



**Resolution No. 101**

**Amending the San Francisco Bay Restoration Authority  
Advisory Committee Procedural Document**

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

**Whereas**, the Act provides for a Bay Restoration Advisory Committee (“Advisory Committee”) to advise the Governing Board of the Authority; and

**Whereas**, in June of 2016, The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (“Measure AA”) passed with over a two-thirds majority in the nine-county San Francisco Bay Area; and

**Whereas**, Measure AA describes additional responsibilities of the Advisory Committee; and

**Whereas**, on April 27, 2016, the Authority adopted the *San Francisco Bay Restoration Authority Advisory Committee Procedural Document* and amended it on October 12, 2016, February 10, 2017, and December 10, 2021 (“Procedural Document”); and

**Whereas**, staff of the Authority recommend that the Authority amend the Procedural Document to update the stipend policy so that all members (except for government employees, who are ineligible) who participate in additional Advisory Committee work, such as subcommittee meetings and grant application reviews, will receive a stipend for sharing their expertise in these essential processes unless they choose to waive it;

**Now Therefore Be It Resolved**, that the Governing Board of the San Francisco Bay Restoration Authority hereby adopts amendments to the Procedural Document as shown in Exhibit A to this Resolution 101.

**PASSED AND ADOPTED** by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on October 14, 2022, by the following vote:

AYES: Governing Board Members Pine, Peskin, Gorin, Holman, Lieber, Hahn

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

ABSENT: Governing Board Members Gioia

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

*Dave Pine*

\_\_\_\_\_  
Dave Pine, Chair

I, Devin Bancod, 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 October 14, 2022, which Resolution is on file in the office of this regional governmental entity.

*Devin Bancod*

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Devin Bancod, Clerk



# San Francisco Bay Restoration Authority Advisory Committee Procedural Document

(Rev. ~~December 10, 2021~~ October 14, 2022)

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## Contents

- I. San Francisco Bay Restoration Authority Enabling Legislation: Advisory Committee Membership and Responsibilities
- II. The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure: Advisory Committee Responsibilities
- III. Role of the Advisory Committee, Process for the Addition of Advisory Committee Members, and Additional Criteria

## Attachments

- A. San Francisco Bay Restoration Authority Enabling Legislation: Advisory Committee Section
- B. The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure: Advisory Committee References

**I. San Francisco Bay Restoration Authority Enabling Legislation: Advisory Committee Membership and Responsibilities**

A. Advisory Committee Statutory Provisions

The Authority's enabling legislation, the San Francisco Bay Restoration Authority Act ("enabling legislation"), establishes the San Francisco Bay Restoration Authority ("Restoration Authority") (California Government Code Sections<sup>1</sup> 66700 – 66706). The enabling legislation provides for an Advisory Committee to advise the Restoration Authority. Section 66703.7 outlines the membership and responsibilities of the Advisory Committee. A copy of section 66703.7 is set forth in Attachment A to this document.

B. Advisory Committee Roles

The enabling legislation requires the Advisory Committee to be formed no later than six months after the date of the first board meeting of the Restoration Authority. The purpose of the Advisory Committee is to assist and advise the board in carrying out its functions, meeting on a regular basis.

C. Advisory Committee Membership

The Restoration Authority determines the membership of the Advisory Committee based on criteria that represent both the interests of the community, as well as the interests of agencies within the Restoration Authority's jurisdiction, pertaining to the restoration of wetland areas in the San Francisco Bay and along its shoreline.

The enabling legislation provides that membership of the Advisory Committee may include, but is not limited to, representatives from the below:

1. The Department of Fish and Game
2. The State Coastal Conservancy
3. The San Francisco Bay National Wildlife Refuge Complex operated by the United States Fish and Wildlife Service
4. Open space park districts that own or operate shoreline parcels in the San Francisco Bay Area
5. The San Francisco Bay Regional Water Quality Control Board
6. The San Francisco Bay Conservation and Development Commission
7. The San Francisco Bay Joint Venture Management Board
8. The San Francisco Bay Trail Project
9. The San Francisco Estuary Partnership
10. Nongovernmental organizations working to restore, protect, and enhance San Francisco Bay wetlands and wildlife habitat
11. Members of the public from bayside cities and counties in the San Francisco Bay Area

There will be a maximum of 34 Advisory Committee members.

D. Conflict of Interest Information

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<sup>1</sup> All subsequent references to sections are to the California Government Code unless otherwise indicated.

## Exhibit A: Advisory Committee Procedural Document

Members of the Advisory Committee are not public officials of the Authority within the meaning of the California Political Reform Act. Therefore, Advisory Committee members do not have a conflict of interest under the California Political Reform Act when making recommendations for Authority actions even if such actions could affect their employers. However, to protect public confidence in Advisory Committee recommendations, Advisory Committee members shall follow these guidelines:

1. A member shall not review or evaluate a grant application submitted by their employer.
2. A member shall not participate in reviewing or evaluating grant applications responsive to a grant solicitation if their employer has submitted an application in response to that same solicitation.
3. A member shall not participate in a vote of the Advisory Committee concerning specific grant applications if the vote would affect a grant application submitted by a member's employer.
4. A member who is aware of a future grant application that their employer is considering submitting should disclose this information when participating in discussions of Authority priorities.
5. Aside from the above restrictions, members may participate fully in Advisory Committee discussions, recommendations and votes regarding Authority priorities for grant solicitations and grant applications even if the member's employer could apply or has applied for a grant.

### E. Stipend Policy

The Authority will not reimburse Advisory Committee members for travel and per diem expenses and other costs associated with participation in Authority activities. The Authority will provide a stipends to eligible Advisory Committee members for attendance at Advisory Committee meetings and other specified Advisory Committee work. The stipends will consist of the following: ~~one~~

- Two hundred dollars per day for each day of attendance at an Advisory Committee meeting;
- Two hundred dollars for each completed review of a grant application (with submission of a review sheet);
- Two hundred dollars for participation in the application review meeting for the competitive grant round; and
- One hundred dollars per one-hour subcommittee meeting.

All Advisory Committee members, except those who are government employees, are eligible to receive the stipend. In order to receive the stipend, a member must submit, on a one-time basis, the form required for processing payments. A member may waive the stipend. If a member fails to submit the form required for processing payments before the end of the fiscal year, the member will be deemed to have waived the stipends for the meetings and grant application reviews that occurred during that fiscal year.

## II. **The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure: Advisory Committee Responsibilities**

On January 13, 2016, the Restoration Authority voted to place The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure ("Measure AA") on the June 2016 ballot. Measure AA gives the Advisory Committee additional responsibilities. These include:

1. Review and comment on annual written reports by the Restoration Authority that show:
  - a. The amount of funds collected and expended from Special Tax proceeds, and

## Exhibit A: Advisory Committee Procedural Document

- b. The status of any projects or programs required or authorized to be funded from the proceeds of the Special Tax, as identified in Measure AA.
2. Advise the Restoration Authority about implementation of Measure AA and all other aspects of the Restoration Authority's activities under Measure AA, to ensure maximum benefit, value, and transparency.
3. Make recommendations regarding expenditure priorities under Measure AA.

Measure AA also provides that Advisory Committee meetings will be announced in advance and will be open to the public.

The sections of Measure AA pertaining to the Advisory Committee are set forth in Attachment B to this document.

The Advisory Committee has one additional responsibility not included in Measure AA which is:

4. Work with Restoration Authority staff to develop grant solicitations and procedures for evaluating grant proposals and reviewing and assessing projects.

### **III. Role of the Advisory Committee, Process for the Addition of Advisory Committee Members, and Additional Criteria**

#### **A. Role of the Advisory Committee**

As outlined in Section 66703.7, the Advisory Committee membership must represent the communities and agencies within the geographic jurisdiction of the Restoration Authority, and assist and advise the Restoration Authority's board in carrying out its functions. Many of the Advisory Committee members are representing entities with interests in restoration of San Francisco Bay.

The Advisory Committee carries out its role through meetings that are open to the public and subject to the Ralph M. Brown Act (Government Code section 54950, et. seq.). The Advisory Committee meets quarterly. All Advisory Committee meetings are publicly noticed on the Restoration Authority's website. An Advisory Committee Chair will be appointed by the Governing Board. The Chair will be responsible for running meetings and compiling meeting notes to deliver to the Governing Board, and serve as a liaison between the Advisory Committee and the Governing Board. The Advisory Committee will also have a Vice Chair, who will act as chair in the chair's absence.

The Restoration Authority provides staff support to the Advisory Committee and records minutes, which will include recommendations made by Advisory Committee members. Agendas and minutes from Advisory Committee meetings are made available on the Restoration Authority website and are transmitted to the Board.

#### **B. Advisory Committee Membership: Process and Criteria**

## Exhibit A: Advisory Committee Procedural Document

This section describes the process the Restoration Authority will use to select new Advisory Committee members and the selection criteria that the Restoration Authority will use in addition to the statutory criteria in Section 66703.7. The process includes both the solicitation of new members, whether as individuals or as representatives of entities, and the substitution of appointees of entities represented on the Advisory Committee.

1. Process for the Selection of Advisory Committee Members
  - a. Solicitation for New Advisory Committee Members
    - i. When the Restoration Authority staff, in consultation with the Governing Board, determines new Advisory Committee members are needed, the Restoration Authority will release a Request for Statements of Interest (“SOIs”) to the Restoration Authority’s mailing list, post the Request for SOIs on the Restoration Authority’s website, and also conduct additional, general public outreach to solicit a diverse group of individuals. All SOIs received by the deadline will be forwarded to the Authority staff for review.
    - ii. Individuals that inquire about Advisory Committee membership will be placed on the Restoration Authority’s mailing list to be notified when each SOI is released.
    - iii. The only exception to this process is outlined in subsection b. below, regarding substitutions for representatives of entities represented on the Advisory Committee.
  - b. Substitutions of Representatives
    - i. The only exception to the process outlined above in subsection a. is for substitutions of appointees of entities represented on the Advisory Committee. An entity represented on the Advisory Committee may request in writing the designation of a new appointee to represent their entity, (for example, if their current representative changes positions or leaves the entity or if the entity desires a different representative).
    - j. Substitutes of Advisory Committee members will be made at a public Restoration Authority Governing Board meeting via a resolution passed by the Restoration Authority Governing Board.
  - c. Selection of Advisory Committee Members
    - i. All Advisory Committee members will be added to the Advisory Committee at a public Restoration Authority Governing Board meeting via a resolution passed by the Restoration Authority Governing Board, and based on criteria outlined in Section 66703.7.
  - d. Terms
    - i. New Advisory Committee members will be appointed for renewable four-year terms. Current members will be assigned either a two-year or four-year term with approximately one half assigned to two-year terms.
2. Additional Criteria for the Selection of Advisory Committee Members
  - a. The Restoration Authority will strive to balance representation among public agencies, non-profit organizations, community groups, business interests, and individuals, and will strive to ensure continued representation of each of the

## Exhibit A: Advisory Committee Procedural Document

statutorily-listed entities under Section 66703.7, and will encourage racial, ethnic, income, and gender diversity.

- b. The Restoration Authority will strive to ensure geographic representation across the region and will include at least one representative from each of the nine counties in the San Francisco Bay Area.
- c. The Restoration Authority will strive to have representation of various technical and policy issues that pertain to the work of the Restoration Authority. These areas of expertise include:
  - i. Habitat restoration;
  - ii. Environmental justice.
  - iii. Water quality;
  - iv. Flood protection;
  - v. Public access and recreation;
  - vi. Pollution reduction;
  - vii. Economic;
  - viii. Public and private financing;
  - ix. Community engagement;
  - x. Regulatory policies;
  - xi. Regional and local governance in the San Francisco Bay Area;
  - xii. Operation and maintenance of Public Lands;
  - xiii. Monitoring and evaluation of restoration;
  - xiv. Public and private partnerships;
  - xv. Public health; and
  - xvi. Climate adaptation.



**ATTACHMENT A**

**San Francisco Bay Restoration Authority Enabling Legislation: Advisory Committee Section**

**Government Code Section 66703.7:**

(a) Not later than six months after the date of the board's first meeting described in subdivision (a) of Section 66703.6, the board shall convene a Bay Restoration Advisory Committee to assist and advise the board in carrying out the functions of the board. The advisory committee shall meet on a regular basis.

(b) The membership of the advisory committee shall be determined by the authority based upon criteria that provide a broad representation of community and agency interests within the authority's jurisdiction over the restoration of wetland areas in the San Francisco Bay and along its shoreline. The membership of the advisory committee may include, but is not limited to, representatives from the following:

- (1) The Department of Fish and Game.
- (2) The State Coastal Conservancy.
- (3) The San Francisco Bay National Wildlife Refuge Complex operated by the United States Fish and Wildlife Service.
- (4) Open space and park districts that own or operate shoreline parcels in the San Francisco Bay Area.
- (5) The San Francisco Bay Regional Water Quality Control Board.
- (6) The San Francisco Bay Conservation and Development Commission.
- (7) The San Francisco Bay Joint Venture Management Board.
- (8) The San Francisco Bay Trail Project.
- (9) The San Francisco Estuary Project.
- (10) Nongovernmental organizations working to restore, protect, and enhance San Francisco Bay wetlands and wildlife habitat.
- (11) Members of the public from bayside cities and counties in the San Francisco Bay Area.

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=66703.](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=66703)

**ATTACHMENT B**

**The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure**

Included below is the section of The San Francisco Bay Clean Water Pollution Prevention and Habitat Restoration Measure related to the Restoration Authority's Advisory Committee.

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

**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:

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.