



San Francisco Bay
Restoration Authority

Resolution 16

Adopting 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 Sections 66700, et seq. (Act), as a regional entity to generate and allocate resources for the protection and enhancement of tidal wetlands and other wildlife habitat in and surrounding the San Francisco Bay; and

Whereas, on January 13, 2016 the Governing Board of the Authority voted to place The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (“Measure AA”) on the June 2016 ballot; and

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

Whereas, staff of the Authority recommend that the Authority adopt the Independent Citizens Oversight Committee Procedural Document to more specifically describe the membership process and responsibilities of the Independent Citizens Oversight Committee.

Now Therefore Be It Resolved, that the Governing Board of the San Francisco Bay Restoration Authority hereby adopts the San Francisco Bay Restoration Authority Independent Citizens Oversight Committee Procedural Document attached to this Resolution 16 as Exhibit A together with the changes thereto that were discussed and approved by the Governing Board at today’s meeting.

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on April 27, 2016, by the following vote:

AYES: Governing Board Members Bacon, Sutter, Pine, Gioia, Showalter

NOES: Governing Board Members None

ABSENT: Governing Board Members Caldwell, Wiener

ABSTAIN: Governing Board Members None

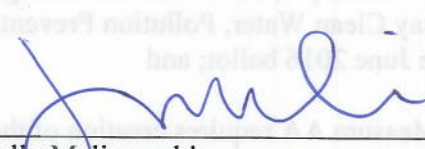
San Francisco Bay Restoration Authority

Resolution No. 16



Dave Pine
Chair of the Governing Board

I, Kelly Malinowski, 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 April 27, 2016, which Resolution is on file in the office of this regional governmental entity.



Kelly Malinowski
Clerk of the Governing Board



San Francisco Bay
Restoration Authority

San Francisco Bay Restoration Authority Independent Citizens Oversight Committee Procedural Document

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Attachments

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

Exhibit A: Restoration Authority Independent Citizens Oversight Committee Procedural

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 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 Committee will meet at least twice each year, to receive, review, interrogate, and make initial comments on the Authority's annual reports and financial documents, and a second time to review, amend, and adopt its findings and recommendations to the Authority. The meetings shall be scheduled to occur within 90 days of the release of the final aforementioned reports. The Committee will hold additional meetings as the members deem necessary. 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. The Independent Citizens Oversight Committee will democratically vote 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.

As required in Measure AA, the Authority will prepare a written report each year showing the amount of funds collected and expended and the status of any funded projects or programs. This report will comply with Government Code section 5007.3. This report will be provided to the members of the Committee, along with any other written information that would help the Committee conduct its work, including any financial audits or annual financial reports by the Authority. The Committee will meet at least once each year (or as many times as they deem necessary) to discuss the report provided to them and to develop a written report of findings. The Authority will provide requested support to the Committee. Oversight Committee meetings will be fully open to the public and conducted in accordance with the requirements of the Brown Act. The Oversight Committee will operate

Exhibit A: Restoration Authority Independent Citizens Oversight Committee Procedural

independently from the Advisory Committee and Governing Board and staff. The Committee's annual written report of its findings will be posted on the Authority's website and will be placed on the agenda and presented to the Governing Board at a public meeting.

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.

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,
- 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; or
- Has had or could have a financial interest in a decision of the Authority.

Exhibit A: Restoration Authority Independent Citizens Oversight Committee Procedural

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.

To form the Committee and to replace members that are termed out or that decide to leave the Committee, Authority staff will review prospective Committee members, and make recommendations to the Governing Board, as detailed below.

- i. 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 Independent Citizens Oversight Committee will be placed on the Restoration Authority's mailing list to be notified when each SOI is released. All SOIs received by the deadline will be forwarded to the Authority staff for review.
- ii. The advisory committee 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, if members are geographically representative as outlined in Section A.i, and disqualifying 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 six 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 with all application(s) for the open position(s).
- iii. In the event that a current member of the Oversight Committee leaves their position, and there is an open seat, the Authority will follow steps outlined in Section B.i and B.ii above to ensure that there are six members of the Independent Citizens Oversight Committee.

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, but in the first year, two members shall be appointed to one year terms, two members shall be appointed to two year terms, and two members shall be appointed to three year terms. The members for these initial terms will be selected by a lottery method. Members may serve consecutive terms, but must resubmit their Statement of Interest for consideration. Members may resign before their term is over by submitting a resignation letter to the Governing Board. Their replacement will serve out the balance of the term.

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 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.

