



Midpeninsula Regional  
Open Space District

R-16-61  
Meeting 16-10  
May 11, 2016

## AGENDA ITEM 6

### AGENDA ITEM

Resolution in Support of Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program

### GENERAL MANAGER'S RECOMMENDATION

Adopt a resolution in support of Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program, which will be on the ballot for the June 7, 2016 statewide direct primary election.

### SUMMARY

On January 13, 2016, the San Francisco Bay Restoration Authority (SFBRA) Governing Board voted to place the San Francisco Bay Clean Water, Pollution Prevention, and Habitat Restoration Program, known as the "Clean and Healthy Bay Measure," on the June 2016 ballot in all nine Bay Area counties. The measure would raise approximately \$500 million over 20 years to fund Bay restoration and flood protection projects.

The proposed revenue measure distribution language from the Authority's adopted resolution is as follows: *"The Authority shall ensure that 50% of the total net revenue generated throughout 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 throughout 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."*

On April 21, 2016, the campaign committee for Yes on AA: Support a Clean and Healthy Bay submitted a letter requesting the Midpeninsula Regional Open Space District's (District) endorsement of Measure AA (Clean and Healthy Bay Measure). A majority of the Board directed staff to research the matter at the April 27, 2016 Board meeting. The Clean and Healthy Bay Measure is consistent with the District's mission in that it would enable the SFBRA to protect and restore the natural bayfront environment and provide opportunities for ecologically-sensitive public enjoyment and education.

## **MEASURE AA**

Several of the projects associated with the Clean and Healthy Bay Measure help facilitate the completion or complement Measure AA (District measure) projects, including Measure AA Portfolio #2, Regional: Bayfront Habitat Protection and Public Access Partnerships. This portfolio includes partnering to complete gaps in the Bay Trail, develop city-to-bay trails, ensure that flood control projects accommodate trail access, monitor bayfront development proposals to ensure trails and wetland restoration, support and encourage partner wetland restoration, and collaborate to preserve additional bayfront open space as available. At an even larger scale, the health of the bay is integral to the environmental health of the entire San Francisco Bay Region.

## **BACKGROUND**

Over the last century, San Francisco Bay had been negatively impacted by landfill and toxic pollution. In order to create a clean and healthy San Francisco Bay, a significant investment must be made to both clean its waters and restore tidal wetlands that have been lost over the past century and a half.

The SFBRA was created by the California Legislature in 2008 to lead the effort to restore wildlife habitat, reduce pollution, protect shoreline communities from flooding, and increase trails and public access to the San Francisco Bay. This work will help protect the Bay's wildlife, provide recreational opportunities, and keep shoreline communities safe.

To fund this work, the SFBRA has placed the Clean and Healthy Bay Measure on the June 7, 2016 ballot in all nine Bay Area Counties. The Clean and Healthy Bay Measure is a \$12 per annual per parcel tax with a 20 year sunset for the purpose of raising \$500 million to be leveraged against state, federal, and private funds.

## **DISCUSSION**

If approved by the voters, the Clean and Healthy Bay Measure would generate approximately \$25 million per year, totaling \$500 million, to fund shoreline projects that would protect and restore San Francisco Bay by:

- Reducing trash, pollution, and harmful toxins in the Bay;
- Improving water quality;
- Restoring habitat for fish, birds, and wildlife;
- Protecting communities from floods; and
- Increasing shoreline public access

Projects would be prioritized based on their positive impact on the San Francisco Bay as a whole, with provisions to ensure that projects would be funded in each of the Bay Area's nine counties. Half of the funds would be allocated geographically among the North Bay, the East Bay, the South Bay, and the West Bay proportional to the size of the populations, and the remainder would be allocated without regard to the county. Proceeds would be solely used for supporting the programs set forth in the measure and would be spent exclusively for projects in the nine counties comprising the SFBRA, with administrative expenditures limited to no more than 5% of the measure's revenue. State law requires that funds raised by the SFBRA be spent on tidal marsh restoration and associated flood protection and public access projects.

If the measure is passed, an annual audit would be conducted and an annual report would be published detailing the amounts deposited and expended and the status of any projects funded under the measure. These audits and reports would be submitted to an independent citizen oversight committee for review.

In carrying out its mission, the District undertakes bay restoration projects that provide a mix of tidal wetlands, related natural habitats, and wildlife- and recreation-oriented public access along the San Francisco Bay shoreline in San Mateo and Santa Clara counties. Bayfront Habitat Protection and Public Access Partnerships is a Top 25 Vision Plan Priority Action and included in the District's Measure AA Expenditure Plan.

Passage of the Clean and Healthy Bay Measure would leverage additional resources from the state (potentially Cap and Trade funds), local (Plan Bay Area and transportation mitigation funds) and Federal (EPA, U.S. Army Corps of Engineers) governments.

The District supports the goals of the San Francisco Bay Restoration Authority Act and the Clean and Healthy Bay Measure could result in additional funding for the District's bay restoration goals as defined in its Vision Plan. With Ravenswood Regional Open Space Preserve and Stevens Creek Nature Area, the District currently operates these two shoreline areas, which adjoin hundreds of acres of protected shoreline areas in a densely urbanized area.

The Clean and Healthy Bay Measure would require approval by a 66.67% supermajority majority of voters in the nine Bay Area counties. The following individuals signed the official argument in favor of the Clean and Healthy Bay measure:

- California Senator Loni Hancock
- Paul Kumar
- Alameda County Supervisor Scott Haggerty
- Oakland Mayor Libby Schaaf
- Fremont City Councilmember Suzanne Lee Chan

Additionally, the Clean and Healthy Bay measure has been endorsed by the League of Conservation Voters, Committee for Green Foothills, Audubon California, Save the Bay, and Sierra Club, and numerous other elected and community leaders.

Additional information about the Clean and Healthy Bay measure is available on the San Francisco Bay Restoration Authority website at <http://sfbayrestore.org/> and <http://www.savesfbay.org/MeasureAA>.

## **FISCAL IMPACT**

There is no fiscal impact associated with adopting a resolution in support of the Clean and Healthy Bay ballot measure.

## **BOARD COMMITTEE REVIEW**

This item was not previously reviewed by a Board Committee.

**PUBLIC NOTICE**

Public notice was provided as required by the Brown Act. No additional notice is required.

**CEQA COMPLIANCE**

This item is not a project subject to the California Environmental Quality Act.

**NEXT STEPS**

If approved by the Board of Directors, a copy of the resolution in support of Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program, will be transmitted to the Yes on AA: Support a Clean and Healthy Bay campaign committee.

Attachment

1. Resolution of the Board of Directors of the Midpeninsula Regional Open Space District Supporting Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program.

Responsible Department Head:  
Steve Abbors, General Manager

Prepared by:  
Jennifer Woodworth, District Clerk

Contact Person:  
Shelly Lewis, Public Affairs Manager

**RESOLUTION 16-\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT SUPPORTING MEASURE AA, SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION PROGRAM**

**WHEREAS**, the San Francisco Bay once featured nearly 200,000 acres of tidal marshes, but more than 150 years of development, diking, and filling dramatically reduced those wetlands to only 40,000 acres, diminished residents' shoreline access, and choked the Bay with raw sewage and industrial pollution, and

**WHEREAS**, despite the efforts of thousands across the San Francisco Bay Area for the past 50 years to protect and restore wetlands, significant new funding is needed to accelerate tidal marsh restoration to provide fish, birds, and other wildlife with the habitat they need to thrive, and

**WHEREAS**, the San Francisco Bay Area's economy and incredible quality of life are dependent upon the San Francisco Bay, and the Bay is a world-class treasure and a thriving estuary supporting hundreds of species of fish and wildlife, and we want our children and grandchildren to inherit a clean and healthy Bay that is part of their lives the way it is part of ours, and

**WHEREAS**, the San Francisco Bay Restoration Authority (SFBRA) Governing Board voted to place a charter amendment on the June 7, 2016 ballot; and

**WHEREAS**, approval of Measure AA, the "Clean and Healthy Bay Measure," by the voters in the nine Bay Area counties would raise approximately \$500 million in revenue over 20 years to fund Bay restoration and flood protection projects; and

**WHEREAS**, we have an unprecedented opportunity to accelerate improvements around the Bay that will benefit people and wildlife and make our economy more resilient to climate change, including habitats for endangered animals, parks and trails for recreation, and flood protection for communities, roads, and other critical infrastructure, and

**WHEREAS**, the measure would reduce trash, pollution, and harmful toxins in the Bay, improve water quality, restore habitat for fish, birds, and wildlife, protect communities from floods, act as a line of defense against sea level rise, and increase shoreline public access; and

**WHEREAS**, passage of Measure AA would leverage additional resources from the state, local and Federal governments to ensure restoration and public access projects along Bay Area shorelines.

**NOW THEREFORE BE IT RESOLVED** that Midpeninsula Regional Open Space District hereby recognizes the unique and critical role of the San Francisco Bay to those living and working in the Bay Area, and that restoring wetland habitat across the Bay is of critical importance to us all, and the Board of Directors of the Midpeninsula Regional Open Space

District does hereby declare its enthusiastic support for Measure AA, San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program on the June 7, 2016 ballot.

**PASSED AND ADOPTED** by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_, 2016, at a regular meeting thereof, by the following vote:

\* \* \* \* \*

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Secretary  
Board of Directors

\_\_\_\_\_  
President  
Board of Directors

**APPROVED AS TO FORM:**

\_\_\_\_\_  
General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

\_\_\_\_\_  
District Clerk