



SAN FRANCISCO BAY
RESTORATION AUTHORITY

MEMORANDUM

DATE: October 20, 2023

TO: Governing Board
San Francisco Bay Restoration Authority

FROM: Karen McDowell, Deputy Program Manager
San Francisco Bay Restoration Authority

SUBJECT: Amendment of Oversight Committee Procedural Document

Staff recommends that the San Francisco Bay Restoration Authority (Authority) amend the Independent Citizens Oversight Committee (Oversight Committee) procedural document to update the application, selection, and resignation process and to update the stipend policy to make it consistent with the Advisory Committee stipend policy.

One of the proposed changes specifies the option of using an ad hoc subcommittee of the Governing Board to assist in the process of selecting new members to the Oversight Committee. Another proposed revision changes the process for reappointment of members seeking a second term. The suggested revision allows the Authority to reappoint a member to a second term without releasing a Request for Statements of Interest and without requiring the member to resubmit a Statement of Interest. Members could express their interest in applying for a second term via email and then staff could make a recommendation to the Governing Board for reappointment. An additional suggested change in the procedural document would allow members who are resigning to submit their resignation to the Executive Officer instead of the Governing Board.

The stipend policy was amended on October 15, 2021 and again on December 10, 2021, to add a stipend of \$100 and then to make it an opt-out policy. At the time, the Advisory Committee already had a \$100 stipend, but changed their policy to an opt-out policy, so that the two policies were similar and in line with each other and with the equity recommendations approved by the Authority on July 17, 2020, specifically action 2.1 to “Seek more diverse and accurate representation on the Authority’s Advisory Committee, and Citizens Oversight Committee and on the Governing Board.” On October 14, 2022, the Governing Board approved a change in the stipend policy for the Advisory Committee changing the stipend for attending meetings from \$100 to \$200 per meeting. The proposed change will increase the stipend for attending Oversight Committee meetings from \$100 to \$200, so that it is once again aligned with the stipend policy for the Advisory Committee.

Recommendation

Staff recommends the Authority adopt Resolution 118, approving the changes in the Oversight Committee Procedural Document as described above and as shown in the redline version, attached to the Resolution as Exhibit A.



SAN FRANCISCO BAY
RESTORATION AUTHORITY

Resolution No. 118

**Amending the San Francisco Bay Restoration Authority
Independent Citizens Oversight 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, 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 requires creation of the San Francisco Bay Restoration Authority Independent Citizens Oversight Committee (“Oversight Committee”); and

Whereas, the Authority has adopted the *San Francisco Bay Restoration Authority Independent Citizens Oversight Committee Procedural Document*, adopted April 27, 2016, amended February 10, 2017, October 15, 2021, and December 10, 2021 (“Procedural Document”);

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 118.

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on October 20, 2023, by the following vote:

Gioia Peskin Hahn Gauthier

AYES: Governing Board Members _____

NOES: Governing Board Members _____

ABSENT: Governing Board Members _____

ABSTAIN: Governing Board Members _____

Dave Pine

Dave Pine, Chair

I, Paul Johnson, 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 20, 2023, which Resolution is on file in the office of this regional governmental entity.

Paul Johnson

Paul Johnson, Clerk



SAN FRANCISCO BAY
RESTORATION AUTHORITY

**San Francisco Bay Restoration Authority
Independent Citizens Oversight Committee
Procedural Document**
(Rev. October 20, 2023 ~~December 10, 2021~~)

Contents

- I. The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (“Measure AA”): Independent Citizens Oversight Committee Roles and Responsibilities
- II. Independent Citizens Oversight Committee Member Qualifications and Process for the appointment of Independent Citizens Oversight Committee Members

Attachments

- A. The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure: Independent Citizens Oversight Committee References

I. The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure: Independent Citizens Oversight Committee Roles and Responsibilities

A. Overview of the Independent Citizens Oversight Committee

The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (“Measure AA”), Section 3C: Accountability and Oversight, item number 6, requires the San Francisco Bay Restoration Authority (“Authority”) to establish a six-member Independent Citizens Oversight Committee (“Committee”).

This section I details the roles and responsibilities, as well as procedures, of the Committee. Information on how members of the Committee are appointed is set forth in Section II.

B. Independent Citizens Oversight Committee Roles and Responsibilities

The Committee has three main roles:

1. Annually review the Authority’s conformance with Measure AA;
2. Review the Authority’s audits and expenditure and financial reports; and
3. Publish an annual report of its findings, which will be posted on the Authority’s website.

C. Independent Citizens Oversight Committee Meetings

The Oversight Committee will work independently of the Advisory Committee of the Authority, providing a completely independent annual analysis of the work of the Authority, focused on the Authority’s expenditures and finances and on the Authority’s conformance with the requirements of Measure AA. The Oversight Committee will meet at least twice each year: once to receive, review, interrogate, and make initial comments on the Authority’s annual reports and any financial documents, such as financial audits or reports; and a second time to review, amend, and adopt its findings and recommendations to the Authority, in the form of a written report.

The Authority’s annual report which is reviewed each year by the Oversight Committee is prepared annually pursuant to Measure AA and shows the amount of funds collected and expended as well as the status of any funded projects or programs. The Authority’s annual report complies with Government Code Section 5007.3 and will be provided to the members of the Oversight Committee, along with any other written information that would help the Oversight Committee conduct its work. Oversight Committee meetings shall be scheduled to occur within 90 days of the release of the final aforementioned annual reports of the Authority. In addition to its minimum two meetings a year as mentioned above, the Oversight Committee will hold additional meetings as the members deem necessary.

Oversight Committee meetings will be fully open to the public and will be conducted in accordance with the requirements of the Brown Act. The Oversight Committee will operate independently from the Advisory Committee, the Governing Board and staff. The Committee’s annual written report of its findings will be posted on the Authority’s website and presented to the Governing Board at a public meeting.

The Authority will provide an orientation and relevant background materials to the members of the Independent Citizens Oversight Committee when it is first established and to all new appointees. Authority staff will provide sufficient support, such as preparing agendas and minutes for meetings, and reasonable funding, upon request and as available, to support the work of the Oversight Committee. The Independent Citizens Oversight Committee will democratically elect their own Chair who will be responsible for running meetings and compiling meeting notes to deliver to the Authority, and serve as a liaison between the Advisory Committee and the Authority. The Oversight Committee will also democratically elect their own Vice-Chair, who will assist the Chair as needed and fulfill the Chair's responsibilities in the Chair's absence.

II. Independent Citizens Oversight Committee Member Qualifications and Process for the appointment of Independent Citizens Oversight Committee Members

This section details Independent Citizens Oversight Committee membership, as well as the process for the appointment and addition of committee members.

A. Membership of the Independent Citizens Oversight Committee:

i. Geographical Representation

Membership of the Independent Citizens Oversight Committee shall include residents of the North Bay, East Bay, West Bay, and South Bay, as defined in Government Code 66703(a). For purposes of this subdivision, the North Bay, East Bay, South Bay, and West Bay region are defined in Government Code 66703(a) as follows:

- North Bay: the Counties of Marin, Napa, Solano, and Sonoma.
- East Bay: Contra Costa County and the portion of Alameda County that is north of the southern boundary of the City of Hayward, excluding the Delta primary zone.
- South Bay: Santa Clara County, the portion of Alameda County that is south of the southern boundary of the City of Hayward, and the portion of San Mateo County that is south of the northern boundary of Redwood City.
- West Bay: the City and County of San Francisco and the portion of San Mateo County that is north of the northern boundary of Redwood City.

The Oversight Committee should have at least one representative from each of the four aforementioned regions, and the two remaining Committee members should be from counties not already represented.

ii. Subject Matter Expertise

Each member of the Independent Citizens Oversight Committee must possess expertise in one or more of the following subject matters:

- Water quality,
- Pollution reduction,
- Habitat restoration,
- Flood protection,

Exhibit A

- Improvement of public access to the bay, or
- Financing of these objectives.

iii. Factors that Determine Ineligibility for Membership

No person may serve on the Independent Citizens Oversight Committee who:

- Is an elected official or government employee;
- Has had or could have a financial interest in a decision of the Authority; or
- Is affiliated with an organization associated with a member of the Governing Board.

B. Appointment of Independent Citizens Oversight Committee Members

This section describes the process the Restoration Authority will use to appoint Independent Citizen Oversight Committee Members.

Authority staff will review prospective Committee members, and make recommendations to the Governing Board, as detailed below.

- The Authority will release a Request for Statements of Interest (“SOIs”) to the Authority’s mailing list, as well as post the Request for SOIs on the Restoration Authority’s website. Individuals that inquire about the Independent Citizens Oversight Committee will be placed on the Restoration Authority’s mailing list to be notified when each Request for SOIs is released. All SOIs received by the deadline will be forwarded to the Authority staff for review.
- The Authority staff will review applicants for the Independent Citizens Oversight Committee to determine if prospective members meet subject matter expertise requirements as outlined in Section A.ii and if members are geographically representative as outlined in Section A.i, and will disqualify any applicants who are ineligible as outlined in Section A.iii. Based on this review, Authority staff will then recommend to the Governing Board the appointment of members to the Independent Citizens Oversight Committee. In addition to providing recommendations on Committee members to the Governing Board, Authority staff will also provide the Governing Board or an ad hoc subcommittee of the Governing Board with all application(s) for the open position(s).

Authority staff will make their appointment recommendations to the Governing Board, who will take action on Committee appointments at a public meeting.

The Committee members will generally serve terms of three years. Members may not serve more than two terms. ~~Members who wish to serve a second term must resubmit their SOI for consideration. The Governing Board may reappoint members to a second term without following the regular appointment process.~~ Members may resign before their term is over by submitting a resignation letter to the Executive Officer Governing Board. In accordance with the regular appointment process, the Governing Board may appoint a ~~Their~~ replacement will to serve out the balance of the term, which will be considered the replacement member’s first term. ~~Members whose first term was less than half of a three-year term can be reappointed by the Governing Board without the Authority releasing a Request of SOI and without members resubmitting their SOI.~~

Exhibit A

C. Stipend Policy

The Authority will not reimburse Committee members for travel and per diem expenses and other costs associated with participation in Authority activities. The Authority will provide a stipend to Committee members for attendance at Committee meetings. The stipend will consist of ~~one~~ two hundred dollars per day for each day of attendance at a Committee meeting. 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 that occurred during that fiscal year.

ATTACHMENT A

**The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure
("Measure AA")**

Included below is Section 3C of The San Francisco Bay Clean Water Pollution Prevention and Habitat Restoration Measure related to the Restoration Authority's Independent Citizens Oversight Committee.

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

C. Accountability and Oversight

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 ~~h~~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.