

SF Bay Stewardship Alliance Comments
BCDC Commission Meeting
May 7, 2020

Agenda Item #11
Pending Legislation

The Alliance strongly supports Assembly Bill 2809 which was introduced by Speaker Pro Tempore Kevin Mullin. This bill will be heard next week by the Natural Resources Committee.

We urge the Commissioners to join us and a bipartisan group of legislators who support passage of this bill. As your staff report notes, AB 2809 includes most of the recommendations for legislative action from last year's California State Auditor's report.

Unfortunately, BCDC Staff have consistently questioned the findings and some recommendations of the State Auditor's report. BCDC Staff prepared a lengthy rebuttal of the initial report, which was rebuked by the Audit Committee as wasting valuable resources fighting its findings.

Executive Staff at the BCDC continues to resist any oversight as well as numerous suggestions for process improvement. The current staff recommendation to oppose AB 2809 shows BCDC leadership remains entrenched in its inefficient and often illegal practices, and has little interest in reforming the BCDC. There are numerous examples of this behavior.

The Alliance requests the Commissioners send a strong message to BCDC Staff in support of AB 2809. As BCDC staff notes, Speaker Pro Tempore Mullins and his staff have made assurances that the bill is not designed to reduce BCDC resources.

BCDC Executive Staff continues to misappropriate the Bay Fill Cleanup and Abatement Funds (BFCA) with the support of the Department of Finance. Both are guilty of flaunting the intent of this fund which is intended to make critical improvements to the health of SF Bay. It was NEVER intended to fund staff costs, and this practice was previously called an abuse by Mr. Goldzband--before he became the executive director. (The California Coastal Commission also publicly stated use of fees and

penalties for staff use is an abuse, which leads to a “for profit” agency). The Auditor has called out this abuse. The legislature is simply rectifying a wrong that Executive Staff has forced on the public and the SF Bay to avoid prudent budgeting decisions and any attempt at improving this inefficient agency. Now more than ever these steps are essential.

This Commission must assure the public it takes protecting the SF Bay and maximizing access to the water seriously, and will protect the public interest by strongly supporting AB 2809.

As to the BCDC Staff's concerns about budget pressures due to the COVID-19 crisis, the cost pressures are inevitable and formidable. The state of California is facing a massive budget shortfall, and BCDC staff cannot continue to justify "business as usual". An enlightened leadership would be looking now for ways to carry out its mission through efficiencies, and cease the practice of continued expansion of processes to no end. It remains a stark contrast that when compared apples-to-apples, the Coastal Commission is *ten times more efficient* in doing essentially the same job as BCDC. In our judgement, the BCDC has significant opportunities to streamline its operations, achieve its mission and do a better job for the Public and SF Bay.

I encourage the Commissioners to do the right thing and support the Assembly Bill 2809.

TO: BCDC Commission Meeting

FROM: Maureen O'Connor Sanders

DATE: May 7, 2020

RE: Agenda Item 11: BCDC opposition to AB 2809

I am amazed and saddened that BCDC is being dismissive of key components of AB 2809. This bipartisan, good faith legislation, introduced by Speaker Mullin, is designed to take a measured approach to the myriad of problems identified in the BCDC state audit report. In response to the audit findings, legislators could have come down aggressively in support of agency resignations and complete re-structuring. Instead, they offer a modest beginning for BCDC agency reform, and even that is being opposed! Requiring BCDC to stop acting as a "for profit" business (misappropriation of Bay Fill Clean Up and Abatement funds) seems to me a key foundational reform. It takes real hubris for the agency to not only not comply with, but also to actively oppose, this reform. Commissioners and staff should vigorously support not only passage but also implementation of AB 2809. The agency ought to take this life line.

Maureen O'Connor Sanders

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