



# Governing Board

## MEETING AGENDA

Monday, September 21, 2015  
1:00 p.m. to 3:00 p.m.

Meeting Location:  
California State Coastal Conservancy  
1330 Broadway, 11<sup>th</sup> Floor Conference Room  
Oakland, California 94612

Public Conference Call:  
Call-in Number: (877) 336-1831  
Participant Code: 226167

For additional information, please contact:  
Clerk of the Governing Board, (510) 464-7900

Agenda and attachments available at:  
[www.sfbayrestore.org](http://www.sfbayrestore.org)

The Governing Board may take action on any item on this agenda.

**1. Call to Order**

Chair Ted Lempert will call the meeting to order.

**2. Roll Call**

**3. Public Comments**

*Information*

**4. Announcements**

*Information*

**5. Approval of Summary Minutes of June 24, 2015**

*Action*

*Attachment: Summary Minutes for June 24, 2015*

**6. Chair's Report**

*Information*

Lempert

**7. Report on AB 746**

*Information/Discussion*

Paul Kumar, Save The Bay

*Attachment: AB 746 Chaptered*

**8. Report on Ballot Access Costs**

*Action*

Sam Schuchat, Executive Officer, California State Coastal Conservancy

*Attachment: Schuchat memo dated September 14, 2015; Draft Memorandum of Agreement; Resolution 10*

**9. Report on Draft Resolutions including Ballot Measure and Expenditure Plan**

*Information/Discussion*

Sam Schuchat and Amy Hutzel, California State Coastal Conservancy

*Attachments: Hutzel memo dated September 2, 2014; Draft Resolution on Ballot Measure; Draft Resolution on Calling Special Election*

**10. Report on Fundraising for Ballot Advisors and Tracking Poll**

*Information/Discussion*

Schuchat

**11. Report on Tracking Poll—Proposed Questions and Schedule**

*Action*

*Attachment: Kelly memo dated September 11, 2015*

**12. Report on Schedule for Governing Board Meetings**

*Information*

Sam Schuchat

*Attachment: Hutzel memo dated August 27, 2015*

**13. Adjournment**

Next meeting is on Wednesday, November 18, 2015, 1:00 p.m. to 3:00 p.m.

Agenda submitted by the Clerk of the Governing Board:  
September 14, 2015

Agenda posted:  
September 15, 2015

Blank Page



# Governing Board

## SUMMARY MINUTES (DRAFT)

Wednesday, June 24, 2015

1:00 p.m. to 3:00 p.m.

Meeting Location:

1330 Broadway, 11<sup>th</sup> Floor Conference Room  
Oakland, California

For additional information, please contact:  
Clerk of the Governing Board, (510) 464 7900

Agenda and attachments available at:  
[www.sfbayrestore.org](http://www.sfbayrestore.org)

### 1. Call to Order

Ted Lempert, Chair, called the meeting to order at about 1:05 p.m.

### 2. Roll Call

Fred Castro, Clerk of the Governing Board, reported that five (5) members were present. A quorum of the Governing Board was present.

Present were Keith Caldwell, Rosanne Foust, Ted Lempert, Patricia Showalter, John Sutter. John Gioia joined the meeting at about 1:12 p.m.

Absent was Dave Pine.

Present were Kenneth Moy (ABAG); Judy Kelly and Karen McDowell (San Francisco Estuary Partnership); Sam Schuchat, Amy Roach, Amy Hutzler, Melannie Denninger (California State Coastal Conservancy).

### 3. Public Comments

Paul Kumar, Save The Bay, introduced Beckie Zisser, Climate Change Policy Campaign Manager for Save The Bay, who will work on climate change policy.

There was no other public comment.

### 4. Announcements

There were no announcements.

**5. Approval of Summary Minutes of April 22, 2015**

Lempert recognized a motion by Sutter and a second by Foust to approve the summary minutes of the Governing Board meeting on April 22, 2015. There was no discussion. The motion passed with four (4) aye votes.

Ayes: Caldwell, Foust, Lempert, Sutter.

Nays: None.

Abstentions: Showalter.

Absent: Gioia, Pine.

**6. Chair's Report**

**A. Report on Governing Board Appointment**

Lempert reported on the appointment of Patricia Showalter, Vice Mayor, City of Mountain View, to the Governing Board representing Bayside Cities/Parks.

Showalter spoke of her interest and work on wetland restoration.

**7. Report on Interim Treasurer Appointment**

Kenneth Moy, Legal Counsel, Association of Bay Area Governments, reported on the appointment of Charlie Adams, Interim Finance Director, Association of Bay Area Governments, as the designated Treasurer for the San Francisco Bay Restoration Authority.

Lempert recognized a motion by Foust and a second by Caldwell to accept the appointment of Charlie Adams, Interim Finance Director, Association of Bay Area Governments, as the designated Treasurer for the San Francisco Bay Restoration Authority. There was no discussion. The motion passed with five (5) aye votes.

Ayes: Caldwell, Foust, Lempert, Showalter, Sutter.

Nays: None.

Abstentions: None.

Absent: Gioia, Pine.

**8. Report on Outreach and Funding**

Paul Kumar, Save The Bay, reported on the status of outreach and funding and outside fundraising.

Sam Schuchat, Executive Officer, California State Coastal Conservancy, reported on the development of a list of organizations that may be pursued for funding to support the work of the Restoration Authority. He asked Board members to assist in contacting individuals.

**9. Legislation Update**

Schuchat reported on the status of AB 746 which moved out of the Assembly and is being considered by the Senate. He reviewed the legislative process for Assembly and Senate concurrence on the legislation.

[Gioia joined the meeting at about 1:12 p.m.]

**10. Report on Options for Ballot Measure: Revenue-Raising Mechanisms and Date of Election**

Schuchat reported on the type of revenue-raising measure to place before voters, the preferred date of the election, and obtaining outside counsel and technical assistance.

Members discussed ballot costs and outside fundraising, business community support, political community support, potential competing measures, county registrars ballot methodology, a San Mateo County mail-in ballot, date of election, and reviewing the ballot measure text.

Lempert recognized a motion by Foust and a second by Gioia to approve staff recommendations, including that the Governing Board pursue a parcel tax measure, that the Governing Board work toward placement of the revenue measure on the June 2016 ballots, and that the Governing Board direct staff to retain qualified outside counsel and technical advisors. There was no discussion. The motion passed with six (6) aye votes.

Ayes: Caldwell, Foust, Gioia, Lempert, Showalter, Sutter.

Nays: None.

Abstentions: None.

Absent: Pine.

**11. Report on Funding for Pre-Election Consultant Costs**

Schuchat reported on funding for pre-election consultant costs.

**12. Adjournment**

Lempert adjourned the Governing Board meeting at about 1:45 p.m.

Next meeting is on Monday, September 21, 2015, 1:00 p.m. to 3:00 p.m.

Submitted by the Clerk of the Governing Board:  
June 30, 2015

Approved by the Governing Board:  
TBD

Blank Page

## Assembly Bill No. 746

### CHAPTER 226

An act to amend Sections 66703, 66704, 66704.05, and 66706 of the Government Code, relating to the San Francisco Bay Restoration Authority.

[Approved by Governor September 1, 2015. Filed with  
Secretary of State September 1, 2015.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 746, Ting. San Francisco Bay Restoration Authority.

(1) Existing law, the San Francisco Bay Restoration Authority Act, until January 1, 2029, establishes the San Francisco Bay Restoration Authority to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. The act establishes a governing board of the authority composed of specified members, including a member who is a resident of the San Francisco Bay area with expertise in the implementation of the San Francisco Bay Conservancy Program, who serves as the chair. The act grants to the board all powers that are necessary to carry out the act, including, among other things, the power to levy specified benefit assessments, special taxes, and property-related fees, and to issue revenue bonds and general obligation bonds. However, the act limits the total amount of outstanding indebtedness incurred pursuant to those provisions authorizing the issuance of general obligation bonds to 10% of the authority's total revenues in the preceding fiscal year. Existing law generally requires a district to reimburse the county elections official for the actual costs incurred in conducting an election for the district. However, the act authorizes, until January 1, 2017, the authority to reimburse only the incremental costs, as defined, that are incurred by the county elections official related to submitting a special tax measure to the voters.

This bill would delete the requirement that one member of the board, who serves as the chair, be a resident of the San Francisco Bay area with expertise in the implementation of the San Francisco Bay Conservancy Program and would instead require that member to be an elected official of a bayside city or county, or an elected member of a special district, with expertise in the implementation of the San Francisco Bay Conservancy Program. The bill would also delete the limit on the authority's total amount of outstanding general obligation bonded indebtedness and would, instead, prohibit the authority from having a total amount of outstanding bonded indebtedness that exceeds \$1,500,000,000. The bill would specify that the authority may incur general obligation bonded indebtedness for the acquisition or improvement of real property or for the funding or refunding of any outstanding bonded indebtedness incurred by the authority. The bill would

extend to January 1, 2019, the operation of the provision authorizing the authority to reimburse county elections officials for only the incremental costs of submitting a special tax measure to the voters, expanded to apply to other specified measures that would generate revenues for the authority. The bill would postpone to January 1, 2049, the repeal date for the act, and would make related conforming changes. By imposing additional duties on local government officials with regard to implementation of the act, the bill would impose a state-mandated local program.

The act specifies that the special taxes are to be levied, and submitted to the voters, consistent with specified provisions of the California Constitution relating to voter approval for local tax levies and property-related fees, charges, and assessments.

This bill would instead specify that measures that will generate revenues are to be submitted to the voters, consistent with those requirements of the California Constitution and the requirements of the California Constitution relating to general obligation bond indebtedness and ad valorem taxes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 66703 of the Government Code is amended to read:

66703. (a) The authority shall be governed by a board composed of seven voting members, as follows:

(1) One member shall be an elected official of a bayside city or county, or an elected member of a special district, with expertise in the implementation of Chapter 4.5 (commencing with Section 31160) of Division 21 of the Public Resources Code and shall serve as the chair.

(2) One member shall be an elected official of a bayside city or county in the North Bay. For purposes of this subdivision, the North Bay consists of the Counties of Marin, Napa, Solano, and Sonoma.

(3) One member shall be an elected official of a bayside city or county in the East Bay. For purposes of this subdivision, the East Bay consists of 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.

(4) One member shall be an elected official of a bayside city or county in the South Bay. For purposes of this subdivision, the South Bay consists of 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.

(5) One member shall be an elected official of a bayside city or county in the West Bay. For purposes of this subdivision, the West Bay consists of the City and County of San Francisco and the portion of San Mateo County that is north of the northern boundary of Redwood City.

(6) Two members shall be elected officials of one or more of the following:

(A) A bayside city or county.

(B) A regional park district, regional open-space district, or regional park and open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of the Public Resources Code that owns or operates one or more San Francisco Bay shoreline parcels.

(b) The Association of Bay Area Governments shall appoint the members.

(c) Each member shall serve at the pleasure of his or her appointing authority.

(d) A vacancy shall be filled by the Association of Bay Area Governments within 90 days from the date on which the vacancy occurs.

SEC. 2. Section 66704 of the Government Code is amended to read:

66704. The authority has, and may exercise, all powers, expressed or implied, that are necessary to carry out the intent and purposes of this title, including, but not limited to, the power to do all of the following:

(a) (1) Levy a benefit assessment, special tax levied pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5, or property-related fee consistent with the requirements of Articles XIII A, XIII C, and XIII D of the California Constitution, including, but not limited to, a benefit assessment levied pursuant to paragraph (2), except that a benefit assessment, special tax, or property-related fee shall not be levied pursuant to this subdivision after December 31, 2048.

(2) The authority may levy a benefit assessment pursuant to any of the following:

(A) The Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code).

(B) The Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code).

(C) The Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code).

(D) The Landscaping and Lighting Act of 1972 (Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code), notwithstanding Section 22501 of the Streets and Highways Code.

(E) Any other statutory authorization.

(b) Apply for and receive grants from federal and state agencies.

(c) Solicit and accept gifts, fees, grants, and allocations from public and private entities.

(d) Issue revenue bonds for any of the purposes authorized by this title pursuant to the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5).

(e) Incur general obligation bonded indebtedness for the acquisition or improvement of real property or for funding or refunding of any outstanding indebtedness, subject to the following requirements:

(1) The principal and interest of any general obligation bonded indebtedness incurred pursuant to this subdivision shall be paid and discharged prior to January 1, 2049.

(2) For purposes of incurring general obligation bonded indebtedness pursuant to this subdivision, the authority shall comply with the requirements of Article 11 (commencing with Section 5790) of Chapter 4 of Division 5 of the Public Resources Code. For purposes of this subdivision, all references in Article 11 (commencing with Section 5790) of Chapter 4 of Division 5 of the Public Resources Code to a board of directors shall mean the board and all references to a district shall mean the authority.

(3) Notwithstanding any other law, the total amount of outstanding bonded indebtedness the authority may incur pursuant to this subdivision and subdivision (d) shall not exceed one billion five hundred million dollars (\$1,500,000,000).

(f) Receive and manage a dedicated revenue source.

(g) Deposit or invest moneys of the authority in banks or financial institutions in the state in accordance with state law.

(h) Sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

(i) Engage counsel and other professional services.

(j) Enter into and perform all necessary contracts.

(k) Enter into joint powers agreements pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1).

(l) Hire staff, define their qualifications and duties, and provide a schedule of compensation for the performance of their duties.

(m) Use interim or temporary staff provided by appropriate state agencies or the Association of Bay Area Governments. A person who performs duties as interim or temporary staff shall not be considered an employee of the authority.

SEC. 3. Section 66704.05 of the Government Code is amended to read:

66704.05. (a) If the authority proposes a measure pursuant to subdivision (a) or (e) of Section 66704 that will generate revenues, the board of supervisors of the county or counties in which the measure is proposed shall call a special election on the measure. The special election shall be consolidated with the next regularly scheduled statewide election and the measure shall be submitted to the voters in the appropriate counties, consistent with the requirements of Articles XIII A, XIII C, and XIII D of the California Constitution, as applicable.

(b) (1) The authority is a district, as defined in Section 317 of the Elections Code. Except as otherwise provided in this section, a measure proposed by the authority that requires voter approval shall be submitted to the voters of the authority in accordance with the provisions of the Elections

Code applicable to districts, including the provisions of Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code.

(2) Because the authority has no revenues as of the effective date of this paragraph, the appropriations limit for the authority shall be originally established based on receipts from the initial measure that would generate revenues for the authority pursuant to subdivision (a), and that establishment of an appropriations limit shall not be deemed a change in an appropriations limit for purposes of Section 4 of Article XIII B of the California Constitution.

(c) The authority shall file with the board of supervisors of each county in which the measure shall appear on the ballot a resolution of the authority requesting consolidation, and setting forth the exact form of the ballot question, in accordance with Section 10403 of the Elections Code.

(d) The legal counsel for the authority shall prepare an impartial analysis of the measure. The impartial analysis prepared by the legal counsel for the authority shall be subject to review and revision by the county counsel of the county that contains the largest population, as determined by the most recent federal decennial census, among those counties in which the measure will be submitted to the voters.

(e) Each county included in the measure shall use the exact ballot question, impartial analysis, and ballot language provided by the authority. If two or more counties included in the measure are required to prepare a translation of ballot materials into the same language other than English, the county that contains the largest population, as determined by the most recent federal decennial census, among those counties that are required to prepare a translation of ballot materials into the same language other than English shall prepare the translation and that translation shall be used by the other county or counties, as applicable.

(f) Notwithstanding Section 13116 of the Elections Code, if a measure proposed by the authority pursuant to this article is submitted to the voters of the authority in two or more counties, the elections officials of those counties shall mutually agree to use the same letter designation for the measure.

(g) The county clerk of each county shall report the results of the special election to the authority.

(h) (1) Notwithstanding Section 10520 of the Elections Code, for the first election at which the authority proposes a measure pursuant to subdivision (a) or (e) of Section 66704 that would generate revenues, the authority shall reimburse each county in which that measure appears on the ballot only for the incremental costs incurred by the county elections official related to submitting the measure to the voters.

(2) For purposes of this subdivision, "incremental costs" include all of the following:

(A) The cost to prepare, review, and revise the impartial analysis of the measure that is required by subdivision (d).

(B) The cost to prepare a translation of ballot materials into a language other than English by any county, as described in subdivision (e).

(C) The additional costs that exceed the costs incurred for other election races or ballot measures, if any, appearing on the same ballot in each county in which the measure appears on the ballot, including both of the following:

(i) The printing and mailing of ballot materials.

(ii) The canvass of the vote regarding the measure pursuant to Division 15 of the Elections Code.

(3) This subdivision is repealed on January 1, 2019.

SEC. 4. Section 66706 of the Government Code is amended to read:

66706. This title shall remain in effect only until January 1, 2049, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2049, deletes or extends that date.

SEC. 5. The Legislature finds and declares that the San Francisco Bay Restoration Authority has not assumed any existing duties from another local or state government entity and has received no state or local government revenues not counted toward another entity's appropriations limit. Therefore, the authority has no associated appropriations limit pursuant to Article XIII B of the California Constitution as of the date of enactment of this bill.

SEC. 6. The Legislature finds and declares that the changes made by this act to subdivision (e) of Section 66704 of the Government Code explicitly affirm the authority of the San Francisco Bay Restoration Authority to incur general obligation bonded indebtedness, so as to implement the Legislature's intent when the statute first became operative on January 1, 2009.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



Date: September 14, 2015

To: Governing Board  
San Francisco Bay Restoration Authority

From: Sam Schuchat  
Executive Officer  
California State Coastal Conservancy

Subject: **Ballot Access Costs—Memorandum of Agreement between San Francisco Bay Restoration Authority and Santa Clara Valley Water District**

#### Recommendation

The Governing Board is requested to adopt Resolution 10 authorizing the Chair to execute the attached memorandum of agreement with the Santa Clara Valley Water District (SCVWD).

#### Background

SCVWD has a lead role in planning and implementation of the South Bay Salt Pond Restoration Project (“Project”). The Project is the largest tidal wetland restoration project on the West Coast; it will restore 15,100 acres of industrial salt ponds to tidal wetlands and other habitats. SCVWD supports the goals of the San Francisco Bay Restoration Authority Act and an Authority revenue measure, which could result in additional funding for the Project. The Authority is considering whether to place a revenue measure on the ballot in 2016, but lacks funding for the costs to be charged by the nine counties for placing a measure on the ballot, which will be approximately \$2 million. SCVWD is willing to pay up to \$1.5 million of the counties’ costs provided that the Authority reimburses SCVWD if a revenue measure passes.

#### Memorandum of Agreement

The attached memorandum of agreement between the Restoration Authority and SCVWD contains the following key provisions:

1. SCVWD will pay up to \$1.5 million towards the ballot access costs charged by the counties for placing a revenue measure on a ballot in 2016.

**Ballot Access Costs—Memorandum of Agreement between San Francisco Bay Restoration Authority and Santa Clara Valley Water District**

September 14, 2015

2

2. If a revenue measure passes, the Authority will reimburse SCVWD out of tax revenues over a mutually acceptable period of time to be determined later.
3. Staff to the Authority will expedite review and consideration of any grant applications submitted by SCVWD for the Project.

Attachment

Memorandum of Agreement  
Resolution 10

**MEMORANDUM OF AGREEMENT**  
**Between the San Francisco Bay Restoration Authority**  
**and the Santa Clara Valley Water District**  
**Regarding Restoration of the South Bay Salt Ponds**

The San Francisco Bay Restoration Authority (“Authority”) and the Santa Clara Valley Water District (“SCVWD”) enter into this Memorandum of Agreement (“Agreement”), effective as of \_\_\_\_\_, 2015 (“Effective Date”), regarding the South Bay Salt Pond Restoration Project.

**Pertinent Facts**

- A. The San Francisco Bay Restoration Authority Act (“Act”), Government Code § 66700 *et seq.* established the Authority as a regional entity to generate and allocate resources for the protection and enhancement of tidal wetlands and other wildlife habitat in and surrounding San Francisco Bay.
- B. SCVWD is a special district established by the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951, as amended). The mission of SCVWD is to achieve a healthy, safe, and enhanced quality of living in Santa Clara County through watershed stewardship and comprehensive management of water resources in a practical, cost-effective and environmentally sensitive manner for current and future generations.
- C. The South Bay Salt Pond Restoration Project (“Project”) is the largest tidal wetland restoration project on the West Coast. When complete, the Project will restore 15,100 acres of industrial salt ponds to a rich mosaic of tidal wetlands and other habitats. The goals of the Project are to restore and enhance a mix of wetland habitats, provide wildlife oriented public access and recreation, and provide flood management in the South Bay. A part of the Project, the South San Francisco Bay Shoreline Study, is currently focused on wetland restoration and flood protection along portions of the shoreline of Santa Clara County.
- D. The Project will help fulfill state and federal restoration plans, including the *USFWS Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (2013)* and the *San Francisco Baylands Ecosystem Habitat Goals Report (1999)*.
- E. SCVWD has a lead role in planning and implementation of the Project. SCVWD has spent approximately \$XX million over the past 15 years towards the goal of wetland restoration and flood protection along the Santa Clara County shoreline.
- F. The Authority is preparing to consider adoption of a resolution to place a revenue generating measure (“Revenue Measure”) on the ballot in each of the nine Bay Area counties in 2016. The Authority believes that the costs charged by the nine counties to place a Revenue Measure on the ballot will total \$2 million. The exact amount will not be known until all 9 County Registrars submit bills to the Authority after the election.

G. The SCVWD supports the placement of a Revenue Measure on the ballot because such a measure would generate funds that the Authority could grant for San Francisco Bay wetland restoration projects, including the Project.

### **Agreement**

The parties agree as follows:

1. **Significance of the South Bay Salt Pond Restoration Project and the Shoreline Study.**

1.1 The Authority recognizes the critical importance of the Project and the close linkage between the Project and the Study to the health of San Francisco Bay and to flood protection and acknowledges that the Project is eligible for grants from the Authority pursuant to Government Code section 66704.5(b).

1.2 The Authority shall consider the importance of the Project to the health of San Francisco Bay when determining which projects to fund pursuant to its grant making authority.

1.3 Staff of the Authority shall expedite review and consideration of grant applications for planning and implementation of the Project.

2. **SCVWD Contribution to Ballot Costs**

2.1 If the Authority decides to place a Revenue Measure on a 2016 ballot, SCVWD shall contribute \$1,500,000 towards the total election cost imposed by the nine County Registrars on the Authority for placing such measure on the ballot in 2016 (“SCVWD Contribution”).

2.2 Once the nine County Registrars have notified the Authority of its election costs, the Authority may invoice the SCVWD for its \$1.5 million share of this amount and the SCVWD shall pay the invoice amount to the Authority.

2.3 If the Authority’s Revenue Measure is successful, the Authority shall repay the SCVWD \$1.5 million according to a mutually agreed upon schedule of repayments. These repayments shall be separate from and in addition to any grants for which the SCVWD or any other entity involved in the Project or the Study may be eligible.

3. **General Provisions**

3.1 Amendment. Any amendment to this Agreement is void unless made in writing and signed by all parties.

3.2 Timeliness. The parties acknowledge and agree that time is of the essence in the performance of this Agreement.

3.3 Effective Date. The Authority shall insert the date of signing by the last party to sign into the introductory paragraph of this Agreement, which date shall be the Effective Date.

This Memorandum of Agreement is executed as follows:

**San Francisco Bay Restoration Authority**, a regional entity of the State of California

By: \_\_\_\_\_  
Ted Lempert, Chair

Date: \_\_\_\_\_

Santa Clara Valley Water District, a district of the State of California

By: \_\_\_\_\_  
Beau Goldie, Chief Executive Officer

Date: \_\_\_\_\_

Blank Page



## **Resolution 10**

### **AUTHORIZING ENTRY INTO A MEMORANDUM OF AGREEMENT WITH THE SANTA CLARA VALLEY WATER DISTRICT**

Whereas, the San Francisco Bay Restoration Authority (Authority) was created as a regional public entity pursuant to the San Francisco Bay Restoration Authority Act at California Government Code Sections 66700, et seq. (Act); and

Whereas, the Act at California Government Code Section 66704(j) authorizes the Authority to enter into all necessary contracts; and

Whereas, the Authority has reviewed the *Memorandum of Agreement Between the San Francisco Bay Restoration Authority and the Santa Clara Valley Water District Regarding Restoration of the South Bay Salt Ponds* (“MOA”) and determined that the Authority would benefit from entry into the MOA, which would enable the Authority to pay the charges for placing a revenue measure on the ballot in nine counties.

**Resolution 10**

**AUTHORIZING ENTRY INTO A MEMORANDUM OF AGREEMENT WITH THE SANTA CLARA VALLEY WATER DISTRICT**

**NOW THEREFORE BE IT RESOLVED**, that the Governing Board of the San Francisco Bay Restoration Authority hereby:

- A. Authorizes its Chair to enter into a memorandum of agreement with the Santa Clara Valley Water District in substantial conformance with the draft MOA attached to the staff recommendation dated September 21, 2015.
- B. Ratifies and confirms the acts of Its officers, agents and/or employees in heretofore executing the memorandum of agreement together with any acts performed In relation

**PASSED AND ADOPTED** by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on September 21, 2015, by the following vote:

AYES: Governing Board Members \_\_\_\_\_

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

ABSENT: Governing Board Members \_\_\_\_\_

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

\_\_\_\_\_  
Ted Lempert  
Chair

I, Frederick Castro, 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 September 21, 2015, which Resolution is on file in the office of this regional governmental entity.

\_\_\_\_\_  
Frederick Castro  
Clerk of the Governing Board



Date: September 2, 2015

To: Governing Board  
San Francisco Bay Restoration Authority

From: Amy Hutzell  
Manager, San Francisco Bay Area Conservancy Program  
California State Coastal Conservancy

Subject: **Revised Ballot Measure Resolutions**

Attached are revised versions of the two resolutions necessary to place a special parcel tax on the ballot in June of 2016. These last came to the board on June 19, 2014, but were not voted upon. In advance of a potential vote in late 2015 or early 2016 to place a measure on the ballot, staff has made some revisions to the two resolutions to reflect:

- Changes to the date of the election, amount and length of parcel tax,
- Changes to the public access program, and
- A reduction in the percentage of revenue allowed for general government purposes.

These revisions have not been reviewed by bond counsel or election counsel. We are seeking board input and feedback on the revisions and on any other language in the two resolutions now, so that we can seek bond and election counsel review and have a final version of these two resolutions well in advance of 2015.

Also note that while no edits have been made to Section 4. Establishment of Appropriation Limit (page 5 of Exhibit A), we shall seek bond counsel advice on ensuring that this language is compatible with bonding against future revenue.

#### Attachments

Draft Resolution on Calling Special Election  
Draft Resolution on Special Parcel Tax

Blank Page



**DRAFT  
Resolution**

**CALLING A SPECIAL ELECTION TO BE HELD  
FOR THE  
SAN FRANCISCO BAY RESTORATION AUTHORITY ON ~~NOVEMBER 4,~~  
~~2014~~June 7, 2016; REQUESTING SERVICES OF REGISTRAR OF VOTERS;  
REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING  
CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION**

WHEREAS, the San Francisco Bay Restoration Authority (“Authority”), a regional governmental entity, is authorized pursuant to Government Code section 66704 to levy a parcel tax, subject to two-thirds voter approval; and

WHEREAS, pursuant to Government Code sections 66702 and 66704, the Authority is authorized to levy a parcel tax, subject to two-thirds voter approval, in the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco (the “San Francisco Bay Area”); and

WHEREAS, pursuant to Government Code section 66704.05, when the Authority proposes to levy a parcel tax, the board of supervisors of the counties and city and county in which the parcel tax is proposed, are required to call a special election on the measure.

**NOW THEREFORE, THE SAN FRANCISCO BAY RESTORATION AUTHORITY GOVERNING BOARD HEREBY RESOLVES, DETERMINES AND ORDERS AS FOLLOWS:**

FIRST: A special election is hereby called within said Authority, which election is to be consolidated with the general election to be held on ~~November 4, 2014~~June 7, 2016. As required by Elections Code sections 13247 and 10403, the abbreviated form of the measure as it shall appear on the ballot is as follows:

**San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program.**

To protect and restore San Francisco Bay to benefit future generations by reducing trash, pollution and harmful toxins, improving water quality, restoring habitat for fish, birds and wildlife, protecting communities from floods, and increasing shoreline public access, shall the San Francisco Bay Restoration Authority authorize an annual parcel tax of ~~twelvenine~~ dollars per year for ~~twentyten~~ years with citizen oversight, audits, and all funds staying local?

**DRAFT Resolution**

**CALLING A SPECIAL ELECTION TO BE HELD  
FOR THE  
SAN FRANCISCO BAY RESTORATION AUTHORITY ON ~~NOVEMBER 4,  
2014~~June 7, 2016; REQUESTING SERVICES OF REGISTRAR OF VOTERS;  
REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING  
CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION**

The measure shall be voted on within the jurisdiction of the Authority, which pursuant to Government Code sections 66702 and 66704, comprises the San Francisco Bay Area.

SECOND: The Registrar of Voters of each county and city and county in the San Francisco Bay Area is requested to give notice of said election in accordance with law and to perform all other acts which are required for the holding and conducting of said election.

THIRD: The Board of Supervisors of each county and city and county within the San Francisco Bay Area is hereby requested to order the consolidation of the Authority's special election with the other elections to be held on ~~November 4, 2014~~June 7, 2016, and to provide the election precincts, polling places, and voting booths which shall in each county and city and county be the same, and that there shall be only one set of election officers in each of said precincts; and to further provide

that the question set forth above shall be set forth in each form of ballot to be used at said election. Said Board of Supervisors is further requested to order the Registrar of Voters to: (a) set forth on all sample ballots relating to said consolidation election, to be mailed to the qualified electors of the Authority, the question set forth above and (b) provide absentee voter ballots for said consolidation election for use by qualified electors of said Authority who are entitled thereto, in the manner provided by law.

FOURTH: Pursuant to Government Code section 66704.05, each county and city and county within the San Francisco Bay Area shall use the exact ballot question, impartial analysis, and ballot language provided by the Authority. If two or more counties or city and county are required to prepare a translation of ballot materials into a different language, the county or city and county that contains the largest population among those counties or city and county that are required to prepare a translation of ballot materials into the same language shall prepare the translation and that translation shall be used by the other counties or city and county, as applicable.

FIFTH: Pursuant to Government Code section 66704.05, the Registrar of Voters of each county and city and county within the San Francisco Bay Area shall mutually agree to use the same letter designation for the measure.

SIXTH: Each Registrar of Voters of each county or city and county within the San Francisco Bay Area is hereby authorized and requested to canvass, or cause to be canvassed, as provided by law, the returns of said special election with respect to the total votes cast for and against said question and to certify such canvass of the votes cast to the Governing Board of the Authority.

**DRAFT Resolution**

**CALLING A SPECIAL ELECTION TO BE HELD  
FOR THE  
SAN FRANCISCO BAY RESTORATION AUTHORITY ON ~~NOVEMBER 4,  
2014~~June 7, 2016; REQUESTING SERVICES OF REGISTRAR OF VOTERS;  
REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING  
CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION**

SEVENTH: The clerk of this Board is hereby authorized and directed to certify to the due adoption of the resolution and to transmit a copy hereof so certified with each of the Registrar of Voters within the San Francisco Bay Area.

EIGHTH: Exhibit A to Resolution No. 7 shall comprise the full text of the ballot measure.

NINTH: The Authority recognizes that each county and city and county will incur additional costs because of the consolidation of the election on this measure with the ~~June 7, 2016~~November 4, 2014 election and agrees to reimburse each county and city and county for the costs specified in Government Code section 66704.05(h). The Vice Chair of the Authority is hereby authorized and directed to expend the necessary funds to pay those costs.

**PASSED AND ADOPTED** by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on ~~Jun 3 19, 2014~~January 13, 2016, by the following vote:

AYES: Governing Board Members \_\_\_\_\_

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

ABSENT: Governing Board Members \_\_\_\_\_

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

\_\_\_\_\_  
John Gioia  
Vice Chair

I, Frederick Castro, 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 June 19, 2014, which Resolution is on file in the office of this regional governmental entity.

\_\_\_\_\_  
Frederick Castro  
Clerk of the Governing Board

Blank Page



**DRAFT  
Resolution**

**SPECIAL PARCEL TAX BALLOT MEASURE  
FOR VOTER APPROVAL:  
THE SAN FRANCISCO BAY  
CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION  
MEASURE**

WHEREAS, the San Francisco Bay is the region’s greatest natural resource and its central feature and contributes significantly to California’s economic health and vitality. The Bay is a hub of interconnected open-spaces, watersheds, natural habitats, scenic areas, agricultural lands, and regional trails;

WHEREAS, the San Francisco Bay and its wetlands, waterways and shoreline are a significant part of the State’s coastal resources and a healthy Bay not only enhances the quality of life for all Bay Area residents but is essential to support the state’s human and wildlife populations;

WHEREAS, the San Francisco Bay must be protected and restored so that current and future generations may use and enjoy it;

WHEREAS, the restoration, preservation, and maintenance of the San Francisco Bay and its wetlands, improvement of Bay water quality, provision of public access to the Bay shoreline, and enhancement of shoreline recreational amenities for the growing population of the San Francisco Bay Area are immediate state and regional priorities;

WHEREAS, wetland restoration in the San Francisco Bay is necessary to address the growing danger that global warming and rises in sea level pose to the economic well-being, public health, natural resources, and environment of California. Tidal wetlands can prevent flooding and adapt to rising sea levels;

WHEREAS, the protection and restoration of the San Francisco Bay require efficient and effective use of public funds, leveraging of local funds with state and federal resources, and investment of significant resources over a sustained period for habitat restoration on shoreline parcels, parks, and recreational facilities, and public access to natural areas;

WHEREAS, in 2008, the State established the San Francisco Bay Restoration Authority (the “Authority”) for the purpose of assisting in the restoration, enhancement, protection and enjoyment of the wetlands and wildlife in the San Francisco Bay and shoreline, including raising funds for programs that would protect and restore the Bay;

WHEREAS, the Authority is a regional governmental entity comprising the nine counties that touch the San Francisco Bay, including the Counties of Alameda, Contra Costa, Marin, Napa,

**Resolution ~~\_\_\_\_\_~~**

**SPECIAL PARCEL TAX BALLOT MEASURE  
FOR VOTER APPROVAL:  
THE SAN FRANCISCO BAY  
CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION  
MEASURE**

San Mateo, Santa Clara, Solano and Sonoma, and the City and County of San Francisco (the “San Francisco Bay Area”);

WHEREAS, after years of study, the Authority has prepared the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure in order to fund programs that will:

- Reduce trash, pollution and harmful toxins;
- Improve water quality;
- Restore habitat for fish, birds and wildlife;
- Protect communities from floods; and
- Increase shoreline access for public enjoyment.

WHEREAS, the State has authorized the Authority to levy a special parcel tax, subject to two-thirds voter approval, within the San Francisco Bay Area to fund these programs. A minimal parcel tax on real property of only \$~~129~~ a year will ensure these essential programs are funded and that the San Francisco Bay will be protected and restored for the use and enjoyment of current and future generations. Such a levy will generate approximately \$~~15,000,000~~25,000,000 a year to fund specific clean water, pollution prevention and habitat restoration projects; and

WHEREAS, the proceeds from the parcel tax will be spent only for local projects that directly improve the Bay, and cannot be taken away by the State. The Measure also requires citizen oversight, transparency, independent audits of all money collected and spent, and strict caps on the amount that may be spent on project management and administration.

**NOW THEREFORE, THE SAN FRANCISCO BAY RESTORATION AUTHORITY GOVERNING BOARD HEREBY RESOLVES, DETERMINES AND ORDERS AS FOLLOWS:**

**Section 1. Approval of Ballot Measure.**

Pursuant to Government Code sections 50075 through 50077.5 and the San Francisco Bay Restoration Authority Act (commencing with section 66700 of the Government Code), the Authority hereby adopts the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (the “Measure”) and approves the placement of the Measure on the ~~November 4, 2014~~June 7, 2016 election ballot within the San Francisco Bay Area. A full copy of the Measure is attached hereto as Exhibit A.

**Section 2. Tax Imposed and Rate.**

Subject to two-thirds approval of the voters voting on the Measure, the special parcel tax that is the subject of this Resolution shall be levied in the amount and in accordance with the terms and procedures set forth in the Measure, for a ~~twenty~~-year year period commencing July 1, 201~~7~~5 and

**Resolution ~~\_\_\_\_\_~~**

**SPECIAL PARCEL TAX BALLOT MEASURE  
FOR VOTER APPROVAL:  
THE SAN FRANCISCO BAY  
CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION  
MEASURE**

ending June 30, 20~~37~~<sup>25</sup>. The parcel tax shall be levied at an annual rate of ~~twelve~~<sup>nine</sup> dollars (\$~~129~~) per parcel of taxable real property wholly or partially within the San Francisco Bay Area. The proceeds from the parcel tax shall be used solely for the purpose of supporting the programs and priorities set forth in the Measure and shall be spent exclusively for projects in the nine counties comprising the Authority.

**Section 3. Method of Collection.**

Subject to two-thirds approval of the voters voting on the Measure, the special parcel tax that is the subject of this Resolution shall be collected by the Tax Collector of each county and city and county within the San Francisco Bay Area in accordance with the terms and procedures set forth in the Measure.

**Section 4. Accountability.**

The special parcel tax that is the subject of this Resolution shall be subject to the transparency, independent audit, and accountability measures set forth in Exhibit A, including requirements that: (a) the proceeds of the parcel tax be used solely for supporting the programs and priorities set forth in the Measure; (b) the proceeds of the parcel tax be deposited in a special account; (c) the funds be spent only for projects in the San Francisco Bay Area and cannot be taken by the State; (d) an independent, annual audit be conducted of all funds collected and allocated under the measure; and (e) an annual report be prepared showing both the amounts of funds collected and expended and the status of any project required or authorized to be funded as identified in the Measure.

**Section 5. Additional Action.**

The Vice Chair of the Governing Board of the Authority, or any of his or her designees, is hereby authorized and directed to make any changes to the text of the Measure set forth in Exhibit A, to the abbreviated form of the Measure, or to the text of this Resolution or Resolution No. 8 (calling the special election), as may be convenient or necessary to comply with the intent of this Resolution and Resolution No. 8 to place the ballot measure on the ~~November 4, 2014~~<sup>June 7, 2016</sup> ballot, the requirements of elections officials, or the requirements of the law.

**Section 6. CEQA.**

Pursuant to the State California Environmental Quality Act (CEQA) Guidelines section 15378(b)(4), adoption of this resolution to place the parcel tax, a government funding mechanism, on the ballot for voter approval is not a project subject to the requirements of CEQA. Prior to approval of funding of any projects pursuant to the Measure, any necessary environmental review required by CEQA shall be completed.

**Resolution -**

**SPECIAL PARCEL TAX BALLOT MEASURE  
FOR VOTER APPROVAL:  
THE SAN FRANCISCO BAY  
CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION  
MEASURE**

**PASSED AND ADOPTED** by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on ~~June 19, 2014~~January 13, 2016, by the following vote:

AYES: Governing Board Members \_\_\_\_\_

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

ABSENT: Governing Board Members \_\_\_\_\_

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

\_\_\_\_\_  
John Gioia  
Vice Chair

I, Frederick Castro, 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 ~~June 19, 2014~~January 13, 2016, which Resolution is on file in the office of this regional governmental entity.

\_\_\_\_\_  
Frederick Castro  
Clerk of the Governing Board

## **DRAFT Resolution**

### **Exhibit A**

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

## **Section 1. Findings and Purpose.**

Over the last century, we have had a massive impact on the San Francisco Bay with landfill and toxic pollution. It is not too late to reverse what we've done and restore the Bay for future generations. To meet that objective, in 2008, state law established the San Francisco Bay Restoration Authority, whose purpose is to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitats in the San Francisco Bay and along its shoreline.

The purpose of the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure is to protect and restore San Francisco Bay to benefit future generations by reducing trash, pollution, and harmful toxins, improving water quality, restoring habitat for fish, birds, and wildlife, protecting communities from flood and increasing shoreline public access.

A flat parcel tax of \$~~129~~ per year generating approximately \$~~125,000,000~~ per year will fund programs to protect and restore San Francisco Bay. The revenues generated by this Measure may be spent solely for the purpose of supporting programs and priorities that improve San Francisco Bay, and the Measure prohibits funds from being spent elsewhere or taken by the State. The Measure also requires transparency, independent audits, citizen oversight, and strict caps on administration costs.

## **Section 2. San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Expenditure Plan.**

The revenues from the flat parcel tax set forth in Section 3 shall be used solely for the purpose of supporting the programs and priorities set forth in this Section.

### **A. Program Descriptions**

Under this Measure, the San Francisco Bay Restoration Authority (the "Authority") may undertake projects along the Bay shorelines within the jurisdiction of the Authority, which includes the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma and the City and County of San Francisco (the "San Francisco Bay Area"). The shorelines include the shorelines of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, and most of the Northern Contra Costa County Shoreline to the edge of the Delta Primary Zone. The Measure shall support the following programs:

#### **1. Safe, Clean Water and Pollution Prevention Program**

The purpose of this Program is to remove pollution, trash and harmful toxins from the Bay in order to provide clean water for fish, birds, wildlife, and people.

## **DRAFT Resolution**

### **Exhibit A**

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

- a. Improve water quality by reducing pollution and engaging in restoration activities, protecting public health and making fish and wildlife healthier.
- b. Reduce pollution levels through shoreline cleanup and trash removal from San Francisco Bay.
- c. Restore wetlands that provide natural filters and remove pollution from the Bay's water.
- d. Clean and enhance creek outlets where they flow into San Francisco Bay.

#### **2. Vital Fish, Bird and Wildlife Habitat Program**

The purpose of this Program is to significantly improve wildlife habitat that will support and increase vital populations of fish, birds, and other wildlife in and around San Francisco Bay.

- a. Enhance the San Francisco Bay National Wildlife Refuge, shoreline parks and open space preserves, and other protected lands in and around the Bay, providing expanded and improved habitat for fish, birds and mammals.
- b. Protect and restore wetlands and other Bay and shoreline habitats to benefit wildlife, including shorebirds, waterfowl and fish.
- c. Provide for stewardship, maintenance and monitoring of habitat restoration projects in and around the Bay, to ensure their ongoing benefits to wildlife and people.

#### **3. Integrated Flood Protection Program**

The purpose of this Program is to use natural habitats to help protect communities along the Bay's shoreline from the risks of severe coastal flooding caused by storms and high water levels in the Bay.

- a. Provide nature-based flood protection through wetland and habitat restoration along the Bay's edge and at creek outlets that flow to the Bay.
- b. Build and/or improve flood protection levees that are a necessary part of wetland restoration activities, in order to protect existing shoreline communities, agriculture, and infrastructure.

#### **4. Shoreline Public Access ~~and Education~~ Program**

The purpose of this Program is to enhance the quality of life of Bay Area residents, including those with disabilities, through safer and improved public access ~~and educational~~ opportunities, as part of and compatible with wildlife habitat restoration projects in and around San Francisco Bay.

- a. Construct new, repair existing and/or replace deteriorating public access trails, signs, and related facilities along the shoreline and manage these public access facilities.

## DRAFT Resolution

### Exhibit A

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

- b. ~~As a limited component of pollution prevention, habitat restoration~~Provide interpretive materials and special outreach events about pollution prevention, wildlife habitat, public access opportunities, and flood protection, ~~and public access projects, provide education about the health of the Bay~~ in order to protect ~~natural resources~~the health of the Bay and encourage community engagement.

#### **B. Additional Allocation Criteria and Community Benefits**

1. The Authority shall ensure that the revenue generated by the Measure is spent in the most efficient and effective manner possible, consistent with serving the public interest and in accordance with existing law. The Authority shall give priority to projects that:
  - a. Have the greatest positive impact on the Bay as a whole, in terms of clean water, wildlife habitat and beneficial use to Bay Area residents.
  - b. Have the greatest long-term impact on the Bay, in order to benefit future generations.
  - c. Provide for geographic distribution across the region and ensure that there are projects funded in each of the nine counties that comprise the San Francisco Bay Area over the life of the Measure.
  - d. Increase impact value by leveraging state and federal resources as well as public/private partnerships.
  - e. Serve economically disadvantaged communities.
  - f. Benefit the economy of the region, including local workforce development, employment opportunities for Bay Area residents, and nature-based flood protection for critical infrastructure and existing shoreline communities.
  - g. Work with local organizations and businesses to engage youth and young adults and assist them in gaining skills related to natural resource protection.
  - h. Incorporate monitoring, maintenance and stewardship to ensure the most efficient and effective strategies for restoration and achievement of intended benefits.
  - i. Meet the selection criteria of the Coastal Conservancy's San Francisco Bay Area Conservancy Program and are consistent with the San Francisco Bay Conservation and Development Commission's coastal management program and with the San Francisco Bay Joint Venture's implementation strategy.
2. The Authority shall ensure that 50% of the total net revenue generated through-out the term of the Measure is allocated to the four Bay Area regions, defined as the North Bay (Sonoma, Marin, Napa and Solano Counties), the East Bay (Alameda and Contra Costa Counties), the West Bay (City and County of San Francisco and San Mateo County) and the South Bay (Santa Clara County) in proportion to each region's share of the Bay Area's population, as determined in the 2010 census, and consistent with the priorities set forth in this section. As a result, each region will receive the following minimum percentage of total net revenue generated through-out the term of the measure: North Bay: 9%, East Bay: 18%, West Bay: 11%, South Bay: 12%. The remaining revenue shall be allocated consistent with all other provisions of this Measure.

## **DRAFT Resolution**

### **Exhibit A**

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

3. The Authority shall conduct one or more public meetings annually to gain public input on selection of projects under this Measure. All actions, including decisions about selecting projects for funding, will be made by the Authority in public meetings with advance notice and with meeting materials made available in advance to the public.
4. The Authority may accumulate revenue over multiple years so that sufficient funding is available for larger and long-term projects. All interest income shall be used solely to support the programs and priorities set forth in this Section.
5. No funds generated by the Measure shall be used for political advocacy.
6. No more than ~~56~~56% of the revenue generated by this Measure may be used by the Authority for general government purposes, including to administer the projects funded under this Measure. Any unused funds may be carried over for use in subsequent years.

#### **C. Accountability and Oversight**

In order to ensure accountability, transparency and public oversight of all funds collected and allocated under this Measure and to comply with state law, all of the following shall apply:

1. The specific purpose of the parcel tax shall be to support only the programs and priorities set forth in this Section. The proceeds of the parcel tax shall be applied only to those specific purposes of this Section and shall be spent only in accordance with the procedures and limitations set forth in this Section.
2. A separate account shall be created by the Authority into which all proceeds from the parcel tax must be deposited. The Authority shall commission an independent, outside annual audit of all revenues deposited in, and all expenditures made from, the special, separate account and publish an annual financial statement.
3. All funds generated by the parcel tax, except as set forth in Section 2.B.5 above, shall be spent on projects within the San Francisco Bay Area, and shall not be taken by the State.
4. The Authority shall prepare an annual written report showing (i) the amount of the funds collected and expended from the proceeds of the parcel tax and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the parcel tax, as identified above. The report shall comply with all provisions of 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 for safe,

## DRAFT Resolution

### Exhibit A

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

clean water, pollution reduction, habitat restoration, flood protection and public access in and around the Bay. Advisory Committee meetings will be announced in advance and will be open to the public. The responsibilities of the Advisory Committee shall include: (a) advising the Authority about implementation of this Measure; (b) making recommendations regarding expenditure priorities under this Measure; (c) reviewing expenditures on an annual basis to ensure they conform to the Measure; and (d) reviewing the annual audit and report prepared by the Authority, describing how funds were spent.

#### **Section 3. Funding of San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Expenditure Plan.**

Subject to voter approval, the Authority hereby establishes a flat parcel tax the proceeds of which shall be used solely for the purpose of supporting the programs and priorities set forth in this Measure. The parcel tax shall be levied at a rate of ~~nine-twelve~~ dollars (\$~~129~~) per parcel within the jurisdiction of the Authority which consists of the San Francisco Bay Area. The tax shall be levied annually for a total of ~~ten-twenty~~ (~~120~~) years, commencing effective July 1, 201~~7~~<sup>5</sup> and ending June 30, 20~~37~~<sup>25</sup>.

The parcel tax shall be levied on each parcel of taxable property within the San Francisco Bay Area, and shall be collected by the tax collectors of each county and city and county in the San Francisco Bay Area (the "Tax Collectors") at the same time as, and along with, and will be subject to the same penalties as general, *ad valorem* taxes collected by the Tax Collectors. The parcel tax and any penalty shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid. Any parcel tax levied shall become a lien upon the properties against which taxes are assessed and collectible as herein provided. The parcel tax shall appear as a separate item on the tax bill.

All property that is otherwise exempt from *ad valorem* property taxes in any year shall also be exempt from the parcel tax in such year. The Authority shall adopt procedures that set forth any clarifications and exemptions to address unique circumstances and any procedure for claimants seeking an exemption, refund, reduction or recomputation of the parcel tax.

#### **Section 4. Establishment of Appropriation Limit.**

Pursuant to Article XIII-B of the California Constitution, the appropriation limit of the Authority shall be set by the total revenues actually received by the Authority from the proceeds of the tax for the first fiscal year of operation, as adjusted each fiscal year after the first year for the estimated change in the cost of living, population and number of parcels on which the tax is levied. The appropriation limit may be further adjusted by any other changes that may be permitted by Article XIII B of the California Constitution. Any future increases in the appropriation limit shall be approved by a majority vote of the voters therein.

**DRAFT Resolution**

**Exhibit A**

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

**Section 5. Amendments and Severability.**

A. The Governing Board of the Authority shall be empowered to amend this Measure by majority vote of its members to further the purposes of this Measure, to conform the provision of this Measure to applicable state law, to modify the methods of levy and collection of the parcel tax, or to assign the duties of public officials under this Measure.

B. If any part of this Measure is held to be invalid for any reason, such decision shall not affect the remaining portions of this Measure and the voters declare that they would have passed the remainder of this Ordinance as if such invalid portion were not included.



Date: September 11, 2015

To: Governing Board  
San Francisco Bay Restoration Authority

From: Judy Kelly  
Director  
San Francisco Estuary Partnership

Subject: **Need for Establishing Ad Hoc Polling Subcommittee and Follow-up Actions**

#### Current Status

In previous Restoration Authority Board meetings, the Board gave staff direction to prepare for a tracking poll on the Special Parcel Tax Ballot Measure being considered for placement on the ballot in June 2016 should the Restoration Authority Board decide to take that action.

In order to complete the work needed to conduct the tracking poll staff requests that the Board establish an ad hoc advisory committee to review the responses to the Request for Qualifications (RFQ) to conduct the tracking poll, and to provide assistance to staff and the selected contractor.

This tracking poll has been discussed in terms of a short set of questions to determine public response to the wording of a final Special Parcel Tax Ballot Measure in the range of \$20,000 to \$25,000. Previous discussions called for this poll to be conducted in time to give the Board key information prior to making a final determination on whether to go forward with the Special Parcel Tax Ballot Measure. According to the current schedule, the poll would take place in December and the results would be presented to the Board at the January Board meeting.

Funds to conduct such a poll are currently not on hand but can be obtained if it appears likely that the Board will vote to take the measure to the ballot.

#### Recommendation

The Governing Board is requested to create an ad hoc polling advisory committee to assist staff in developing the RFQ, reviewing resulting submissions, selecting a firm to conduct the poll, and developing the final poll questions.

Blank Page



Date: August 27, 2015

To: Governing Board  
San Francisco Bay Restoration Authority

From: Amy Hutzal  
Manager, San Francisco Bay Area Conservancy Program  
California State Coastal Conservancy

Subject: **Proposed Governing Board Meeting Schedule for Calendar Year 2016**

With the November 2016 election approaching, more frequent Governing Board meetings will be needed. The following meeting dates are proposed for Calendar Year 2016:

Wednesday, January 13  
Wednesday, February 24  
Wednesday, April 27  
Wednesday, May 25  
Wednesday, June 29  
Wednesday, September 28  
Wednesday, November 30

Most of these dates are the fourth Wednesday of the month, but June and Novembers's are the fifth Wednesdays due to scheduling conflicts.

In order to avoid a meeting room conflict with Metropolitan Transportation Commission, the 11th Floor conference room at 1330 Broadway has been reserved for all of the above dates. As has been the case in 2015, all Governing Board meetings are proposed to run from 1:00 p.m. to 3:00 p.m.

Blank Page