

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 1/24/03
Department Name: Third District
Department No.: 0230
Agenda Date: 1/28/03
Placement: Departmental
Estimate Time: 30 minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Gail Marshall
3rd District Supervisor

STAFF CONTACT: Mark Chaconas
x 2192

SUBJECT: Support of AB X2 1 and SB X2 1- California Coastal Commission

Recommendation(s):

That the Board of Supervisors:

Direct the Chair to execute the attached letter in support of AB X2 1 and SB X2 1, Special Session Legislation that addresses the California Coastal Commission.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 5. A High Quality of Life for All Residents

Executive Summary and Discussion

On December 30, 2002, the 3rd District Court of Appeals in Sacramento ruled that the California Coastal Commission was unconstitutional because the legislature, who appoint eight of the agency's 12 commissioners, have too much authority over what is essentially an executive branch agency.

As a result, Governor Davis called the legislature into a special session to remedy this recent court ruling. In response, Assemblymember Hannah-Beth Jackson has authored and introduced AB X2 1, which amends the Public Resource Code relating to the California Coastal Commission.

A similar measure sponsored by State Senator Shelia Kuehl, sets a fixed term of two years for the Legislative appointees of the Senate's Committee on Rules and the Speaker of the Assembly. The Senate or Assembly leadership may reappoint a Commissioner.

The remaining four seats on the Commission will continue to be filled by the Governor. Those Commissioners will serve as an executive appointment, at the pleasure of the Governor.

The proposed legislation by Assemblymember Hannah-Beth Jackson and Senator Kuehl retains the balance of the appointments envisioned in the original charter of the Commission while addressing the narrow decision by the Court of Appeals.

Timely action by the Board of Supervisors to provide leadership on this important matter and affirm our support of this vital State Agency is necessary. The Assembly and Senate Natural Resource Committees plan to begin debate on their respective bills this week in Sacramento.

As you know the California Coastal Commission was established by the voters of California in 1972 via Proposition 20 and later made permanent by the Legislature through adoption of the California Coastal Act of 1976. The Commission's role is particularly important to our region. Another recent appellate court decision allows the Commission to review the 36 off-shore leases before the Federal government can act on those leases is crucial to ensure a thorough evaluation of the coastal related impacts. In addition, while Santa Barbara County does have an adopted Local Coastal Plan, the Commission is responsible for hearing appeals and determining the consistency of local decisions. Some local jurisdictions throughout the State do not have approved Local Coastal Plans and as a result, the Commission must provide the expertise for those local communities while they develop their local plan.

Our Board's support of this legislation will send a clear signal to the State Legislature that as a County with a local coastal plan in place, we are interested in maintaining the positive influence the California Coastal Commission has made in Santa Barbara County as a steward of our coastline over the past 30 years.

Mandates and Service Levels:

None

Fiscal and Facilities Impacts:

None

Special Instructions:

Facsimile a copy of the attached letter to the Assembly and Senate Natural Resources Committees and to Santa Barbara County's Legislative Advocate, Cliff Berg.

Attachments: AB 2X 1 and SB 2X 1, Board Letter

January 28, 2003

Honorable Sheila Kuehl
State Capitol, Room 4032
Sacramento, CA 95814

Honorable Hannah-Beth Jackson
P.O. Box 942849
Sacramento, CA 94249-0001

Re: Support SB X2 1 and AB X2 1 relating to the California Coastal Commission

Dear Senator Kuehl and Assemblymember Jackson,

On January 28, 2003, the Santa Barbara County Board of Supervisors voted to support SB X2 1 and the Assembly companion bill AB X2 1, both act to amend Section 30312 of the Public Resource Code, relating to the California Coastal Commission.

SB X2 1 and AB X2 1 seek to address a December ruling, by the 3rd District Court of Appeals, that the Legislature's dominance in appointing and removing member of the Commission at will, violates the separation of powers provisions of the state constitution.

The California Coastal Commission was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976. The Commission's mission is to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations.

Santa Barbara County supports SB X2 1 and AB X2 1, and urges their passage to ensure the California Coastal Commission may continue to be empowered to perform its mission of protecting our coastal resources.

Sincerely,

Supervisor Naomi Schwartz
Chair, Santa Barbara County Board of Supervisors

C: Cliff Berg, Governmental Advocates