



Date: February 19, 2015

To: Governing Board
San Francisco Bay Restoration Authority

From: Ted Lempert
Chair

Subject: **Legislative Activities in 2015 – Action Item**

Following the decision of the Governing Board not to move forward with a 2014 regional restoration funding measure, staff have begun early planning consistent with this Board's direction around a possible measure in 2016.

In that process, Save The Bay has identified several modifications to the Authority's existing enabling statute (Govt. Code §66700 et seq.) that would provide clarification or other necessary changes as the Board plans for a future regional measure.

Planned Changes to Statute

1. Extension of Sunset – Current statute establishes a repeal (sunset) date of January 2029 for the Authority. Absent an extension of the sunset date, the Authority would be unable to propose a revenue measure in 2016 with a term of more than 12 years. An extension of the sunset to 2049 would allow the Authority to propose a 30 year measure, and provide an additional 2 years of operations following expiration.
2. Governing Board – Government Code section 1090 prohibits an individual from simultaneously serving in two offices when there is a potential conflict of interest except when there is clear statutory authority allowing an individual to do so. The current statute explicitly allows six elected officials to serve both as a councilmember/supervisor/district board member and as a member of the Governing Board. The current statute does not explicitly allow an elected official to serve as the Chair of the Governing Board. The statute will be amended to explicitly allow an elected to serve as the chair and remove this disparity.
3. Ballot Access – Legislation in 2013 provided the Authority with one-time reduced cost access to the regional ballot. That provision expires in 2016 unless it is extended, regardless of whether the Authority moves forward with a measure.

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4. Bonding Limit – Current statute limits the Authority’s total amount of bonded indebtedness at any one time to 10% of total revenues in the previous fiscal year. This functionally eliminates the Authority’s ability to use bonding authority to fund projects. Proposed amendments would eliminate the 10% cap, and rely on the existing statutory limit in place (Resources Code 5790) of 5% of regional assessed value.

Recommendation

No additional action by the Governing Board is needed at this time.