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# SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Dave Min, Chair

2023 - 2024 Regular

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**Bill No:** SB 360 **Hearing Date:** April 11, 2023  
**Author:** Blakespear  
**Version:** February 8, 2023 Introduced  
**Urgency:** No **Fiscal:** No  
**Consultant:** Katharine Moore

**Subject:** California Coastal Commission: member voting

## BACKGROUND AND EXISTING LAW

The California Coastal Commission (Coastal Commission) was established by voter initiative in 1972. The Legislature later made the Coastal Commission permanent through the adoption of the California Coastal Act of 1976 (Coastal Act) (Public Resources Code (PRC) §§30000 *et seq.*). The Coastal Commission plans for and regulates the use of land and water in the coastal zone (which excludes the San Francisco Bay).

The Coastal Commission is an independent, quasi-judicial state agency, and its mission statement states that it “is committed to protecting and enhancing California’s coast and ocean for present and future generations.” The Coastal Commission does so “through careful planning and regulation of environmentally sustainable development, rigorous use of science, strong public participation, education, and effective intergovernmental coordination.”

The Coastal Commission consists of the following 15 members:

- The Secretary of the Natural Resources Agency,
- The Secretary of Transportation,
- The Chair of the State Lands Commission,
- Six public members, and
- Six coastal region representatives.

The public members and coastal region representatives are the 12 voting members of the Coastal Commission and are appointed by the Governor, Senate Rules Committee, and the Speaker of the Assembly, as provided. (PRC §30301)

Each coastal region member represents one of the six coastal regions, as defined. (PRC §30301) A coastal region representative is selected by the applicable appointing authority from a list of supervisors, mayors, or city council members nominated from the region. (PRC §30301.2) Commissioners qualified for office as a locally elected official are required to leave the Coastal Commission 60 days after their term of office as a locally elected official ends. (PRC §30312)

This requirement that half of the Commissioners be locally elected officials from coastal regions helps to ensure that local decisions are informed by statewide policies and that Coastal Commission decisions reflect locally-specific knowledge. Apparently, it is not uncommon for a Commissioner who is also a county supervisor or city councilmember to vote on projects twice: once at the local level, and again as a member of the Coastal Commission.

Existing law generally prohibits a public officer from holding another incompatible public office simultaneously unless compelled or expressly authorized by law, as provided. An incompatible office is, for example, one where there is a possibility of a significant clash of duties or loyalties between offices, among other reasons. (Government Code (GOV) §1099)

Any Commissioner or employee of the Coastal Commission who is also an employee of another public agency, a county supervisor or city councilperson, member of the Association of Bay Area Governments, member of the Association of Monterey Bay Area Governments, delegate to the Southern California Association of Governments, or member of the San Diego Comprehensive Planning Organization, and who has in that capacity voted or acted upon a particular matter is authorized to vote or otherwise act on the matter as a Commissioner or employee of the Commission. (PRC §30318)

If authorized, two or more public agencies by agreement may jointly exercise any power common to the contracting parties, as provided. (GOV §6502) An entity created pursuant to a joint powers agreement is a joint powers authority.

. A Local Agency Formation Commission (LAFCO) is a regulatory agency with countywide jurisdiction established by state law to coordinate logical and timely changes in local government boundaries and to ensure that services are provided efficiently. (GOV §§56300 *et seq.*) LAFCOs authorize the formation of new, and any changes to existing, special districts. The members of a LAFCO include county, city, and public members, including county supervisors.

According to the author, a locally elected official who is appointed to the Coastal Commission must resign or decline an appointment to a LAFCO or joint powers authority that conducts activities in the coastal zone because the Coastal Act does not specifically authorize participation in these types of entities while serving on the Coastal Commission. However, simultaneous service on the Coastal Commission and certain other planning and government entities is allowed.

## **PROPOSED LAW**

This bill would expand the list of entities that Coastal Commissioners could simultaneously serve on to include membership of a local area formation commission and joint powers authority.

## **ARGUMENTS IN SUPPORT**

According to the author, "SB 360 is a common sense change that allows an elected official who is serving on the Coastal Commission to concurrently serve on a Joint Powers Authority (JPA) or on LAFCO (Local Area Formation Commission). Currently, a Coastal Commissioner can serve concurrently on planning and transportation agencies but is prohibited from serving on a JPA or LAFCO. There appears to be no good reason

for this prohibition, which forces elected officials to make an either-or decision to serve on the Coastal Commission or a LAFCO or JPA when both could benefit greatly from their expertise on planning and zoning issues.”

**ARGUMENTS IN OPPOSITION**

None received

**COMMENTS**

Existing law requires and provides for simultaneous service already. Half of the voting Commissioners are qualified to serve on the Coastal Commission due to their position as a local elected official. As local elected officials, these Commissioners are also qualified candidates for service on certain other local or regional public boards and commissions. Existing law recognizes some of these opportunities – such as service on the Association of Bay Area Governments – but not all. It is a fair argument that Commissioners bring expertise in coastal zone planning and development to these other boards.

Outdated name. The Committee may wish to update the name of the “San Diego Comprehensive Planning Organization” to its current one – “the San Diego Association of Governments.” [Amendment #1]

**SUGGESTED AMENDMENTS**

**AMENDMENT 1**

On p. 2 lines 5 – 6, replace “San Diego Comprehensive Planning Organization” with “San Diego Association of Governments”

**SUPPORT**

California Association of Local Agency Formation Commissions

**OPPOSITION**

None Received

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