

SAN MATEO COUNTY RESOURCE CONSERVATION DISTRICT
625 Miramontes Street, Suite 103
Half Moon Bay, CA 94019

Draft Minutes
February 9, 2008
Special Meeting of the Board of Directors

1. **CALL TO ORDER:** Mr. Allen called the meeting to order at 12:08 p.m. A quorum was declared present.

2. **INTRODUCTION OF GUESTS and STAFF:**

Directors Present: Rich Allen, Jim Reynolds, Roxy Stone, TJ Glauthier

Staff Present: Kellyx Nelson (participating by phone)

Guests: Ron Sturgeon

3. **PUBLIC COMMENT:** None

4. **ACTION AGENDA:**

4.1 Consideration/Adoption of Resolution 2008-1 finding that an emergency exists at the Apanolio Creek Fish Passage Project, that action is necessary to respond to the emergency, and authorizing the Executive Director to take action required by the emergency without giving notice for bids to let contracts.

- Kellyx briefed the Board about the status of the restoration project on Apanolio Creek. It was supposed to be designed for a 100-year storm event, but was severely compromised by the recent 3-5 year storm event. The bank under the bridge eroded away, exposing the piers of the bridge. The weirs are actively failing. She coordinated a site visit with the landowner, the NRCS District Conservationist, the NRCS engineer, the project engineer from Fall Creek, and the contractor. All agreed immediate actions were necessary and that the situation would get worse.
- Using the Caltrans Fund, Kellyx hired Swanson Hydrology and Geomorphology as an outside evaluator to assess what happened as well as the currently proposed solution. Swanson found shared fault between the engineering and the construction and/or surveying.
- Kellyx consulted with a private attorney recommended by Santa Cruz RCD as well as County Counsel. Based on their advice, she advised the Board that litigation would likely be as expensive as the project was to construct, and would be unlikely to have immediate or satisfying results- particularly for an emergency situation. A better approach would be a facilitated discussion with the engineer and contractor to see what each would contribute to a solution. She hired Swanson to facilitate that conversation.

- Because of her impending maternity leave, Kellyx said that she would like to include Rich Allen in this facilitated discussion so that he could continue the work if necessary after her departure. He agreed.
- Kellyx said that she had notified DFG, the County, and the Regional Water Board that she would be seeking emergency permits and said that Resolution 2008-1 was necessary to avoid the delays of a public bid process. Resolution 2008-1 says that an emergency situation exists and action is necessary to respond to the emergency.
- Ron Sturgeon asked Kellyx the status of DFG's response to her request about emergency permits. She replied that DFG is the only agency that has not yet responded.
- Ron warned that what he felt was a similar situation in another coastside watershed resulted in fines being levied by the EPA because of failure to conduct CEQA. Ron also questioned whether or not an emergency existed.
- Kellyx replied that she has been advised and agrees that there is an imminent threat to health and safety. She recommended immediate action to prevent bridge failure.

ACTION: TJ Glauthier **MOVED** adoption of Resolution 2008-1. The motion was **SECONDED** by Jim Reynolds.

- Board members and public viewed photos and video of the site before voting.

ACTION: The motion **CARRIED** unanimously.

5. ADJOURNMENT

ACTION: The Regular Meeting of the Board of Directors was adjourned at 12:44.