



**San Francisco Bay  
Restoration Authority**

**Resolution No. 24**

**Adopting Amendments to the San Francisco Bay Restoration Authority Advisory  
Committee Procedural Document**

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

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

**Whereas**, the Act addresses membership and responsibilities of the Advisory Committee; and

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

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

**Whereas**, at its October 12, 2016 Governing Board meeting, the San Francisco Bay Restoration Authority adopted an amended San Francisco Bay Restoration Authority Advisory Committee Procedural Document (“Procedural Document”); and

**Whereas**, staff of the Authority recommend that the Authority adopt amendments to the San Francisco Bay Restoration Authority Advisory Committee Procedural Document to add a stipend policy, increase the maximum number of Advisory Committee members from 25 to 34, and delete Attachment C, the list of Advisory Committee members.

**Now Therefore Be It Resolved**, that the Governing Board of the San Francisco Bay Restoration Authority hereby adopts amendments to the San Francisco Bay Restoration Authority Advisory Committee Procedural Document as shown in Exhibit A to this Resolution 24.

**PASSED AND ADOPTED** by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on February 10, 2017, by the following vote:

AYES: Governing Board Members

Pino, Sears, Peskin, Shandell, Bacon, Scharff

NOES: Governing Board Members

N/A

ABSENT: Governing Board Members Glidia

ABSTAIN: Governing Board Members N/A

A handwritten signature in blue ink, appearing to read "Dave Pine", written over a horizontal line.

Dave Pine, Chair

I, Anulika White, 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 February 10, 2017, which Resolution is on file in the office of this regional governmental entity.

A handwritten signature in blue ink, appearing to read "Anulika White", written over a horizontal line.

Anulika White, Clerk



## **MEMORANDUM**

**DATE:** January 27, 2017

**TO:** Governing Board  
San Francisco Bay Restoration Authority

**FROM:** Sam Schuchat, Executive Officer; Matt Gerhart, Program Manager; Jessica Davenport, Project Manager

**SUBJECT:** Updates to Advisory Committee Procedural Document

Staff recommends that the Authority adopt Resolution 24 to amend the Advisory Committee Procedural Document to include a stipend policy, increase the maximum number of Advisory Committee members from 25 to 34, and remove the list of Advisory Committee members.

### **Background**

**Stipend Policy.** Stipends are sometimes provided to government advisory committee members in order to facilitate the participation of a broadly representative group of members. The Advisory Committee Procedural Document does not currently allow for stipends for Advisory Committee members. The Governing Board directed staff to develop a policy for providing stipends to members of its Advisory Committee.

In order to determine a reasonable amount for a stipend, the staff looked into the practices of the California Air Resources Board. CARB's stipend policy states that "Members of committees or advisory groups shall receive one hundred dollars (\$100) per day for each day they attend a meeting of the state board or meet pursuant to a request of the state board, plus actual and necessary travel expenses incurred while performing their duties."

The work plan budget approved by the Board at its November 2016 meeting included \$2500 in Fiscal Year 16/17 and \$5000 in Fiscal Year 17/18 for Advisory Committee expenses, including a possible stipend for members. The budgeted amount would cover stipends for some, but not all, Advisory Committee members.

The staff recommends that the Board adopt a modified version of CARB's policy:

- The stipend amount would be one hundred dollars per day for each day of attendance at an Advisory Committee meeting.
- Travel expenses would not be covered because they are expected to be minimal for travel within the Bay Area.

- Given the Authority's limited budget for administrative expenses, the stipend would be available only upon request to those members who are low-income individuals or work for a non-profit organization without adequate resources to cover their participation.

**Increase in the Number of Advisory Committee Members.** As described in the Item 9 memo on the February 10, 2017 agenda, *Ad Hoc Committee Recommendation on Advisory Committee Appointments*, the Governing Board's ad hoc committee for the Advisory Committee is recommending a new group of Advisory Committee members to the Board. To ensure adequate coverage of the areas of expertise, geographic representation, and other representation goals, the ad hoc committee also recommends an increase in the number of Advisory Committee members from 25 to 34.

#### Recommendation

Staff recommends that the Authority amend the Advisory Committee Procedural Document to provide for payment of a stipend to eligible Advisory Committee members, upon request, and to increase the maximum number of Advisory Committee members from 25 to 34. In addition, staff recommends removal of Attachment C to the Procedural Document, which is the list of Advisory Committee members. The list will be out of date as soon as new members have been selected, and it will be out of date in the future when members are replaced. For these reasons, staff recommends that the list be kept separate from the Procedural Document.

#### Attachments

Resolution 24

Updated Advisory Committee Procedural Document



# **San Francisco Bay Restoration Authority**

## **Advisory Committee**

### **Procedural Document**

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#### Contents

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

#### Attachments

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

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

### **A. Advisory Committee Statutory Provisions**

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

### **B. Advisory Committee Roles**

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

### **C. Advisory Committee Membership**

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

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

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

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

There will be a maximum of ~~25~~ 34 Advisory Committee members. ~~The list of current Advisory Committee members is set forth in Attachment C.~~

#### D. Conflict of Interest Information

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

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

#### E. Stipend Policy

The Authority will not reimburse Advisory Committee members for travel and per diem expenses and other costs associated with participation in Authority activities. Upon receipt of a written request, the Executive Officer may provide a stipend to eligible Advisory Committee members for attendance at Advisory Committee meetings. The stipend will consist of one hundred dollars per day for each day of attendance at an Advisory Committee meeting. Eligible members are those who are low-income individuals or work for a non-profit organization that lacks adequate resources to cover their participation.

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

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

1. Review and comment on annual written reports by the Restoration Authority that show:
  - a. The amount of funds collected and expended from Special Tax proceeds, and
  - b. The status of any projects or programs required or authorized to be funded from the proceeds of the Special Tax, as identified in Measure AA.

2. Advise the Restoration Authority about implementation of Measure AA and all other aspects of the Restoration Authority's activities under Measure AA, to ensure maximum benefit, value, and transparency.
3. Make recommendations regarding expenditure priorities under Measure AA.

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

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

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

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

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

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

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

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

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

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

This section describes the process the Restoration Authority will use to select new Advisory Committee members and the selection criteria that the Restoration Authority will use in addition to the statutory



criteria in Section 66703.7. The process includes both the solicitation of new members, whether as individuals or as representatives of entities, and the substitution of appointees of entities represented on the Advisory Committee.

1. Process for the Selection of Advisory Committee Members

a. Solicitation for New Advisory Committee Members

- i. When the Restoration Authority staff, in consultation with the Governing Board, determines new Advisory Committee members are needed, the Restoration Authority will release a Request for Statements of Interest (“SOIs”) to the Restoration Authority’s mailing list, post the Request for SOIs on the Restoration Authority’s website, and also conduct additional, general public outreach to solicit a diverse group of individuals. All SOIs received by the deadline will be forwarded to the Authority staff for review.
- ii. Individuals that inquire about Advisory Committee membership will be placed on the Restoration Authority’s mailing list to be notified when each SOI is released.
- iii. The only exception to this process is outlined in subsection b. below, regarding substitutions for representatives of entities represented on the Advisory Committee.

b. Substitutions of Representatives

- i. The only exception to the process outlined above in subsection a. is for substitutions of appointees of entities represented on the Advisory Committee. An entity represented on the Advisory Committee may request in writing the designation of a new appointee to represent their entity, (for example, if their current representative changes positions or leaves the entity or if the entity desires a different representative).
- j. Substitutes of Advisory Committee members will be made at a public Restoration Authority Governing Board meeting via a resolution passed by the Restoration Authority Governing Board.

c. Selection of Advisory Committee Members

- i. All Advisory Committee members will be added to the Advisory Committee at a public Restoration Authority Governing Board meeting via a resolution passed by the Restoration Authority Governing Board, and based on criteria outlined in Section 66703.7.

d. Terms

- i. New Advisory Committee members will be appointed for renewable four-year terms. Current members will be assigned either a two-year or four-year term with approximately one half assigned to two-year terms.

2. Additional Criteria for the Selection of Advisory Committee Members

- a. The Restoration Authority will strive to balance representation among public agencies, non-profit organizations, community groups, business interests, and individuals, and will strive to ensure continued representation of each of the

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

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

## ATTACHMENT A

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

#### Government Code Section 66703.7:

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

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

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

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=66703.](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=66703.7)

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## **ATTACHMENT B**

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

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

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

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

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

4. The Authority shall prepare annual written reports showing (i) the amount of funds collected and expended from Special Tax proceeds and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the Special Tax, as identified above. The report shall comply with Government Code section 50075.3, be posted on the Authority's website, and be submitted to the Bay Restoration Advisory Committee, established pursuant to Government Code section 66703.7 (the "Advisory Committee"), for review and comment.
5. The Advisory Committee shall provide advice to the Authority on all aspects of its activities under this Measure to ensure maximum benefit, value, and transparency. Advisory Committee meetings will be announced in advance and will be open to the public. The responsibilities of the Advisory Committee shall include, but shall not be limited to: (a) advising the Authority about implementation of this Measure; and (b) making recommendations regarding expenditure priorities under this Measure.

## ATTACHMENT C

### List of Current Advisory Committee Members; (Last Updated March 24, 2016)

Steve Abbors — General Manager, Mid Peninsula Regional Open Space District  
Dion Aroner — Partner, Aroner, Jewel & Ellis Partners  
John Coleman — Executive Director, Bay Planning Coalition  
Joshua Collins — Chief Scientist, San Francisco Estuary Institute  
Grant Davis — General Manager, Sonoma County Water Agency  
Chris Elias — Watershed Deputy Operating Officer, Santa Clara Valley Water District  
Arthur Feinstein — Sierra Club  
Ben Field — Executive Director, South Bay Labor Council  
Pete Figueiredo — Vice President, Operating Engineers Local #3  
Casey Fromson — Government Affairs Officer, Caltrain Modernization Program, San Mateo County  
Transit District  
Larry Goldzband — Executive Director, San Francisco Bay Conservation and Development Commission  
Beth Huning — Coordinator, San Francisco Bay Joint Venture  
Andrea Jones — Director of Bird Conservation, Audubon California  
Jerry Kent — East Bay Regional Park District (retired)  
Roger Leventhal — Senior Engineer, Marin County Public Works Department and Bay Area Flood Protection Agencies Association  
David Lewis — Executive Director, Save San Francisco Bay Association  
Sally Lieber — Consultant  
Andrea Mackenzie — General Manager, Santa Clara County Open Space Authority  
Mike Mielke — Vice President, Environmental Programs and Policy, Silicon Valley Leadership Group  
Richard Mitchell — Director of Planning and Building, City of Richmond  
Anne Morkill — Project Leader, San Francisco Bay National Wildlife Refuge Complex  
Bruce Raful — Proprietor, Raful & Associates  
John Rizzo — Trustee, San Francisco City College  
Patrick Rutten — Southwest Regional Supervisor, NOAA Restoration Center  
Sarah Rose — Chief Executive Officer, California League of Conservation Voters  
Richard Sinkoff — Director of Environmental Programs and Planning, Port of Oakland  
Bob Spencer — Economic Consultant, Urban Economics  
Renee Spent — Regional Biologist, Western Region, Ducks Unlimited  
Laura Thompson — Manager, San Francisco Bay Trail Project, Association of Bay Area Govts.  
Kate White — California State Transportation Agency  
Scott Wilson — Manager, Bay Delta Region, Department of Fish and Wildlife  
Bruce Wolfe — Executive Officer, San Francisco Regional Water Quality Control Board  
Jim Wunderman — President and Chief Executive Officer, Bay Area Council