open to the public. The responsibilities of the Advisory Committee shall include, but shall not be limited to: (a) advising the Authority about implementation of this Measure; and (b) making recommendations regarding expenditure priorities under this Measure.
6. The Authority shall appoint six members of the public to an Independent Citizens Oversight Committee that shall: (a) annually review the Authority's conformance with the Measure; (b) review the Authority's audits and expenditure and financial reports; and (c) publish an annual report of its findings, which shall be posted on the Authority's website. The six members shall include residents of the North Bay, East Bay, West Bay, and South Bay, as defined in Government Code 66703(a), who are experts in water quality, pollution reduction, habitat restoration, flood protection, improvement of public access to the Bay, or financing of these objectives. No person may serve on the Independent Citizens Oversight Committee who (a) is an elected official or government employee, or (b) has had or could have a financial interest in decisions of the Authority as defined by Government Code section 87103 and the Fair Political Practices Commission.

Section 4. Establishment of Appropriation Limit.

Pursuant to Article XIII-B of the California Constitution and section 66704.05(b)(2) of the Government Code, the appropriation limit of the Authority shall be set by the total revenues actually received by the Authority from the proceeds of the Special Tax levied in fiscal year 2017-18, as adjusted each fiscal year thereafter for the estimated change in the cost of living, population and number of parcels on which the Special Tax is levied (such estimate to be determined by the Governing Body of the Authority and be conclusive for all purposes after made). The appropriation limit may be further adjusted by any other changes that may be permitted or required by Article XIII-B of the California Constitution.

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 provisions of this Measure to applicable State law, to modify the methods of levy and collection of the Special 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 Measure as if such invalid portion were not included.



Date: January 4th, 2016

To: Governing Board
San Francisco Bay Restoration Authority

From: Amy Hutzell
Deputy Executive Officer
State Coastal Conservancy

Subject: **Appointment to the Advisory Committee**

Staff is recommending that the Governing Board appoint Andrea Jones to represent Audubon California on the Advisory Committee. The previous Audubon California representative, Jordan Wellwood, who was the Director of the Richardson Bay Audubon Center & Sanctuary, has left this position at Audubon California. Andrea Jones, Director of Bird Conservation at Audubon California, has been recommended by Audubon California to be appointed to the Advisory Committee. Audubon California represents an important stakeholder with interests in the restoration of Bay wetlands.

The following is a brief biography for Ms. Jones:

Andrea Jones is the Director of Bird Conservation for Audubon California. Andrea leads Audubon's coastal programs and works with staff and the network of Audubon chapters across the state to implement conservation projects at high priority Important Bird Areas (IBAs). She oversees Audubon's efforts in priority bird species and serves as a spokeswoman for bird conservation across California. Prior to California, Andrea worked at Massachusetts Audubon where she served as the Director of the Coastal Waterbird Program. Andrea received her M.S. in Wildlife Conservation/Ornithology and her B.S. in Wildlife Biology and Management from the University of Massachusetts, Amherst. She is a past board member and continues to volunteer for her local Audubon chapter, Morro Coast Audubon. Andrea is currently serving as Interim Director for the San Francisco Bay Program.

Recommendation

Staff recommends that the Governing Board approve the appointment of Andrea Jones, Director of Bird Conservation, Audubon California, to the Advisory Committee of the San Francisco Bay Restoration Authority.

Blank Page



Meeting Schedule

For additional information or to confirm meeting time and location, please contact:
Clerk of the Governing Board, (510) 464 7900

Agenda and attachments available at:
www.sfbayrestore.org

GOVERNING BOARD

Meeting Time:
1:00 p.m. to 3:00 p.m.

Meeting Location:
California State Coastal Conservancy
1330 Broadway, 11th Floor Conference Room
Oakland, California 94612

2016

Wednesday, January 13

Wednesday, February 24

Wednesday, April 27

Wednesday, May 25

Wednesday, June 29

Wednesday, September 28

Wednesday, November 30