

CALIFORNIA COASTAL COMMISSION

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W7

MEMO

DATE: September 28, 2016

TO: Coastal Commission and Interested Persons

FROM: Susan Hansch, Chief Deputy Director
Melanie Wong, Chief Human Resources

SUBJECT: **Status Report on Executive Director Search Process
Item 7, Wednesday, October 5, 2016**

Pam Derby from CPS HR is the lead recruiter for the Coastal Commission's executive search for the Executive Director. Ms. Derby have conducted interviews with the Commissioners to collect information related to desired attributes of an Executive Director and has interviewed Commission staff members.

Ms. Derby and her team at CPS HR provided an online survey to obtain input from members of the public on the Executive Director search: <https://www.surveymonkey.com/r/LV9RTLW>. This survey will remain active throughout the Executive Director search.

Ms. Derby presented draft recruitment materials at the September Commission meeting. In addition to the interviews of Commissioners and Commission staff, comments from the public were received via email (below) and through the online survey. These comments were used to update the recruitment materials. The Commission will have a presentation from Ms. Derby on the revised draft recruitment materials and take public comment on Wednesday, October 5, 2016.

After the October Commission meeting, the recruitment materials will be finalized and the official recruitment period is anticipated to open October 10, 2016.

Wong, Melanie@Coastal

Subject: FW: Executive Director Criteria

From: NORMA JELLISON [REDACTED]

Sent: Monday, September 26, 2016 5:05 PM

To: Hansch, Susan@Coastal

Subject: Executive Director Criteria

I am most concerned that the search criteria does not emphasize what should be the number one priority knowledge base of a new Executive Director > **the CA Coastal Act!**

Much is at stake. 40 years of protecting the coast should not be lost to false and dangerous goals defined as "be customer friendly" which is recognized code for give the developers what they want.

THE MOST IMPORTANT CRITERIA IS FOR THE EXECUTIVE DIRECTOR TO UNDERSTAND AND TO UPHOLD THE CA COASTAL ACT; TO UNDERSTAND THAT THE JOB IS TO PROTECT THE COAST FOR FUTURE GENERATIONS.

The Executive Director must have a deep knowledge of CA Coastal Act - at a minimum 10 yrs professional level experience; a legal background; an advanced degree in coastal resource science, planning and management; high level management experience in a large public agency (regulatory agency preferred); an understanding of the unique quasi judicial standards that the CC operates within and by.

This position requires independent judgement; high integrity; big picture thinking; leadership that instills confidence in the staff (highly educated; competent staff); an ability to maintain independence and not be co-opted by developers/applicants or Commissioners seeking to control and manipulate outcomes; a commitment to protection of environmentally sensitive habitat areas and coastal resources and the challenge climate change forces on those; knowledge of the science and importance of sea level rise on the coast and coastal resources - use and build on the work accomplished last year in addressing this issue.

The new ED should not be a political figure or elected official, and should not seek to politicize this agency.

The CA Coastal Act is one of the strongest environmental protection laws in the country. The challenges the CC faces due to climate change and sea level rise require vigilance and integrity and commitment to stand for the coast, so that it will be there for future generations to enjoy; accessible regardless of status, race or income.

The new Executive Director must be as committed as the predecessor Executive Directors were to the coast as a commons that belongs to all of us and should be accessible to all of us, not just those who can pay for the privilege.

Norma Jellison

Bodega Bay, Sonoma County Resident

Norma

A new ethic for the ocean where the ocean is not seen as a commodity we own but as a community of which we are a part.

The sea is worth saving for its own sake. Bill Ballantine NZ

And take this to the land as well.

Wong, Melanie@Coastal

From: Everette <[REDACTED]>
Sent: Friday, September 23, 2016 5:57 PM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Subject: Additional Comments on he ED Search
Attachments: Untitled attachment 00675.pdf

Dear Susan and Melanie,

I completed the survey – thank you for the opportunity.

I think the attached document written by an early Coastal Commission in 1980 covers well the purpose and mission of the Coastal Commission.

I would like the new ED to be someone who can understand and embrace the concepts outlined in his article which was distributed during the September Coastal Commission hearing in Newport Beach.

Thank you

Everette Phillips
Newport Beach, CA



This email has been checked for viruses by Avast antivirus software.
www.avast.com

The People Said They Needed Us: A Report on the California Coastal Commission*

BY JUDY B. ROSENER
Commissioner, California Coastal Commission

THE PEOPLE SAID THEY NEEDED US. Well, who are the people? Who is us? And what is meant by the word need?

The people are the citizens of California who bypassed their elected officials in late 1972 and voted for the California Coastal initiative commonly referred to as Proposition 20. This initiative created a state agency made up of six Regional Coastal Commissions and one State Commission. The Commissions had two tasks; to develop a set of statewide coastal policies or a Coastal Plan, which would ensure the wise management of coastal zone resources in years to come, and to control land-use in a designated coastal zone while the Plan was being prepared. The control was manifested in a permitting process which allowed the Regional and State Commissions to veto local decisions approving development in the coastal zone if it did not meet the requirements of the Coastal Act. The Coastal Plan was finished and presented to the California Legislature in January of 1976. The Coastal Act of 1976 was enacted by the Legislature in the fall of that year and continued the life of the State Commission. The State Commission unable to do the job alone, reactivated the Regional Commissions to continue the permit processing.

The 1976 Coastal Act calls for the permitting power of the Commission to be returned to local governments as soon as their Local Coastal Programs (LCP's) are certified by the State Commission. These LCPs are essentially general land use plans which indicate how the requirements of the state coastal policies will be satisfied by local government policies and ordinances. Presently, only a handful of LCP's have been certified, but 80 percent are expected to meet the 1981 deadline called for in the 1976 Act. Until a local city or county has a certified LCP, the Commission retains authority to regulate land use in a coastal zone except where the State Legislature has exempted categories of development, or the Commission has granted exemptions under a provision of the Act.¹

So the people are the Californians who qualified and voted for Proposition 20, and the legislators who passed the Coastal Act of 1976.

Who is us? The us refers to the Commissioners and their staffs. Each regional Commission is made up of half locally elected officials (city council

members and county supervisors) and half "public members," those who do not stand for election. The "public members" are appointed two by the Governor, two by the Speaker of the Assembly, and two by the Senate Rules Committee. The elected members are chosen by their respective bodies, and their appointment process is designated in the Coastal Act.

There are twelve State Commissioners, six "public members," and one representative from each of the six Regional Commissions. Of the six regional representatives, three are presently members of city councils, and one is a former city council member.

What about the need? What did the voters mean when they marked their ballots in 1972? And what did the legislators mean when they continued the Commissions in 1976?

The answer to this question has been debated ever since the election results were first tabulated. It is not clear what the voters were thinking when they voted. There has been one study in which a sample of those who participated in Commission activities from 1973 to 1976 (developers, environmentalists, local officials, etc.) were asked what they felt were the main objectives of Proposition 20. To the surprise of many, protection of wetlands, marshlands and estuaries headed the list.² The reason for the surprise is that, while it is a fact that California wetlands have been disappearing at an alarming rate due to development and degradation, it was not felt that most Californians, even those most aware of the provisions of the Coastal Act, would list that first. Following close behind protection of wetlands was the need for state policies to guide local and state government in becoming aware of the accumulated impact of development along the coast, and the issue of physical and visual public access to beaches and tidelands. Today, many of the critics of the Commission say that it was this last issue, access to the beach, which was the prime reason people voted for the Coastal Act. At the same time, these people argue that such access compromises private property rights protection!

If the goals of the Commissions were only to protect views and provide beach access, the job would be relatively simple. The State Constitution clearly supports the notion that citizens be provided access to navigable waters in California. But the Act says a great deal more. It says that the 1976 Commission must "protect the quality of the coastal zone environ-

*Presented at the SHORELINE FORUM 79, Los Angeles, CA, September 20, 1979.

ment and its natural and manmade resources." How do we do that? It says we must "assure orderly, balanced utilization and conservation of resources, taking into account the social and economic needs of the people of the State." That's a pretty heavy order! It says we must "maximize public access consistent with conservation principles and the constitutionally protected rights of private property owners." This means deciding how much access is needed, and how to interpret the State Constitution. It says we must "assure priority for coastal dependent development over other development along the coast." What is coastal dependent? And it says that we are to "encourage State and local initiatives in cooperative planning." This is easier said than done.

Essentially, what the Coastal Commissions are being asked to do is to resolve the inherent conflict which exists between the demand for private goods and the demand for public goods—a conflict in which those fighting for private goods generally win.

What is meant by private and public goods? By private goods, is meant those goods and services which can be packaged, marketed and sold, so that the purchaser knows exactly what he or she is getting. For example, a piece of land, a house, a boat, the right to conduct some kind of business, etc. A public good is one which cannot be packaged, marketed and sold in that manner. It is a good or service which accrues to a group of people whether or not they pay for it, and in a way which makes it difficult for an individual to assess the cost and benefits on a personal basis. Examples of a public good would be clean air, clean waterways, public views or beach access.

Because of the ambiguity which characterizes public goods, it is not always easy to find citizens willing to fight for them. Individual pay-offs are hard to perceive. On the other hand, individuals or groups wishing to obtain a private good can see very clearly the benefits to them of some given decision, thus they tend to participate.

This usually makes for an unequal bargaining process, and it contributes to the perception that the environmental movement is an elitist effort. Participation, unfortunately, is a rich man's sport. It takes time, money, expertise and a willingness to fight for goods and services that benefit individuals other than one's self. The citizen who comes home tired after working on an assembly line for eight hours does not go to meetings, hearings, or pour over environmental impact reports; the developer of a large hotel or planned community, on the other hand can pay someone to do that for him or her.

So in my opinion, one of the things the public wanted when they created the Coastal Commissions was a group of people dedicated to the goals of the Coastal Act who would have the power and the resources to bargain for the public goods associated with the California coast. Local government officials were seen in 1972 as being so tied to the need to generate revenue that they were unable or unwilling to consider development in terms of resource conservation or environmental quality.

Having raised the issue of local government, it is probably worthwhile to take a few minutes to discuss

the issue of local vs. state control, and how it applies to the California experience, for California is one of very few states which includes a large number of locally elected officials on their Coastal Commissions.

At the time the Coastal Acts were written, great thought was given to the composition of the Commissions.³ It was felt that by having half the Commissioners local elected officials, the concerns of local government would be considered in Commission actions. At the same time, it was hoped that these officials would become aware of the fact that environmental quality and resource protection issues cross local political boundaries justifying state intervention. Whether or not these expectations have been met is open to question. It does not seem that having local elected officials serving as Commissioners has made local government any less antagonistic toward the Commissions, although it has been very valuable, in my opinion, to have had the local government viewpoint represented on the Commissions.

Given this general background, what have been the benefits and what have been the costs of the California Coastal Acts? Have the laws worked?

Since 1973 approximately 50,000 permits have been processed statewide. Of these, 78% were handled either as administrative permits or on a consent calendar. Of the approximately 22% which necessitated an individual public hearing, 78% were approved and 22% were denied. Approximately 5% of the total permits processed were denied. This denial rate has been constant since 1973. Of all the permits filed, approximately 8% were appealed to the State Commission which acts as a permit appeal body. Of those appealed, almost half were appealed by the applicant with the other half appealed by other than the applicant. Of the 8% appealed, only 30 percent were heard by the State Commission. The point being made here is most permits are approved (often conditioned) and most decisions are made at the Regional Commission level. The oft heard claim that environmentalists are stopping development is not based on fact.

It is the permit aspect of the Commission's work that seems to get the most publicity, however, some of the other tasks may well have the most lasting impact. These are tasks associated with analyzing and making recommendations on offshore oil drilling, power plant siting, timber cutting practices, wave erosion, monitoring of the San Onofre nuclear power plant, LNG, and wetlands and estuary protection.

How have Californians benefited from the Coastal Act?

The conflict between the demand for private goods and the demand for public goods was mentioned earlier. While the marketplace serves to generate information about the demand for private goods, and how much people will pay for them, there is no forum for the articulation of demand for public goods. One of the benefits of the Coastal Act has been that it produced a forum for discussion about public goods, a place where those most affected by resource protection issues debate them. This forces various interest groups to talk to each other rather than about each other. The local coastal planning task is a cooperative one, pulling together a variety of government agencies, landowners, public interest groups, etc. And though

many local government officials find the mandate to prepare LCP's a burden, in many cases the LCP process has generated a new kind of collaborative planning between State and local government.

Another benefit is that the Coastal Acts necessitate local officials seeing the implications of their actions in a regional or statewide context. Many of them for the first time have been sensitized to the spillover effects of their local land-use decisions.

The Coastal Acts provide an opportunity for citizens to participate in local environmental decision making which affects the quality of their lives. The costs of participation have been kept low so that citizens do not have to travel far, pay for parking, reproduce information at their cost, or make long distance phone calls to get help. In keeping the costs of participation low, citizens who might not otherwise be able to take part can do so. A study has shown that those who participated under the 1972 Act were effective in achieving their participation goals.⁴ Development felt to be destructive of coastal zone resources was denied by the Commissions when citizens participated in hearings to oppose it.

Through the permit process, local government officials, landowners and others have begun to appreciate the significance of individual decisions in the context of accumulated impact. While one project by itself rarely seems to cause an adverse environmental impact, or severely limit resource protection, when added one to another, they take on a different character.

Perhaps one of the most distressing, but expected outcomes of the Coastal Act, has been to witness the fact that government bodies do not move until they are shoved. Talk about cooperation and voluntary actions sound good, but it has taken the force of the Coastal Act to change resource management on the local level. Local governments have changed ordinances because landowners could not receive Commission approval until they did.⁵ This happened particularly in beach cities where bluff setbacks, public access, parking, and siltation problems were not issues until the Coastal Act made them issues.

Perhaps the most visible benefit of the Coastal Act has been that large parcels of land are now being purchased by the State for parks: land which had been planned for development prior to 1972. By denying development on this land it has been possible for the State to acquire it at a lower cost than had it been developed. The 1972 Coastal Act called for identification of lands and resources to be purchased by the State, and being on an acquisition list justified denial of projects under the 1972 Coastal Act.

Major energy issues such as offshore drilling, LNG, and power plant siting have been analyzed by the Commissions which hold hearings and workshops prior to making recommendations to state and federal agencies. This has generated a great deal of new information for lawmakers and citizens.

Last, but by no means the only other benefit, the Coastal Acts have resulted in there being a set of coastal policies and state guidelines which have, and will continue to have an impact on obtaining more beach access, protection of views, retention of affordable housing, better timber cutting practices,

awareness of water resource problems, and in general acknowledgement that the coastal zone is a special place warranting a special kind of environmentally sensitive development.

Certainly, there have been costs.

Individuals and corporations have suffered inconvenience in time delays, and rising expenditures. (Luckily, there has also been a great rise in the value of property in California). But the primary loss for landowners and developers has been that they have had to modify their expectations. While landowners like to feel there are certain inherent rights which attach to land, in reality, there are only expectations. The right to use land is an expectation, a dynamic right which changes as public officials write and re-write land-use law.

Some local governments have suffered the loss of revenue in buildings not being built. However, in light of Proposition 13, the Coastal Act may have been a blessing in disguise. Local officials in California are learning that the costs of services to certain kinds of development are greater than the revenues they generate!

Local government's land use control has been superceded, and this loss of authority, while temporary, is certainly a cost to local officials. Individual freedom to build along the coast in areas where state resources have been identified has, and is, being limited while the Local Coastal Programs are being finished. Both local officials and individuals have had the ability to control their future sidetracked temporarily.

Any change in public policy means that the way of doing business changes. This has caused a great deal of controversy in California where for many years there have been few constraints on development, and what constraints there were, were easily lifted.

Now to the last question, has the law worked?

The answer to this of course depends on what is meant by the word work? Because there was no precedent for the Coastal Act, and because the law was ambiguous, the Act has been applied unevenly in some instances. This was unavoidable. But as guidelines have been established, and as Commissioners and staff have gained experience in applying the law, its application has become more consistent. Proof of this is the Commission's record in the courts. It rarely loses.⁶

Because of the trail blazing aspect of the Coastal Acts, it was and is necessary to employ trial and error as a means of testing various parts of the law. Commissioners continue to experiment with new land use techniques such as the transfer of development rights (TDR's) and public access arrangements made with third parties.⁷ Because the 1976 Coastal Act is comprehensive and involves goals which are sometimes contradictory, decisions are frequently difficult. This is a reflection of the competing demands for the use of coastal resources. Thus conflict surrounding the commission can be expected to continue.

While the Commissions have the support of the Speaker of the State Assembly, the President Pro Tempore of the State Senate, and the Governor, it has lost its prior constituency in the Legislature as financial issues have become more important than

environmental ones. Politicians get their political pay-offs in being associated with the enactment of legislation, not implementation, thus their attention has shifted.

One of the most important parts of the implementation of the Coastal Acts has been its citizen constituency. Without the monitoring of Commission actions by individuals and groups interested in resource protection, the Commissions would never have been able to do as well as it has. Citizens have raised issues, provided information, and reminded Commissioners of why they serve, and who they serve.

The Commission has had problems with the media. Initially, papers and television and radio stations sent reporters to cover the Commission meetings, and an accurate picture of Commission activities was presented to the public. This has not been the case in the last few years. There is rarely press or TV coverage of Commission activities, and what coverage does get high visibility is usually of the "horror story" variety. Certainly it is those few problem cases which sell papers, but they do little to inform the public about the complexities of resource management.

Those wishing to discredit the Commission have used the media effectively. A number of people in the entertainment business who live along the coast and are opposed to public use of their beaches have been in the forefront of attacks on the Commission.⁸ In one case, the Governor called Commissioners "bureaucratic thugs" without having any facts upon which to base a claim by some that the Commission "extracted" public access from people who had lost their homes in a fire. There had been no applications to re-build applied for at the time of the stories, and no public access asked for by the Commission. What had happened was that, in answer to a reporter's repeated questioning, a staff member said that the access provision of the Act would have to be addressed when and if an application to re-build was applied for. Yet the statement of the Governor has been repeated over and over again with the implication that the Commission was unreasonable.⁸ The public's perception of the Commission has been distorted by this kind of media coverage, and it is almost impossible for the Commission to change perceptions once they are in place. The Coastal Commissions have been used as a convenient scapegoat by some elected officials, some labor unions, and some people in the development industry to explain unemployment, inflation, city fiscal problems, etc. They too have used the media effectively. Yet, if the Coastal Act had never been invented, there would still be unemployment, inflation, and city fiscal problems!

The truth is that the Coastal Commission by itself can't change the economic climate nor adequately protect coastal zone resources. Unless there is a willingness to sacrifice some private goods in the interest of obtaining public goods, coastal areas will

continue to be treated as a commodity rather than a resource.

The people of California asked their legislators to think about tomorrow and the resources in the California coastal zone. When they refused to act, the citizens passed their own law. The legislators got the message and have continued to support the Commission even though those whose prime interest is in private goods have mounted a campaign to destroy it.

Looking at the balance sheet, the Commissions have been doing what the *people* asked us to do. Not enough perhaps, for those who had high expectations in 1972. Too much perhaps for those who had little concern for the California coast then, or who see no need to protect it now.

FOOTNOTES

1. Sections 30608, 30609, 30610, 30610.5, 30611 of the 1976 Coastal Act provide for exemptions based on vested rights, emergencies, de minimis development, etc.
2. SABATIER, PAUL, AND DAN MAZMANIAN, *Can Regulation Work? Implementation of the 1972 California Coastal Initiative*. Manuscript in preparation, University of California, Davis.
3. SCOTT, STANLEY, *Governing California's Coast*. Institute of Governmental Studies, University of California, Berkeley. 1975 pg. 74-116
4. ROSENER, JUDY, *Democracy in an Administrative State: Does the Public Hearing Work?* Ph.D. Dissertation. Claremont Graduate School, Claremont, California.
5. HEALY, ROBERT, ed. *Protecting the Golden Shore*. Conservation Foundation, Washington, D.C. 1978. pg. 140. As a result of the actions of the South Coast Regional Commission, the city of Newport Beach changed its parking ordinance to reflect the requirements of the Commission. The same kind of action took place in other coastal cities with respect to bluff setbacks.
6. Since 1973, a large number of suits have been filed against the Commission based on inconsistent application of the law, the "taking" issue, etc. The Commission's record of wins is astoundingly high. So high in fact, that a recent California Law Journal article implied that California judges must all be environmentalists!
7. In a number of instances where large developments were taking place in areas along the coast where there was no public access, development permits were granted only when access was granted to a third party (usually a governmental agency) who then accepted liability and responsibility for the maintenance of the accessway. In some cases, in lieu fees were required as a means of helping a third party acquire the access by purchase. The use of a TDR or transfer of development rights policy allows for the denial of development in areas where development is felt to be inconsistent with Coastal Act mandates, yet providing the property owner with an option to sell a right to build in areas consistent with the Coastal Act.
8. For an example of distorted media coverage, see Hazlett, Tom. "A Coastal Controversy at High Tide," *Los Angeles Magazine*, October, 1979. Even though the editor was told of the fact that the author knew almost nothing about the Coastal Act, had not attended or observed the Commission, and had contacted only those who were organized to attack the Commission, the article was published without any check for accuracy with the Commission staff. None of those who support the work of the Commission were quoted, although they offered comments which questioned the validity of the published remarks.

Wong, Melanie@Coastal

From: Isabelle Phillips <[REDACTED]>
Sent: Friday, September 23, 2016 5:49 PM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Cc: [REDACTED]
Subject: Public Input for Recruitment of new Executive Director of the Coastal Commission staff
Attachments: Judy Rosener.pdf

Dear Coastal Commission,

The recruitment materials in your search for a new Executive Director alludes to creating a culture of customer service within the organization.

Who is the customer? Is it the developer or the public?

The direction that the Coastal Commission has taken at times is to ignore the public, highlighted by the dismissal of Dr. Lester without any explanation to the public, that came out in droves from all over California to support him, the undisclosed ex partes and improprieties of some commissioners, the sometimes blatant disrespect of the public at hearings, the schedule of the hearings that makes it very difficult for the public to attend (last minute confirmation of date, need to take off from work a/o parenting for a full day, distance to travel to the location of the hearing, etc...).

The question "who is the customer" reminds me of the question of "Who are the people?" from the excellent and thought provoking report from January 1980, by Dr. Judy Rosener, former Coastal Commissioner, titled: "The People Said They Needed Us: A Report on the California Coastal Commission". I strongly believe that this report should be required reading for anyone that will be considered for the position of new Executive Director. I am attaching it to this email.

Thank you very much for allowing public input in this matter,

Isabelle Phillips

The People Said They Needed Us: A Report on the California Coastal Commission*

BY JUDY B. ROSENER
Commissioner California Coastal Commission

THE PEOPLE SAID THEY NEEDED US. Well, who are the people? Who is us? And what is meant by the word need?

The people are the citizens of California who bypassed their elected officials in late 1972 and voted for the California Coastal initiative commonly referred to as Proposition 20. This initiative created a state agency made up of six Regional Coastal Commissions and one State Commission. The Commissions had two tasks; to develop a set of statewide coastal policies or a Coastal Plan, which would ensure the wise management of coastal zone resources in years to come, and to control land-use in a designated coastal zone while the Plan was being prepared. The control was manifested in a permitting process which allowed the Regional and State Commissions to veto local decisions approving development in the coastal zone if it did not meet the requirements of the Coastal Act. The Coastal Plan was finished and presented to the California Legislature in January of 1976. The Coastal Act of 1976 was enacted by the Legislature in the fall of that year and continued the life of the State Commission. The State Commission unable to do the job alone, reactivated the Regional Commissions to continue the permit processing.

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Having raised the issue of local government, it is probably worthwhile to take a few minutes to discuss

the issue of local vs. state control, and how it applies to the California experience, for California is one of very few states which includes a large number of locally elected officials on their Coastal Commissions.

At the time the Coastal Acts were written, great thought was given to the composition of the Commissions. It was felt that by having half the Commissioners local elected officials, the concerns of local government would be considered in Commission actions. At the same time, it was hoped that these officials would become aware of the fact that environmental quality and resource protection issues cross local political boundaries justifying state intervention. Whether or not these expectations have been met is open to question. It does not seem that having local elected officials serving as Commissioners has made local government any less antagonistic toward the Commissions, although it has been very valuable, in my opinion, to have had the local government viewpoint represented on the Commissions.

Given this general background, what have been the benefits and what have been the costs of the California Coastal Acts? Have the laws worked?

Since 1973 approximately 50,000 permits have been processed statewide. Of these, 78% were handled either as administrative permits or on a consent calendar. Of the approximately 22% which necessitated an individual public hearing, 78% were approved and 22% were denied. Approximately 5% of the total permits processed were denied. This denial rate has been constant since 1973. Of all the permits filed, approximately 8% were appealed to the State Commission which acts as a permit appeal body. Of those appealed, almost half were appealed by the applicant with the other half appealed by other than the applicant. Of the 8% appealed, only 30 percent were heard by the State Commission. The point being made here is most permits are approved (often conditioned) and most decisions are made at the Regional Commission level. The oft heard claim that environmentalists are stopping development is not based on fact.

It is the permit aspect of the Commission's work that seems to get the most publicity, however, some of the other tasks may well have the most lasting impact. These are tasks associated with analyzing and making recommendations on offshore oil drilling, power plant siting, timber cutting practices, wave erosion, monitoring of the San Onofre nuclear power plant, LNG, and wetlands and estuary protection.

How have Californians benefited from the Coastal Act?

The conflict between the demand for private goods and the demand for public goods was mentioned earlier. While the marketplace serves to generate information about the demand for private goods, and how much people will pay for them, there is no forum for the articulation of demand for public goods. One of the benefits of the Coastal Act has been that it produced a forum for discussion about public goods, a place where those most affected by resource protection issues debate them. This forces various interest groups to talk to each other rather than about each other. The local coastal planning task is a cooperative one, pulling together a variety of government agencies, landowners, public interest groups, etc. And though

many local government officials find the mandate to prepare LCP's a burden, in many cases the LCP process has generated a new kind of collaborative planning between State and local government.

Another benefit is that the Coastal Acts necessitate local officials seeing the implications of their actions in a regional or statewide context. Many of them for the first time have been sensitized to the spillover effects of their local land-use decisions.

The Coastal Acts provide an opportunity for citizens to participate in local environmental decision making which affects the quality of their lives. The costs of participation have been kept low so that citizens do not have to travel far, pay for parking, reproduce information at their cost, or make long distance phone calls to get help. In keeping the costs of participation low, citizens who might not otherwise be able to take part can do so. A study has shown that those who participated under the 1972 Act were effective in achieving their participation goals.⁴ Development felt to be destructive of coastal zone resources was denied by the Commissions when citizens participated in hearings to oppose it.

Through the permit process, local government officials, landowners and others have begun to appreciate the significance of individual decisions in the context of accumulated impact. While one project by itself rarely seems to cause an adverse environmental impact, or severely limit resource protection, when added one to another, they take on a different character.

Perhaps one of the most distressing, but expected outcomes of the Coastal Act, has been to witness the fact that government bodies do not move until they are shoved. Talk about cooperation and voluntary actions sound good, but it has taken the force of the Coastal Act to change resource management on the local level. Local governments have changed ordinances because landowners could not receive Commission approval until they did.⁵ This happened particularly in beach cities where bluff setbacks, public access, parking, and siltation problems were not issues until the Coastal Act made them issues.

Perhaps the most visible benefit of the Coastal Act has been that large parcels of land are now being purchased by the State for parks: land which had been planned for development prior to 1972. By denying development on this land it has been possible for the State to acquire it at a lower cost than had it been developed. The 1972 Coastal Act called for identification of lands and resources to be purchased by the State, and being on an acquisition list justified denial of projects under the 1972 Coastal Act.

Major energy issues such as offshore drilling, LNG, and power plant siting have been analyzed by the Commissions which hold hearings and workshops prior to making recommendations to state and federal agencies. This has generated a great deal of new information for lawmakers and citizens.

Last, but by no means the only other benefit, the Coastal Acts have resulted in there being a set of coastal policies and state guidelines which have, and will continue to have an impact on obtaining more beach access, protection of views, retention of affordable housing, better timber cutting practices,

awareness of water resource problems, and in general acknowledgement that the coastal zone is a special place warranting a special kind of environmentally sensitive development.

Certainly, there have been costs.

Individuals and corporations have suffered inconvenience in time delays, and rising expenditures. (Luckyly, there has also been a great rise in the value of property in California). But the primary loss for landowners and developers has been that they have had to modify their expectations. While landowners like to feel there are certain inherent rights which attach to land, in reality, there are only expectations. The right to use land is an expectation, a dynamic right which changes as public officials write and re-write land-use law.

Some local governments have suffered the loss of revenue in buildings not being built. However, in light of Proposition 13, the Coastal Act may have been a blessing in disguise. Local officials in California are learning that the costs of services to certain kinds of development are greater than the revenues they generate!

Local government's land use control has been superceded, and this loss of authority, while temporary, is certainly a cost to local officials. Individual freedom to build along the coast in areas where state resources have been identified has, and is, being limited while the Local Coastal Programs are being finished. Both local officials and individuals have had the ability to control their future sidetracked temporarily.

Any change in public policy means that the way of doing business changes. This has caused a great deal of controversy in California where for many years there have been few constraints on development, and what constraints there were, were easily lifted.

Now to the last question, has the law worked?

The answer to this of course depends on what is meant by the word work? Because there was no precedent for the Coastal Act, and because the law was ambiguous, the Act has been applied unevenly in some instances. This was unavoidable. But as guidelines have been established, and as Commissioners and staff have gained experience in applying the law, its application has become more consistent. Proof of this is the Commission's record in the courts. It rarely loses.⁶

Because of the trail blazing aspect of the Coastal Acts, it was and is necessary to employ trial and error as a means of testing various parts of the law. Commissioners continue to experiment with new land use techniques such as the transfer of development rights (TDR's) and public access arrangements made with third parties.⁷ Because the 1976 Coastal Act is comprehensive and involves goals which are sometimes contradictory, decisions are frequently difficult. This is a reflection of the competing demands for the use of coastal resources. Thus conflict surrounding the commission can be expected to continue.

While the Commissions have the support of the Speaker of the State Assembly, the President Pro Tempore of the State Senate, and the Governor, it has lost its prior constituency in the Legislature as financial issues have become more important than

environmental ones. Politicians get their political pay-offs in being associated with the enactment of legislation, not implementation, thus their attention has shifted.

One of the most important parts of the implementation of the Coastal Acts has been its citizen constituency. Without the monitoring of Commission actions by individuals and groups interested in resource protection, the Commissions would never have been able to do as well as it has. Citizens have raised issues, provided information, and reminded Commissioners of why they serve, and who they serve.

The Commission has had problems with the media. Initially, papers and television and radio stations sent reporters to cover the Commission meetings, and an accurate picture of Commission activities was presented to the public. This has not been the case in the last few years. There is rarely press or TV coverage of Commission activities, and what coverage does get high visibility is usually of the "horror story" variety. Certainly it is those few problem cases which sell papers, but they do little to inform the public about the complexities of resource management.

Those wishing to discredit the Commission have used the media effectively. A number of people in the entertainment business who live along the coast and are opposed to public use of their beaches have been in the forefront of attacks on the Commission.⁸ In one case, the Governor called Commissioners "bureaucratic thugs" without having any facts upon which to base a claim by some that the Commission "extracted" public access from people who had lost their homes in a fire. There had been no applications to re-build applied for at the time of the stories, and no public access asked for by the Commission. What had happened was that, in answer to a reporter's repeated questioning, a staff member said that the access provision of the Act would have to be addressed when and if an application to re-build was applied for. Yet the statement of the Governor has been repeated over and over again with the implication that the Commission was unreasonable.⁸ The public's perception of the Commission has been distorted by this kind of media coverage, and it is almost impossible for the Commission to change perceptions once they are in place. The Coastal Commissions have been used as a convenient scapegoat by some elected officials, some labor unions, and some people in the development industry to explain unemployment, inflation, city fiscal problems, etc. They too have used the media effectively. Yet, if the Coastal Act had never been invented, there would still be unemployment, inflation, and city fiscal problems!

The truth is that the Coastal Commission by itself can't change the economic climate nor adequately protect coastal zone resources. Unless there is a willingness to sacrifice some private goods in the interest of obtaining public goods, coastal areas will

continue to be treated as a commodity rather than a resource.

The people of California asked their legislators to think about tomorrow and the resources in the California coastal zone. When they refused to act, the citizens passed their own law. The legislators got the message and have continued to support the Commission even though those whose prime interest is in private goods have mounted a campaign to destroy it.

Looking at the balance sheet, the Commissions have been doing what the *people* asked us to do. Not enough perhaps, for those who had high expectations in 1972. Too much perhaps for those who had little concern for the California coast then, or who see no need to protect it now.

FOOTNOTES

1. Sections 30608, 30609, 30610, 30610.5, 30611 of the 1976 Coastal Act provide for exemptions based on vested rights, emergencies, de minimis development, etc.
2. SABATIER, PAUL, AND DAN MAZMANIAN, *Can Regulation Work? Implementation of the 1972 California Coastal Initiative*. Manuscript in preparation, University of California, Davis.
3. SCOTT, STANLEY, *Governing California's Coast*. Institute of Governmental Studies. University of California, Berkeley. 1975 pg. 74-116
4. ROSENER, JUDY, *Democracy in an Administrative State: Does the Public Hearing Work?* Ph.D. Dissertation. Claremont Graduate School, Claremont, California.
5. HEALY, ROBERT, ed. *Protecting the Golden Shore*. Conservation Foundation. Washington, D.C. 1978. pg. 140. As a result of the actions of the South Coast Regional Commission, the city of Newport Beach changed its parking ordinance to reflect the requirements of the Commission. The same kind of action took place in other coastal cities with respect to bluff setbacks.
6. Since 1973, a large number of suits have been filed against the Commission based on inconsistent application of the law, the "taking" issue, etc. The Commission's record of wins is astoundingly high. So high in fact, that a recent California Law Journal article implied that California judges must all be environmentalists!
7. In a number of instances where large developments were taking place in areas along the coast where there was no public access, development permits were granted only when access was granted to a third party (usually a governmental agency) who then accepted liability and responsibility for the maintenance of the accessway. In some cases, in lieu fees were required as a means of helping a third party acquire the access by purchase. The use of a TDR or transfer of development rights policy allows for the denial of development in areas where development is felt to be inconsistent with Coastal Act mandates, yet providing the property owner with an option to sell a right to build in areas consistent with the Coastal Act.
8. For an example of distorted media coverage, see Hazlett, Tom. "A Coastal Controversy at High Tide," *Los Angeles Magazine*, October, 1979. Even though the editor was told of the fact that the author knew almost nothing about the Coastal Act, had not attended or observed the Commission, and had contacted only those who were organized to attack the Commission, the article was published without any check for accuracy with the Commission staff. None of those who support the work of the Commission were quoted, although they offered comments which questioned the validity of the published remarks.



September 23, 2016
Sent Via Electronic Email

Re: Executive Director Search

Dear California Coastal Commissioners:

Once again I feel it's important to express my grave concern over actions you are involved in. This time it is the draft recruitment documentation regarding the Executive Director search.

Why do we, the public, need an Executive Director that will instill a "culture of customer service" within the Coastal Commission? This isn't about "customer service" - - this is all about upholding the Coastal Act. Granted we have watched you get more and more "customer friendly" since June of 2011, but now is the time for you to return to your true job and the reason you were appointed: to uphold the Coastal Act which will in turn allow you to protect and preserve our finite natural resources.

Additionally, we, the public, want to maintain an independent staff that has the ability to operate in an atmosphere that inspires them to function as they should with the Coastal Act being their sole resource for recommendations.

Just yesterday yet another legal controversy hit this Commission with the ruling from Judge Dunning. Let's stop the controversy and get back to the business at hand: upholding the Coastal Act.

You made the right decision to place Jack Ainsworth in the Executive Direction position on a temporary basis several months ago. He has more than proven himself over the past few months, not to mention his decades of experience with the Commission. Why must the search continue? Take action to regain public trust following your firing of Dr. Lester in February and bring Jack Ainsworth on as the permanent Executive Director. Save the time, expense, and continued public scrutiny, distrust and frustration. Quite frankly, the public no longer trusts your ability to carry out the important task of selecting a new Executive Director. We trust Jack Ainsworth and admire his qualities as a human being and a proven leader.

I strongly urge you to cease the recruitment and make Jack Ainsworth our permanent Executive Director.

Sincerely,

Penny Elia
Save Hobo Aliso Task Force Chair
Sierra Club

Copy: Susan Hansch
Melanie Wong

Wong, Melanie@Coastal

From: Arlis Reynolds <[REDACTED]>
Sent: Friday, September 23, 2016 4:06 PM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Cc: Sierra Club Banning Ranch Task Force; Arlis Reynolds
Subject: Comments on the qualities and priorities of the next Executive Director

Hello,

As I have been thinking about the qualities and priorities important for the next Executive Director, I keep thinking about why we have an open spot to fill in the first place.

Although the reasons for Charles Lester's dismissal will remain unknown, one thing was clear to me on Feb 10... at the end of a 12-hour hearing.... Charles Lester chose to sacrifice his job as Executive Director in defense of the Coastal Act. He would not bend to political pressures or requests from commissioners that could compromise the Staff's independent analyses or, even worse, compromise our natural coastal resources. This trait -- the willingness to sacrifice a career in defense of our coastline -- is the most important in our next Executive Director, who is charged with defending the laws (and the spirit of the law) put into place by California citizens 40 years ago.

Lester's sacrifice was more than a demonstration of good leadership. It was a gift to the public. His refusal to bend to the Commissioner's requests led to his dismissal by the Commissioners, but also brought the threats to our coastline into the public forum, initiated months of intense scrutiny of commission practices, and engaged a new generation of coastal advocates (like me!) The facts that have surfaced in recent months about undisclosed ex partes and inappropriate communications by Commissioners confirm that Lester was right to bring the spotlight onto the Commission, and the public thanks and owes him for that.

I hope that our next Executive Director will, like Lester, be motivated by a love for California's coastline and natural resources and a deep respect for the public and the value of public goods.

I have copied my response to the survey questions below.

Thank you,
Arlis

PROFESSIONAL TRAITS

- 1 - Deep knowledge of the Coastal Act, Coastal Commission procedures, and understanding and respect for the reason the citizens worked tirelessly to create and defend the Act
- 2 - Respect for objective science and research; will uphold the findings of trained and educated scientists against political pressures
- 3 - Leadership that will respect Staff and defend Staff from political pressures
- 4 - Leadership and a resume that will win back the trust of the public; a track record of respecting and defending public benefits
- 5 - Understands the difference between the public and private goods and the value of protecting public benefits, resources, ESHA, and access protected by the Coastal Act

PERSONAL TRAITS

- 1 - Respected by Coastal Commission Staff (who do the hard work to research the impact of proposed projects on our public coastline)
- 2 - Respected by the Public (which is the most important customer of the Coastal Commission)
- 3 - Motivated by a love of California's coastline and recognition of the value of public goods, not driven by political ambition
- 4 - Willingness to defend the Coastal Act and objective scientific research despite political pressures

PRIORITIES

- 1 - Help the Commission earn back the trust of the public
- 2 - Reassert the independence of the Commission Staff and explain to all stakeholders the importance of this independence
- 3 - Educate Commissioners about the Coastal Act laws and the ESHA those laws protect (Commissioners have made comments at recent hearings that sounds like they don't understand the law)
- 4 - Promote public awareness campaigns about the Coastal Act and need to public involvement
- 5 - Develop strategies to make it easier for the public to be aware of and participate in commission proceedings

REFERENCES

- * Past Executive Directors - Charles Lester; Jack Ainsworth (acting ED)
- * Members of public who lead the development and implementation of the Coastal Act (they can help you understand why the Act was put into place)
- * Coastal Commission Staff
- * Judy Rosener, one of the first Commissioners, who wrote a paper about why the Commission is needed

ADDITIONAL COMMENTS

Remember that the Commission exists to serve the public and protect public goods.... the public is the client and customer of the Commission, and the next Executive Director must understand and agree with that. As the person responsible for leading the agency charged with protecting our natural resources, the Executive Director must have the trust of the public through demonstrated track record of understanding and respecting the Coastal Act, the purpose of the Act, and defending public goods against private interests.

I am very concerned about the direction the Commission is moving, and the selection of a new ED is an critical opportunity to come back in alignment with the mission of the Coastal Act and the mandate of California's citizens.

Wong, Melanie@Coastal

From: [REDACTED]
Sent: Friday, September 23, 2016 9:51 AM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Subject: Selection of new Executive Director

Honorable Chair Kinsey and Commissioners,

Because of the ongoing issues that have dogged the Commission regarding failure to report ex partes with developers and their lobbyists and because of the abrupt termination of the Commission's executive director in February of 2016, I'm deeply concerned that the executive search firm that has been hired can appreciate the relatively simple but essential priorities a new executive director must embrace:

- Upholding the Coastal Act.
- Understanding that California's coastline belongs to the public and the Commission exists to serve the public.
- Defending the independence of the Commission Staff and protecting the staff from political pressures.
- Maintaining a focus on scientific research and coastal protection.

I'm also concerned about a reference in the draft memo that refers to creating a culture of customer service within the organization. The Coastal Commission doesn't have customers and isn't selling a product. It exists to protect coastal resources and to ensure that the public has access to the coast and to the Commission itself. It's alarming that the search firm that will be recommending the new Executive Director doesn't understand the Commission's basic mandates.

I believe the current acting executive director, Jack Ainsworth, exhibits all of the professional and personal characteristics that are described in the bullet points above and that he has done an excellent job of upholding them during a very difficult time. I strongly recommend that he be appointed the next executive director.

Before closing, I would like to make a general comment on the survey available for the public to comment on the job selection process. One of the survey questions involves stakeholders, and I'd like to suggest that the most overlooked stakeholder in the Coastal Commission process is the public.

Rather than require the public to respond to a survey that most of them will never see, a hearing should be held to obtain input on choosing the next executive director.

The Commission should go beyond allowing public comment to actively seeking to make it easier for the public to be heard and understood. To accomplish this the commenter should be given the full three minutes and engaged when necessary to fully understand the point of the comments.

When crowds are large, public comments should not be cut to 1 or 2 minutes. In some cases the public has been reduced to yes or no comments on important and even controversial issues. If the public is concerned enough to take the time to travel, attend and speak at a hearing, it's because the issue is vitally important to them and may have profound effects on coastal resources or on their quality of life and perhaps even their health. The public should be fully heard in these instances.

What could be more valuable to a commission that exists to protect the coast and serve the public than to hear what the public has to say, especially about the selection of a new Executive Director?

Please select a director who has the experience, the skills and the background to fulfill the requirements of this increasingly crucial position. Again, I recommend Jack Ainsworth and suggest that his appointment to the position would make what appears to be a very expensive job search unnecessary.

Respectfully submitted,
Suzanne Forster

Wong, Melanie@Coastal

From: Koken, Debby [HMA] <[REDACTED]>
Sent: Friday, September 23, 2016 8:34 AM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Subject: Selecting a new Executive Director for the Coastal Commission staff

To the California Coastal Commissioners:

I am concerned about your Executive Director recruitment materials. The draft memo talks about creating a "culture of customer service within the organization." That is the last thing required in an organization whose sole purpose is to enforce the Coastal Act in order to protect coastal resources for the citizens of California and future generations.

This recruitment document emphasizes the political aspects of the Executive Director's job rather than the scientific expertise and knowledge of the Coastal Act that are the basic requirements for the position.

By firing Charles Lester, the California Coastal Commissioners demonstrated a desire to warp the Commission away from its clear directive to enforce the Coastal Act into a more developer-friendly organization. This draft document indicates this goal has not changed.

Short of re-hiring Charles Lester, it is incumbent on the Commission to revise the recruitment memo to reflect the rigorous scientific and legal expertise required for an effective Executive Director.

Rather than spending hundreds of thousands of taxpayer dollars in this flawed recruitment procedure, I recommend you confirm Interim Director Jack Ainsworth as permanent Executive Director.

Sincerely,

Deborah Koken

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Wong, Melanie@Coastal

From: Fran Pollard <[REDACTED]>
Sent: Thursday, September 22, 2016 6:31 PM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Subject: Fwd: Coastal Commission ED

Fran Pollard
SM Co. Coastal Chair of "Prop 20" 1972

[REDACTED]
[REDACTED]
September 22, 2016

Susan Hansch, Chief Deputy Director
Melanie Wong, Chief Human Resources
California Coastal Commission

Re: Executive Director Search Draft Recruitment Materials

Dear Ms. Hansch and Ms. Wong

I just read Lennie Roberts Letter on behalf of Committee for Green Foothills and I want to let you know that I completely agree with the entire letter. Please appoint someone who will maintain the intent of the CA Coastal Act and delete the two references: "cultural change leader" and "instill a culture of customer service."

I was the San Mateo Coastal Chair of CA Coastal Initiative "Prop 20" in 1972. At that time, there was a push to develop the entire Coast like the Los Angeles Area and the East Coast where you can drive down their Coast Highways and never see the Ocean because it is all privately owned and developed.

We did not want to see that happen here. Also, at that time, Westinghouse Corp. owned most of the San Mateo Coast and they were going to build for a population of 180,000 to 200,000 people.

Thanks to "Prop 20" which was passed by a majority vote of the CA Population and thanks to the Committee for Green Foothills and Sierra Club and other Open Space Districts for purchasing most of our open space and hillsides. I'm sure we could pass a similar Prop. today!

We now have one of the most beautiful Coastlines in the State where you and everyone else can drive down our Coast and actually see the Ocean. Also, our Communities have been able to retain their small town character that everyone loves. And we think there should be a few small Communities in this state so there are various types of places in which people can live.

This is what we must continue to do where there is still some view of the ocean and not allow it to be built on and not cram other, oversized developments in every existing Community as is continually being forced upon us. Whatever open space is left on the CA Coast should be bought and preserved for future generations as mentioned above.

We must not go back to over developing the whole Coast. We must not all be forced to live in big cities or crowded towns with no space to recreate and enjoy!

There is enough land to develop inland where there is plenty of public transportation and jobs, but not on the Scenic Coast!

We must leave our Coast and Beaches for everyone to tour and enjoy now and for future generations.

Thank you for your consideration,
Regards,

Fran Pollard for Community Parks and Open Spaces

September 22, 2016
Via Electronic Mail

RE: Executive Director Search

Dear California Coastal Commissioners,

I write to you today to express my concern over the draft recruitment materials regarding the Executive Director search. I urge you to instead work to regain the public trust you lost when you fired Dr. Charles Lester at Morro Bay. Jack Ainsworth would be a great new Executive Director, and your retention of him would simultaneously regain the public's trust in the Coastal Commission and save the taxpayers money.

First, I was disappointed to see that the draft recruitment materials calls for a new Executive Director who will instill a "culture of customer service" within the Coastal Commission. Who are the Commission's customers? Who are *any* state agency's customers? The answer is obvious: we, the people of California. And yet, it is strongly implied here that developers or other development permit applicants are the true customers of this agency.

At the Morro Bay hearing, many Coastal Commissioners said that they only had problems with Dr. Lester's personal leadership style, and not with the Coastal Commission's duty to protect our coast. Several of the Commissioners insisted that they were not trying to make things easier for developers. However, if permit applicants are the customers that will be served by this new Executive Director, then this public servant would be focused on serving the developers that it regulates, rather than serving the public. This would be the *definition* of regulatory capture, where the regulator that ostensibly serves the public interest is captured by commercial interests, and begins to perversely serve the entities that it regulates.

Since the Morro Bay controversy, the state's largest newspaper has not ceased uncovering Commissioners' ethical issues, several of the Commissioners face multiple lawsuits, and public trust in the Coastal Commission has been severely impacted. The Los Angeles Times even took a summer road trip along the entire California coast to raise awareness about the troubles facing it. The Coastal Commission was created by the public through a ballot proposition, and the Commission has a duty to regain that public support.

During this time of turmoil, Acting Executive Director Jack Ainsworth has done an admirable job of navigating the stormy waters. Retaining Jack Ainsworth as Executive Director would avoid another prolonged controversy, save the taxpayers from paying for a recruiting service, and restore public trust in a Commission that needs it. I urge you to discard your recruiting materials and appoint Jack Ainsworth as Executive Director.

Sincerely,

Robert Modellmog
J.D. Candidate, Class of 2017
University of California, Irvine School of Law



September 22, 2016

California Coastal Commission
Executive Director Search
Susan Hansch
Susan.Hansch@coastal.ca.gov
Melanie Wong
Melanie.Wong@coastal.ca.gov

Dear Ms. Hansch and Ms. Wong,

Please accept these comments on behalf of the Environmental Center of San Diego. We have grave concerns with the proposed executive director job description. As coastal activists we take seriously the mission of the California Coastal Commission as written:

The Commission is committed to protecting and enhancing California's coast and ocean for present and future generations. It does so through careful planning and regulation of environmentally-sustainable development, rigorous use of science, strong public participation, education, and effective intergovernmental coordination.

It is glaringly apparent that the job description offered is not tied directly to this mission. By failing to explicate the functions of the Commission, to uphold the Coastal Act and serve the public, the public is being shortchanged. The job description must be clear on where the executive director's allegiances are anchored.

In addition, the advertisement for changing of the culture of the commission to be "customer" friendly threatens the integrity of the Coastal Act. The executive director's conduct must be ethical and committed to upholding the Commission's standards and morals. Ethical standards include those that enjoin virtues of honesty, compassion, and loyalty. The very traits the commission should be looking for in its next executive director.

We ask you to take another look at the proposed executive director's job description. It should reflect what the people of California expect, a director that upholds the Coastal Act at all costs. The people need to be secure in knowing the executive director is working for all the people of California not just the "customer".

Thank you for your time.

Sincerely,

Pamela Heatherington

Board of Directors

Environmental Center of San Diego

Wong, Melanie@Coastal

Subject: FW: Draft Recruitment Materials for new ED CCC

From: Mary Sue Ittner [mailto:████████████████████]
Sent: Wednesday, September 21, 2016 10:13 PM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Subject: Draft Recruitment Materials for new ED CCC

We would like you to consider our comments.

We have read the draft recruitment materials from the Coastal Commission website to be used to find a new executive director. It is a very comprehensive document that outlines many of the requirements of the Coastal Act and responsibilities of a new director. The mission statement of the Commission is part of the document: "The Commission is committed to protecting and enhancing California's coast and ocean for present and future generations. It does so through careful planning and regulation of environmentally-sustainable development, rigorous use of science, strong public participation, education, and effective intergovernmental coordination." The mission stresses protection of the coast, careful planning and regulation. So we are puzzled by this statement that follows so closely: "The successful candidate will possess visionary strategic orientation and the ability to instill a culture of customer service within the organization." There is no mention of customer service in the mission statement. Who is the customer? Is it someone wanting to develop their property, the public wishing to express concerns and support for plans, the agencies involved? Because of its placement in the very beginning of the paragraph on the Ideal Candidate, it implies this is one of the more important roles of the director.

It would seem that the ideal candidate would be able to lead the staff and commissioners into fulfilling the mission statement. This draft makes very little mention of how the director interacts with staff. We believe that it is essential for the new director to provide support and direction to an independent staff so they can prepare documents and work with all the interested parties so all new development continues to protect and enhance the coast and ocean as voters mandated by their support of the Coastal Act. This seems to be missing in the additional desirable requirements as does any mention of the importance of working with the public. Strong public participation is part of the mission statement. We think these areas should be addressed and added to the recruitment materials to improve what has been written.

Mary Sue Ittner & Bob Rutemoeller
████████████████████
████████████████████

Wong, Melanie@Coastal

Subject: FW: Criteria for Executive Director search

From: Sue Schectman [mailto: [REDACTED]]
Sent: Thursday, September 22, 2016 7:25 AM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Subject: Criteria for Executive Director search

Dear Commissioners:

The critical mission of the Coastal Commission is to fully, impartially, and fairly implement the policies of the Coastal Act. To do this, the Executive Director and staff must be supported by the Commissioners in staff's diligence in providing Commissioners their best unbiased professional analyses and recommendations in all matters that come before the Commission.

The current search criteria calling for "cultural change" and a "culture of customer service " have alarmed many citizens especially in the wake of Director Lester's termination. I ask that you take simple steps to put these fears to rest.

Please clarify the search criteria to emphasize the primary mission of the Commission in fully and fairly implementing the policies of the Act. Please affirm that a central responsibility of the Director is to insure a Commission culture that encourages the Director and staff to provide their best unbiased professional recommendations in Commission matters without fear or favor.

The current language suggests to Director applicants that an ill defined culture change is being sought, and can be fairly read to mean a shift toward applicant centered emphasis rather than impartiality.

Improving customer service-- in process such as timing, providing process guidance to applicants, seeking ways to assist in achieving legal compliance-- are service goals most agencies rightly seek.

But at this critical juncture in the Commission's history, the public fear that "improving customer service " will be at the expense of impartial staff recommendations must be allayed.

I respectfully ask the the terms at issue be eliminated. At the very least, if retained, they must be clearly explained so the public knows what culture change is sought: one that seeks ways to better guide applicants to compliance but not at the expense of full unbiased implementation of the Coastal Act upon which the future of our coast depends.

Sincerely,
Susan Schectman

Susan Schectman
[REDACTED]

Wong, Melanie@Coastal

Subject: FW: Comments re Executive Director

From: MaryAnn Webster [REDACTED]

Sent: Wednesday, September 21, 2016 4:41 PM

To: Hansch, Susan@Coastal

Cc: Wong, Melanie@Coastal

Subject: Comments re Executive Director

SIERRA CLUB ANGELES CHAPTER

Dear Ms. Hansch,

In determining qualities for an Executive Director of the CCC, we feel the person chosen provide leadership for the staff and encourages independent research and conclusions in their reports.

The E.D. should mandate that the Coastal Act and CEQA take precedent in all decisions concerning development along the CA Coastline.

All violations and compromises of the CA and CEQA should be included in all reports.

The E.D. should stress that the CCC is there to serve the public and to protect the public from violations of the Coastal Act. The E.D. should insist that the staff must function in an independent environment and with the utmost integrity so as not to be swayed by individual Commissioners.

The mission of the CCC should be to protect the environment to the fullest and to carry out the mandates of the Coastal Act...with zero tolerance for violations of these mandates. Thank you.

Mary Ann Webster, Conservation Chair
Santa Monica Mountains Task Force, Sierra Club
Angeles Chapter.

Wong, Melanie@Coastal

Subject: FW: Executive Director Search Draft Recruitment Materials

From: Mary Larenas [REDACTED]
Sent: Wednesday, September 21, 2016 2:50 PM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Subject: Executive Director Search Draft Recruitment Materials

9-21-2016

Susan Hansch <Susan.Hansch@coastal.ca.gov>

Melanie Wong <Melanie.Wong@coastal.ca.gov>

Dear Ms. Hansch and Ms. Wong,

Thank you for taking the time to consider my concerns regarding the draft recruitment materials being considered for the position of Executive Director of the California Coastal Commission. My biggest concerns are with two references made in the Job Description and their possible implications. Specifically the following language:

“culture of customer service” and “cultural change leader.”

I do not feel these references properly reflect the job of the Executive Director who is mandated to uphold the California Coastal Act which was approved by the voters of California and serve and protect the interests of the public. To give the impression that the job of the Executive Director is one of providing “customer service” suggests that the ED is to consider applicants as customers, which they are not. What comes to mind is the saying “The customer is always right.” Applicants need to be guided using the Coastal Act to ensure development is in compliance and that is the job of the ED and staff. The recruitment letter should also emphasize the need for the ED to provide direction to and work to maintain an independent staff. This part of the job description is key so that staff can function in a way that encourages them to make independent recommendations based on facts and the Coastal Act rather than at the encouragement and influence of Coastal Commissioners.

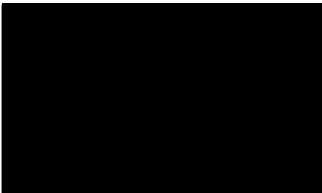
Finally the recruitment/job description needs to emphasize that the ED is to provide leadership that not only supports staff but also instills confidence in the staff to prevent job turnover. Coastal commission staff work

very hard and sometimes they have to make difficult recommendations and they deserve respect and they deserve to be allowed to do their job independent from Commission influence. Experience is critical here. Losing staff that have years of knowledge, historical precedent and a firm understanding on how to apply the Coastal Act is a tragedy.

I sincerely hope my letter helps make some changes in the current draft. Thank you for your time and consideration.

Sincerely,

Dr. Mary Larenas



Wong, Melanie@Coastal

Subject: FW: Executive Director Search Draft

From: ken king [REDACTED]
Sent: Wednesday, September 21, 2016 1:02 PM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Cc: Lennie Roberts
Subject: Executive Director Search Draft

Dear Ms Hansch and Ms Wong,

I am writing in support of Lennie Roberts' points made succinctly in her letter dated today. The public at large remains largely quiet regarding projects that fall under the CCC's purview, it is the motivated, determined and financially incentivized folks who occupy most of your staff's time, and who, even when thwarted, come back with slightly modified versions of their former plans. Yes, they should be treated with respect, but they should not be favored over the interests of today's, and more importantly, tomorrow's public.

The culture of your commission should be fair-minded, but never partial. "Customer service within the organization" implies you are there to satisfy those you deal with, and that should be as far from a stated goal as possible. The Coastal Act require nothing less.

Please follow Lennie's recommendations to maintain the correct balance in administering California's Coastal Act.

Respectfully,

Ken King
Co-chair Coastal Issues Committee
Loma Prieta Chapter, Sierra Club

[REDACTED]



COMMITTEE FOR
GREEN FOOTHILLS

September 21, 2016

Susan Hansch, Chief Deputy Director
Melanie Wong, Chief Human Resources
California Coastal Commission

Re: Executive Director Search Draft Recruitment Materials

Dear Susan and Melanie,

On behalf of Committee for Green Foothills, I have reviewed the Draft Executive Director Recruitment Materials and am deeply concerned that the description of the Ideal Candidate does not reflect the mission of the Commission and the mandates of the California Coastal Act.

The most fundamental quality of a new Executive Director should be to ensure the independence and professionalism of the staff in implementing the California Coastal Act. Instead, the Draft document seeks a person who has ***“the ability to instill a culture of customer service within the organization”***, and includes desirable qualifications identified by the Commission as being a ***“cultural change leader”***.

This language appears to call for leadership that will favor private, development interests over the broader public interest that is at the heart of the Coastal Act. Furthermore, it fails to recognize that the Coastal Act (Section 30001) adopts Legislative Findings that the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to ***all the people...*** and that the ***permanent protection of the state’s natural and scenic resources is a paramount concern to present and future residents of the state and nation.***

The public is already deeply concerned that the unwarranted firing of Executive Director Charles Lester was motivated by a desire of certain Commissioners to be able to direct the staff at the behest of special interests and developers.

The Commission’s Executive Director and staff must continue to be independent, unbiased, and professional. The Executive Director’s position and the Commission’s credibility depend upon its independence, as envisioned by Proposition 20 and the Coastal Act. Undue influence by Commissioners would be anathema to these principles.

Please delete references to “cultural change leader” and “instill a culture of customer service”.

Thank you for consideration of our views.

Lennie Roberts, Legislative Advocate



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info@GreenFoothills.org
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Wong, Melanie@Coastal

Subject: FW: Executive Director Search Document

From: David Ewing [mailto: [REDACTED]]
Sent: Tuesday, September 20, 2016 4:52 PM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Subject: Executive Director Search Document

Dear California Coastal Commissioners and Staff:

We believe that it is important to make changes to the Search Document because it fails to emphasize that the Commission, through its ED, is responsible to enforce the Coastal Act and represents the public, not the developers. This document stresses that the applicants are the Commission's "customers" which is the "culture change" referred to. That is totally inconsistent with the Coastal Act and the mission of the Commission which is to protect the coast of California not be a body designed to facilitate development. That is what is wrong with all local Planning Commissions. They see their role as helping find a way to get development through the process. The Coastal Commission was formed precisely to prevent that and it was created by a public initiative. To change the "culture" is to directly undermine the public's interest in the coast.

Additionally, the document also seems to stress that the ED should make politics a basis for his (her) decisions. While the ED cannot to ignore politics, it is critical that the ED not bow to political pressure and continue to base the staff's recommendations of development that is consistent with the Coastal Act. Effective administration requires

One glaring omission is the lack of any recognition that the ED is the head of the staff. He (she) may be employed by the Commissioners but the ED's prime responsibility is to lead the staff. Managers must always provide leadership to those who work under them. They must create a favorable working environment and in this case staff must be permitted to be independent. The Commission's staff, both planning and technical, is very professional and they must be allowed to continue to be independent. It is one of the ED's main jobs, yet any reference to this is omitted.

We urge you to make changes to the search document so that these issues are dealt with. As it stands, the document undermines your effort to find an effective ED, committed to your mission of protecting our most spectacular public resource, the California Coast.

Todd Darling
Sue Kaplan
Joan Churchill
Peter Damien
Margaret Molloy
David Ewing
Karen Wolfe
Lydia Ponce
Robin Rudisill
Celia Williams

Venice Action Alliance
Venice Coalition to Preserve Unique Community Character

Wong, Melanie@Coastal

From: PAMELA SLATER-PRICE <[REDACTED]>
Sent: Monday, September 19, 2016 1:13 PM
To: Hansch, Susan@Coastal; Wong, Melanie@Coastal
Subject: CCC ED Document

Dear Ms Hansch and Ms Wong,

I am writing to ask you to make some important changes to the Search Document now posted on the Commission's web site. There is a theme that weaves through the document about changing the culture of the commission to one that serves their "customers". That clearly refers to the applicants (developers). This would indeed change the culture of the commission from upholding the coastal act and controlling development to one where the staff's and the commission's function is to facilitate development. That is directly contrary to the Coastal Act and the purpose of the Commission. The Search Document should remove this and instead put more focus on upholding the Coastal Act for the purpose of protecting the coast, not facilitating development.

In addition, there needs to be some element that recognizes the ED's job is also to create a good working atmosphere for the staff. The Commission cannot do its job if there is constant turn-off in staff members which will happen if there is no support for the staff. Staff must continue to remain independent and the Commission should not create a "culture" that is prevalent in most agencies, where the staff is captured and their professional and scientific advice is altered for political reasons.

I am urging you to change the document to make it clear to anyone applying that these issues are important to a Coastal Commission that continues to function to protect the coast of California

Respectfully,
Pam Slater-Price
San Diego County Supervisor 1992-2013

"The difference between stupidity and genius is that genius has its limits." -Albert Einstein