



DATE: September 11, 2014

TO: Governing Board
San Francisco Bay Restoration Authority

FROM: Ted Lempert, Chair
San Francisco Bay Restoration Authority

SUBJECT: Potential Legislative Activities in 2015 – Informational Item

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

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

Possible Changes to Statute

1. Extension of Sunset – Current statute establishes a repeal (sunset) date of January 2029 for the Authority. Absent an extension of the sunset date, the Authority would be unable to propose a revenue measure in 2016 with a term of more than 12 years. An extension of the sunset to 2041 would allow the Authority to propose a 20 year measure, and provide an additional 4 years of operations following expiration.
2. Governing Board – Government Code section 1090 prohibits an individual from simultaneously serving in two offices when there is a potential conflict of interest except when there is clear statutory authority allowing an individual to do so. The current statute explicitly allows six elected officials to serve both as a councilmember/supervisor/district board member and as a member of the Governing Board. The current statute does not explicitly allow an elected official to serve as the Chair of the Governing Board. The statute should be amended to explicitly allow an elected to serve as the chair and remove this disparity.
3. Ballot Access – Legislation in 2013 provided the Authority with one-time reduced cost access to the regional ballot. That provision expires in 2016 unless it is extended, regardless of whether the Authority moves forward with a measure.
4. Additional Changes – As the Authority moves forward in planning, the need for additional legislative changes may be identified.

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