SAN MATEO COUNTY RESOURCE CONSERVATION DISTRICT

helping people protect, conserve and restore natural resources since 1939

Special Meeting of the Board of Directors
February 9, 2008
Location: RCD Office
noon- 1:30 p.m.

1. Call to Order
2. Introduction of Guests and Staff
3. Public Comment- The Board will hear comments on items that are on the agenda where the Board has jurisdiction. Comments are limited to three minutes per person.
4. Action Items- 4.1. Approve Resolution 2008-1. Find that an emergency exists at the Apanolio Creek Fish Passage Project, that action is necessary to respond to the emergency, and authorize the Executive Director to take action required by the emergency without giving notice for bids to let contracts.
5. Adjourn

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VEED to Revise to show passed

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.

NEED original

SAN MATEO COUNTY RESOURCE CONSERVATION DISTRICT

January 23, 2008
Meeting of the Agricultural Production Subcommittee
RCD Office
625 Miramontes Street, Half Moon Bay, CA 94019

PRESENT: Rich Allen (Director); Jim Reynolds (Director); Jim Howard (NRCS staff); Louie Figone (Subcommittee member); Kellyx Nelson (RCD staff- *by telephone*); Carolann Towe (RCD staff); Ron Sturgeon (public).

CALL TO ORDER:
Mr. Figone called the meeting to order at 1:00 p.m.

PUBLIC COMMENT:
No members of the public were present at this time.

SELECTION OF AGRICULTURAL WATER QUALITY GRANT RECIPIENTS:
Kellyx stated that the purpose of the meeting was for the Agricultural Production Subcommittee, serving as the grant's Selection Committee, to determine how to award the projected remaining available funds. She provided the following background:

> The grant agreement with the State requires approximately 60:40 overall match to their grant funds for construction and implementation of agricultural water quality projects. The match is from EQIP contracts and producers for most of the projects and from Farm Bureau and producers for the cover crop subcontract. The current estimated total cost for the projects approved last year by the Selection Committee that are moving forward is $391,571. This is an estimate because only two projects have been completed, for which we know the true actual costs. Based on the match ratio for the estimated total cost, the grant will reimburse producers $160,544. Producers are encouraged to thoroughly document their true costs so that they can be reimbursed more, keeping with the match ratio. There is approximately $220,000 allowable in the grant to pay for implementation, of which approximately $160,000 is currently anticipated to be spent. Staff estimates that approximately $60,000 will remain for the Selection Committee to award this year and recommends a combination of augmenting support for the current practices, keeping within the match ratio, and funding new practices.

Jim H. presented staff recommendations for new practices to be funded with the remaining approximate $60,000. These recommended producers/ practices (1) are in EQIP contracts, (2) are likely to successfully implement the practices this year, and (3) meet the criteria for funding established by the Selection Committee last year. He reviewed the practices, commenting on likely willingness to participate and likely potential to complete the project by the deadline date of implementation- October 15th, 2008. He noted that the numbers were randomly assigned to maintain anonymity and did not represent ranking.

that would formally notify them that this was an RCD project, but it is unclear how many have signed them yet because RCD staff has not yet seen any signed documents. Louie noted he would bring that up at the next FB meeting.

Jim H. noted he would know within two weeks to a month which producers would be likely to participate.

PUBLIC COMMENT:
Ron noted that he was familiar with the selection criteria document but was unsure about how they were applied, as some practices don't have the same water quality benefit as others. He wanted to know if the projects on the recommended list had been ranked by each criterion, as the list does not note how the projects were included.

Kellyx and Jim H. acknowledged Ron's question as a valid issue and agreed that the kind of analysis he was asking about was not done for selection of these projects. Rich noted that the selection criteria include a menu of practices to choose from that were approved by the Selection Committee. Kellyx explained that such an analysis, while potentially valuable and interesting, was beyond the scope of this process and current staff capacity. The selection criteria are essentially yes/no. If the project has water quality benefit, it is awarded the full 60% weight. Projects are not individually weighed for how much water quality benefit they achieve. That would be particularly difficult to do with some of the practices that are companion practices, meaning they may not have water quality benefit independently. She also noted that ranking one practice as more valuable than another could be controversial. Jim H. agreed regarding the controversy and added that, with the scarcity of available projects, all projects would still have been included and ranking them would not have achieved anything.

DECISION:
Rich proposed accepting staff recommendations. Jim R. seconded and all committee members present were in favor.

ADJOURNMENT:
Meeting adjourned at 2:30 p.m.

SAN MATEO COUNTY RESOURCE CONSERVATION DISTRICT
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RESOLUTION N0. 2008-01

FINDING THAT EMERGENCY EXISTS ON APANOLIO CREEK AND AUTHORIZATION OF IMMEDIATE ACTION

Whereas the San Mateo County Resource Conservation District is a Special District organized under Division 9 of the California Public Resources Code with an original petition granted on July 1, 1939; and

Whereas the District recently completed a project to improve fish passage on Apanolio Creek that has been severely undermined by recent rains and will continue to fail, constituting an impairment to public health and safety; and

Whereas Public Contract Code §22050 allows a public agency, in the case of an emergency and pursuant to a four-fifths vote of its governing body, to take any directly related and immediate action required by that emergency without giving notice for bids to let contracts;

NOW THEREFORE BE IT RESOLVED that the Board of Directors:

- Finds that an emergency exists on Apanolio Creek which requires action;
- Finds that the situation does not permit a delay resulting from competitive solicitation for bids; and
- Authorizes the Executive Director to take any directly related and immediate action required by the emergency, and procure the necessary equipment, services, and supplies for those purposes without giving notice for bids to let contracts.

ADOPTED at a special meeting of the Board of Directors of the San Mateo County Resource Conservation District on February 9, 2008.

Rich Allen, President

2/9/08
Date

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