



Date: January 18, 2012

To: Governing Board

From: Amy Hutzell
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State Coastal Conservancy

Subject: **Proposed Amendments to the San Francisco Bay Restoration Authority's Enabling Legislation**

Staff has identified the need to amend the San Francisco Bay Restoration Authority's enabling legislation (Government Code Sections 66700-66706) to accomplish the following:

- **Reverse the exclusion of the northeastern Contra Costa County shoreline from eligibility for ABAG appointment to the Governing Board and address the exclusion of the eastern Solano and Contra Costa shorelines from the definition of San Francisco Bay.**

Discussion: The eastern portion of the Bay shoreline in Contra Costa County was inadvertently excluded from the "East Bay" area to be eligible for appointment to the Governing Board. The eastern portions of Solano and Contra Costa Counties (east of Simmons Point and Stake Point) are excluded from the definition of "San Francisco Bay" in the Authority's enabling legislation, which references the definition of San Francisco Bay in BCDC's enabling legislation.

- **Extend the sunset date for the Restoration Authority's enabling legislation from January 1, 2029 to January 1, 2039.**

Discussion: January 1, 2029 now appears to be too early for prudent administration of revenue expected to begin flowing to the Restoration Authority for its legislated purposes no sooner than late 2015 if a planned ballot measure passes—with funds continuing to come in for 10 to 20 years (i.e., through 2035). The revenue will be used for grants for Bay restoration projects, which often take several years to complete. To enable the Restoration Authority to carry out its fiduciary responsibilities with respect to grant funds, the sunset date for the Restoration Authority should be extended at least seven years to 2036, but preferably ten years to 2039.

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Coastal Conservancy staff is in the process of working with Bay Area legislators to identify an appropriate existing bill in which to incorporate amendments to the Restoration Authority's enabling legislation to accomplish these objectives. If the Governing Board wishes to seek other amendments to the enabling legislation, it may be possible to incorporate them up until late Spring; alternatively, additional amendments could be sought in a future legislative session.