



A California Joint Powers Agency

Member Agencies

Al Clark
City of Carpinteria

Kyle Richards
City of Goleta

Vianey Lopez
City of Oxnard

Steven Gama
City of Port Hueneme

Joe Schroeder
City of San Buenaventura

Eric Friedman
City of Santa Barbara

Gregg Hart, Chair
Das Williams
County of Santa Barbara

Carmen Ramirez, Vice Chair
Matt LaVere
County of Ventura

Executive Director
Marc Beyeler

Santa Barbara Address:
105 East Anapamu, Suite 201
Santa Barbara, CA 93101

Ventura Address:
501 Poli St.
P.O. Box 99
Ventura, CA 93001

Email:
Office@Beacon.ca.gov

Website:
<http://www.beacon.ca.gov>

STAFF REPORT

Meeting Date: May 21, 2021
Agenda Item: 5B

To: BEACON Board of Directors
From: BEACON Executive Director

Date: May 6, 2021

Subject: Amendment to BEACON Bylaws

Recommended Action:

Review and approve amended BEACON Bylaws. (requires a 2/3/ majority vote of the Board of Directors). *Note:* As required under the BEACON Bylaws Article IX, these proposed amended Bylaws were also distributed 15 days prior to the scheduled Board meeting and posted online for public viewing.

DISCUSSION:

Staff recommends the Board approve amending BEACON's Bylaws (created in 1986, amended in 2020, and amended March 2021). The proposed amendment reflects the incorporation of purposes, objectives and authorities addressing protection of ocean health as directed by the Board at the March 2021 Board meeting. In addition to approving amendment language addressing regional coastal beach access and regional-level climate and sea-level rise adaptation, the Board directed the staff to return with an amendment addressing protecting ocean health. Attached to this staff report are the recommended Bylaws changes requested by the Board.

Going forward, BEACON's policies, programs and projects addressing regional beach protection, enhancement and restoration will be greatly affected by changes in climate, weather, and increased sea-level-rise. BEACON's ability to address these impacts will be enhanced by explicitly incorporating the proposed language into its Bylaws addressing protecting ocean health.

Approval of amendments to the BEACON Bylaws requires a two-thirds majority vote of the Board of Directors (7 affirmative votes).

Attachment:

BEACON Bylaws Amended May 2021 Redline

**BEACH EROSION AUTHORITY FOR CLEAN OCEANS AND NOURISHMENT
BYLAWS**

**Proposed Amendments May 2021 Redline
Proposed Amendments in Underlined Bold Italics**

**ARTICLE I
NAME, PURPOSE, AND POLICY**

Section 1: Name

The name of this organization shall be the Beach Erosion Authority for Clean Oceans and Nourishment (hereinafter referred to as BEACON).

Section 2: Purpose of BEACON

The various Member Agencies have a strong common interest in the preservation and restoration of beaches and protection of coastal structures. The maintenance of wide, sandy beaches helps to protect against costly property damage, and further benefits the entire region economically by promoting recreation and tourism. Furthermore, because sand moves throughout the entire littoral sand cell which extends between the Santa Ynez River and Point Mugu, the beach restoration activities undertaken in one area may affect the character of the shoreline in adjoining jurisdictions. Therefore, the purpose of BEACON is to foster greater cooperation toward the maintenance and enhancement of the beaches within in the jurisdiction of BEACON Member Agencies.

The preservation and restoration of beaches, coastal beach access, and protection of coastal structures will be significantly affected by projected changes to climate, weather, and sea-level rise in the short- and long-term along the BEACON coast. Therefore, it is the further purpose of BEACON to coordinate on a regional level coastal beach access, climate, and sea-level rise adaptation and resilience planning within the jurisdictions of BEACON member agencies.

Furthermore, the protection of coastal water quality, as well as other coastal restoration and environmental enhancement actions will contribute to the ecological and biological health of our local ocean and beaches.

Section 3: Policy

It is the policy of BEACON to:

- A. Encourage communication regularly with Member Agencies on beach protection and restoration matters in order to ensure maximum cooperation;
- B. Promote the restoration of the beaches within the littoral sand cell which are an important economic and recreational resource to the region;

- C. Support maximum replenishment of beach sand through projects such as onshore and offshore sand mining, continuous sand by passing around littoral sand traps, dredging or other methods to obtain sand for beaches; and
- D. Coordinate all beach restoration and shoreline protection projects to maximize benefits to the region, and avoid detrimental effects on adjoining beach areas.

ARTICLE II OBJECTIVES AND AUTHORITY

Section 1: Objectives

The primary objectives for which BEACON is created are:

- A. Identify solutions to coastal erosion and environmental problems;
- B. Coordinate the use of local, state, federal and private resources;
- C. Facilitate design, financing, construction and maintenance of beach restoration, shoreline protection, and environmental protection and enhancement projects;
- D. Collect and analyze data needed to facilitate the design projects and to monitor their performance;
- E. Coordinate local government involvement and keep elected officials and citizens informed;
- F. Support the preparation of contingency plans by Member Agencies to be ready in emergencies to direct public and private efforts to combat erosion and to take steps necessary to coordinate the protection of public and private property;
- G. Spearhead local government lobbying efforts at the State and Federal levels;
- H. Collect and analyze data addressing regional-level climate and sea-level rise impacts to coastal beaches, coastal beach access, and coastal structures;
- I. Identify regional-level solutions to impacts resulting from changes in climate, weather, and sea-level rise that may affect BEACON member agencies beaches through coordinated regional planning; and
- J. Coordinate regional-level responses among BEACON member agencies to climate, weather, and sea-level rise changes impacting beaches, coastal beach access, and coastal structures.
- K. Provide for the ecological and biological health of our local ocean and beaches.***

Section 2: Authority

BEACON is authorized to:

- A. Review all member agencies significant proposals for beach restoration, shoreline erosion control, ~~and~~ environmental protection and enhancement, regional coastal beach access, regional-level climate, sea-level rise adaptation, and coastal resilience projects for consistency with the regional goals, policies, and programs;
- B. Comment on such proposals to member agencies and appropriate State and Federal agencies;
- C. Propose and participate in joint or area wide projects for beach restoration, shoreline erosion control, ~~and~~ environmental protection, regional coastal beach access, regional-level climate, sea-level rise adaptation, and coastal resilience projects;
- D. Act as agent for regional project applications for beach restoration, shoreline erosion control, ~~and~~ environmental protection and enhancement, regional coastal beach access, regional-level climate, sea-level rise adaptation, and coastal resilience projects;
- E. Coordinate funding for beach restoration, shoreline erosion control, ~~and~~ environmental protection and enhancement, regional coastal beach access, regional-level climate, sea-level rise adaptation, and coastal resilience projects from private and public sources at the local, State, and Federal levels;
- F. *Coordinate efforts addressing coastal water quality and other actions that provide for the ecological and biological health of our local ocean and beaches;* and
- G. Adopt and amend Bylaws, rules, and regulations as may be required for the conduct of meetings and the orderly operation of the organization.

Section 3: Limitation of Authority

Neither the Beach Erosion Authority for Clean Oceans and Nourishment nor a majority of the Member Agencies shall have the authority to impose any plan, duty, obligation or other responsibility upon any Member Agency without the consent of such Agency. Further, no Member Agency shall be required to do anything it does not specifically agree to do. Any recommendation, plan, or program promulgated by BEACON shall be advisory only as to Member Agencies.

ARTICLE III MEMBERSHIP AND ORGANIZATION

Section 1: Voting Membership

Shall be as provided in the Joint Powers Agreement, as amended.

Section 2: Ex-Officio Membership

Ex-officio members shall be as determined by the Board of Directors and shall participate in BEACON, but will not have voting rights and shall be designated by a majority vote of a quorum present of the Board of Directors.

Section 3: Officers

- A. Election of Officers shall be held every other calendar year, or upon resignation of an officer.
- B. There shall be a Chair and Vice Chair.
- C. All Officers shall be elected for a term of two years and shall serve until their successors are elected. Officers shall begin their term of office immediately following election.
- D. Officers shall be nominated from the floor of the Board of Directors and elected by a majority vote of a quorum present at the first meeting of a calendar year.

ARTICLE IV STANDING COMMITTEES, AND AD HOC COMMITTEES

- A. The Chair shall have the authority to appoint committees or subcommittees, with confirmation of the appointments made by the Board of Directors.
- B. Standing committees may be appointed to carry out general and continuing functions and may be abolished only upon specific action of the Board of the Directors.
- C. Ad hoc committees may be appointed as the need arises to carry out specific tasks. Upon completion of its assignment, each ad hoc committee shall be disbanded.
- D. Standing or ad hoc committee voting members must be designated representatives. Each member shall be entitled to one vote. Ex- officio members may serve on standing or ad hoc committees but may not vote.
- E. Standing or ad hoc committee members may elect officers by a majority vote.

ARTICLE V MEETINGS

Section 1: Quorum

- A. A quorum for a meeting of the Board of Directors shall be a majority of voting members.
- B. A quorum shall be required for the conduct of any business of a committee. No business shall be conducted by a committee without a quorum. All decisions by a committee shall be by simple majority of the quorum. A quorum shall be two-thirds of the committee members.
- C. Voting shall be as provided in the Joint Powers Agreement, as amended.

Section 2: Parliamentary Procedure

Parliamentary procedure at all meetings shall be governed by Rosenberg's Rules of Order except as otherwise modified by the Joint Powers Agreement or these Bylaws.

Section 3: Meeting Notice

Meetings shall be noticed as provided for in the Ralph M. Brown Act, as amended, commencing with Section 54950 of the California Government Code. Regular meetings shall be held not less than twice per year. Special meetings may be called for by the Chair or Vice Chair or a majority of the Board of Directors.

Section 4: Proxies

No proxies will be permitted.

ARTICLE VI INFORMATION, PUBLIC DISCLOSURE, AND EVALUATION

Section 1: Information and Evaluation

- A. BEACON shall disseminate information concerning its work program and activities. The required information system should be so organized and categorized that it would continue to allow full and efficient use of information by the public and private sectors.
- B. Adequate provision for citizen participation shall be provided as required by law and as directed by the Board of Directors.
- C. The Board of Directors may appoint a standing committee of its members to perform an annual evaluation of BEACON'S goals, structure, and performance, directed toward continually improving the planning, coordination, and implementation process.

Section 2: Ralph M. Brown Act

Notwithstanding any of the provisions of these Bylaws to the contrary, all meetings and actions of the Board of Directors shall be subject to the Ralph M. Brown Act, as amended, commencing at Section 54950 of the Government Code of the State of California.

ARTICLE VII STAFFING AND FUNDING

Section 1: Staffing

The Board of Directors shall have the authority to hire an Executive Director, consultants, or other staff as it deems necessary to carry out the objectives of the organization.

Section 2: Funding

The Board of Directors shall have authority to raise funds as it deems necessary to carry out the objectives of the organization through voting member assessments, public or private grants and entitlements and legislative appropriations. Notwithstanding any of the provisions of these Bylaws to the contrary, voting member assessments may be made only upon the unanimous consent of the voting Member Agencies of the organization.

ARTICLE VIII HOLD HARMLESS

BEACON shall defend, indemnify and otherwise hold harmless its directors, staff, committees, and agents from any liability, including legal representation, because of any act or omission incurred during the course and scope of performance of his or her duties except acts of gross neglect.

ARTICLE IX BYLAWS AMENDMENT

- A. Amendments to these Bylaws may be proposed by a designated representative or staff. Amendment proposals shall be submitted to each member of the organization and its staff at least fifteen (15) days before its next regular meeting.
- B. A two-thirds majority of the Board of Directors shall be required to adopt an amendment to these Bylaws.