

**Minutes of the Regular Meeting of the Board of Directors
October 16, 2014
Location: RCD Office**

Directors present: Dave Holland, Barbara Kossy, Neal Kramer

Staff present: RCD – Kellyx Nelson

Guests: Mark Kipp
Victor Rabinovich

1 Call to Order

- Holland called the meeting to order at 6:30pm.

2 Introduction of Guests and Staff

- Everyone present introduced themselves.

3 Public Comment

- No public comment.

4 Approval of Agenda

- The Agenda and Consent Agenda were unanimously approved.

5 Consent Agenda

5.1 August 21, 2014 Draft Regular Meeting Minutes

5.2 June 2014 Draft Financial Statements

5.3 July 2014 Draft Financial Statements

5.4 August 2014 Draft Financial Statements

5.5 September 2014 Draft Financial Statements

6 Discussion Items

6.1 FY15 Budget

- Nelson and directors reviewed the most current draft budget before bringing it to the November meeting for approval.

6.2 Audit Update

- The RCD is switching to an annual audit this year. The RCD had approved biannual audits historically due to the costs of auditing. The RCD now operates with a significantly larger budget and has many more projects and activities. With increased scale and complexity an annual audit is appropriate for transparency and accountability. Annual audits will nearly double auditing expenses.

6.3 Directors' Reports

- Kossy reported on the Weed Management Area meeting this month.

6.4 San Mateo County RCD 75th Anniversary Planning

- Directors discussed the 75th anniversary event, not planned for January or February 2015.

6.5 Statewide Perspective – Kellyx Nelson

- Item 6.5 was tabled for discussion at the next RCD Board meeting

6.6 Executive Director Report – Kellyx Nelson

- Directors are encouraged to join the California Association of RCDs (CARCD) Conference in Ventura Nov. 12-15.
- Staff and Board transitions
 - Chelsea Moller and Alex Beakes are moving to Southern California to be with family.
 - Brett Melone is moving to California Farm Link.
 - Neal Kramer will step down from being a voting member of the Board in the near future and would be interested in being an Associate Director.
 - Hiring work is overhead and takes time.
- Staff is working with consultants on setting up project management software
- Nelson appointed to Fisheries Restoration Grant Program (FRGP) Peer Review Committee (PRC). Reviewing hundred of proposals, lots of time. Learning about state-wide perspective of fisheries restoration.
- Archiving and public history partnership with Stanford, action item on the archive will be on next Board agenda.
- Local Area Formation Commission (LAFCO) accepting nominations.
- AB 2193 (Gordon) passed to streamline permitting for small scale voluntary restoration projects.
- Staff is working on this year's annual appeal. Directors will be asked to forward the appeal to their networks. It has yielded valuable donations and connections in the past.
- Invasive New Zealand mudsnails were found in Pilarcitos Creek. Department of Fish and Wildlife provided Best Management Practices to prevent the spread. Help get the word out.
- Nelson will be away or limited in availability for the next month:
 - November
 - ◆ 3rd-10th Nelson will be out of the country
 - ◆ 11th is Veterans' Day
 - ◆ 12th-14th is the CARCD conference in Ventura
 - ◆ 26th-27th RCD will be closed for Thanksgiving
 - December
 - ◆ 5th is the County Agricultural Workshop

- ◆ 6th-14th Nelson will be out of the country
 - There is a chance of Pescadero public meeting about the flooding project on November 20th, the date of the next RCD Board meeting.
- First Flush- The program has been funded for this year by the Sewer Authority Midcoastside and Harbor District. RCD recruited volunteers, Sanctuary trained them, and they are ready to be deployed when there is 1/10th of an inch of rain. The County has written the program into their stormwater compliance plan.
- Ponds Program
 - ◆ 6 ponds completed on Cloverdale, 4-5 other projects in development
 - ◆ IRWMP funds about \$1 million for off-stream storage
 - ◆ Silicon Valley Community Foundation (SVCF) contributed \$40,000
 - ◆ San Mateo Food System Alliance (SMFSA) identified ponds program as a priority
 - ◆ Partnering extensively with Trout Unlimited and American Rivers
- Pescadero Integrated Solutions to Flooding and Habitat
 - ◆ Final report completed, now publicly available.
 - ◆ Final public meeting planned for in November.
 - ◆ Pursuing funding, partnerships, political support for next steps
- Fitzgerald Pollution Reduction
 - ◆ Discussed stop work notice issued by State Water Resources Control Board to San Mateo County for the part of their grant that was the RCD's work.
 - Submitted proposal 2008. Included "cultural practices" and non-structural BMPs
 - Note: ultimate contract/ SOW used the term "construction" for project as a whole.
 - 9/19/2012 water quality data
 - 1/18/2013 submitted list of preliminary BMPs to SWRCB grant manager
 - 3/13/2013 TAC supportive of BMPs, including grant manager
 - 3-7/ 2013 RCD revised and re-revised monitoring plan based on SWRCB comments
 - 4/19/2013 final BMP list submitted to SWRCB. RCD created application package and began outreach to landowners for BMPs.
 - 7/19/13 Progress report to SWRCB that RCD continued outreach and landowner recruitment, began planning and design, submitted copies of CEQA exemptions to SWRCB
 - 8/19/2013 Grant manager expressed concerns about one of the projects.
 - 8/30/2013 Email from SWRCB expressing various concerns:

- that there were no projects to address human waste.
 - NOTE: Monitoring did not find human waste to be significant.
- that outreach and non-structural BMPs were not allowed
 - NOTE: this was 5 years after proposal included non-structural BMPs, 7 months after list of BMPs was given to grant manager, 5 months after TAC was supportive of BMPs with grant manager present, 4 months after final BMP list was submitted with no comments from SWRCB,
 - NOTE: Contract with SWRCB does not require their approval of BMPs. Says Selection Committee approves BMPs.
- 10/21/2013 Reported to SWRCB that monitoring plan would be revised once BMPs finalized.
- Fall and winter 2013-2014 Back and forth with SWRCB about what BMPs they will and will not approve.
- 3/26/2014 SWRCB Grant Manager recommended modelling instead of monitoring. RCD moved forward with that recommendation.
- 7/22/2014 All SWRCB comments on BMPs were incorporated, some dropped, some continuing. SWRCB grant manager approved with understanding that some final comments were still being addressed and that landscape plans need approval before issuing Notice to Proceed.
- Summer-fall: addressed all SWRCB comments and concerns, stayed in regular contact, Board allowed RCD to contract with contractor without public bid process because no longer time, landowners signed agreements, tremendous activity getting ready for construction
- 9/17/2014 SWRCB tells County and RCD that attorneys are composing a letter to stop RCD work to prevent breach of grant agreement. Letter is sent 9/22/2014 to SMC and sites the following reasons:
 - Monitoring plan comments were not addressed, monitoring plan was not submitted, and there were insufficient funds to complete monitoring. [NOTE: comments were addressed and monitoring plan was not submitted because grant manager switched to modelling. Other monitoring plan concerns are similarly erroneous.]
 - The scope of work was reduced from 9 to 5 sites and may therefore not accomplish objectives.
 - NOTE: More than 9 sites had been selected but SWRCB pulled several of them.
 - NOTE: Grant manager had told RCD number of sites did not matter, but rather number of BMPs did (there were multiple BMPs per site) to meet contractual obligations.
- ◆ Next steps
 - Coordinating with County- letter from counsel

- Phone call to Felicia Marcus, President of SWRCB re: recommended approach
- Communications with consultant, general contractor, landowners
- Gazos Creek Watershed Road Improvements anticipated to be constructed next summer/ fall. Working with uproad landowners on an agreement to keep improvements in place.
- County Parks partnership projects (more are in the pipeline)
 - ◆ Memorial Park Fish Passage going to construction next summer/ fall.
 - ◆ Pescadero parks roads and sediment control in development
 - ◆ Memorial Park water storage project in development
- Stream Habitat Enhancement
 - ◆ RFP sent out for design of two instream habitat enhancement projects
 - ◆ RFP sent out for design for fish passage solutions on Alpine Creek. Selected Waterways Consulting based out of Santa Cruz.
- Supervisor Horsley's Ag Workshop will be at the Native Sons Hall in Pescadero on Devenber 5th. It will focus on ag water supply. The RCD helped plan the workshop and is a sponsor.
- Pillar Point Harbor-.
 - ◆ A Harbor District grant proposal to SWRCB to implement recommendations of the RCD's study was denied. SWRCB comments by Pat Leary said that the study was flawed and questioned implementing its recommendations. These comments are consistent with unsubstantiated claims that she made at the end of the RCD's project that were contrary to the empirical data that were collected and the opinions of the experts on the Technical Advisory Committee. Staff is concerned that her opinions have power to obstruct funding to implement recommendations
 - ◆ San Mateo County flushed Capistrano storm drain per recommendations of the study and requests by the RCD.
- Funding- Nelson provided updates on 9 different grants or other funding in various stages.

7 Adjourn

- Holland adjourned the meeting.