



To: Governing Board, San Francisco Bay Restoration Authority  
Fr: Kenneth Moy, Legal Counsel  
Dt: March 14, 2014  
Re: Report on Status of Ballot Advisors and Work Products

Summary and Requested Action: Election counsel has been retained and has been working with staff. All tasks assigned to election counsel have been completed with a tax opinion requested through election counsel due this week. We request authorization for a contract with NBS for technical services for pre – election work at \$10,000. Option post – election tasks are available as detailed below (optional tasks total can \$257,500 over a five year period).

Report: Pursuant to Governing Board authorization at its January 29 meeting, Remcho, Johnson and Purcell has been retained as election counsel to the Authority. The Conservancy's senior staff counsel, Amy Roach and I are coordinating the work of election counsel with the Authority's volunteer staff. At this point, we have focused on the possible geographies of a special tax, the availability of exemptions, timing for the ballot measure and coordination of tasks. At this point all tasks assigned to election counsel have been completed.

We have also requested a tax opinion from Caplan and Drysdale through the Remcho firm and it is expected this week.

At the direction of the Governing Board, ABAG negotiated a contract with NBS to coordinate with county tax assessors/recorders in connection with the special tax measure. The cost of such services is based on an hourly rate and capped at \$10,000. At that time, the need for post – election coordination with county tax assessors/recorders became apparent.

NBS proposes providing one – time, post – election services for commencing and documenting the processes for application of the tax and ensuring a smooth billing process in all nine counties on an hourly rate basis and capped at \$20,000. This service is optional and is at the discretion of the Authority.

NBS also proposes providing annual tax administration services that include data gathering, database maintenance, calculation of the levy and submission to the counties, and a levy report in compliance with law. The annual fee for this service is \$47,500. This service is optional and is at the discretion of the Authority which can exercise that option on an annual basis for a maximum of 5 years.