

Regular Meeting of the Board of Directors

Thursday, March 18, 2021

3:00 pm closed session, 4:00 pm open to public

Zoom link: <https://us02web.zoom.us/j/89675733636>

If you are using a computer or other device to join the meeting, you may click [here](#). A computer video camera is not required to participate. If you do not have access to a computer or internet during this meeting, or if your computer does not have audio, you can call in by phone: (669) 900-6833 and enter the meeting ID: 896 7573 3636 when prompted.

1. Call to Order
2. Approval of Agenda
3. Convene Closed Session 3.1. Continue public employee performance evaluation pursuant to California Government Code §54957. Title: Executive Director
4. Adjourn Closed Session
4:00pm
5. Convene open session and report on closed session.
6. Introduction of Guests and Staff
7. Public Comment- The Board will hear comments on items that are not on the agenda. The Board cannot act on an item unless it is an emergency as defined under Government Code Sec. 54954.2.
8. Consent Agenda The Board of Directors approves: 8.1. February 18, 2021 Draft Regular Meeting Minutes The Board of Directors receives into record: 8.2. February 24, 2021 letter committing to participate in the San Mateo County Multijurisdictional Local Hazard Mitigation Plan. 8.3. March 4, 2021 letter to California Department of Food and Agriculture regarding the implementation of Governors Executive Order on Land Conservation and Nature Based Solutions. 8.4. March 11, 2021 letter to California Department of Water Resources regarding late grant payments.
9. Regular Agenda 9.1. Board will consider appointment of John Keener as Associate Director. 9.2. Board will consider recommendation to amend and sole source contract with the California Native Plant for the Landscape Database and Vegetation Mapping Project in Santa Cruz and Santa Clara Counties. 9.3. Executive Director's report 9.4. NRCS report 9.5. Directors' reports
10. Adjourn Meeting The next Regular Meeting of the Board of Directors will be April 15, 2021

Public records that relate to any item on the open session agenda for a regular board meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board.

Minutes of the Regular Meeting of the Board of Directors
March 18, 2021
3:00 pm – 6:00 pm
via Zoom teleconference

Directors present: Barbara Kossy, TJ Glauthier, Adrienne Etherton, Jim Reynolds

Associate Directors present: John Keener

RCD staff present: Kellyx Nelson, Lau Hodges, Jarrad Fisher, Amy Kaeser, Sheena Sidhu, Dylan Skybrook (Santa Cruz Mountains Stewardship Network Manager)

NRCS staff present: Jim Howard

Guests present: George O. Kolombatovich, Rudy Espinoza-Murray

1. Call to Order

Kossy called the meeting to order at 4:00 p.m.

2. Approval of Agenda

Motion to approve closed session agenda passed unanimously.

3. Convene Closed Session

3.1 Public Employee Performance Evaluation Pursuant to California Government Code §54957

Title: Executive Director

4. Adjourn Closed Session

5. Convene Open Session and Report on Closed Session

- Open Session was called order at 4:01 p.m.
- Glauthier noted the board felt very positive towards Nelson's performance and the Board approved a paid, 6-week sabbatical in recognition of her 15 years of employment at the RCD. She made this request in lieu of a change to her compensation.

6. Introductions of Guests and Staff

All in attendance introduced themselves.

7. Public Comment

There was no public comment.

8. Consent Agenda

- Glauthier pulled item 8.4 and Etherton pulled 8.1.
- Etherton moved to approve the agenda as amended, Kossy seconded. Motion passed unanimously.

9. Regular Agenda

9.1 Board will consider appointment of John Keener as Associate Director.

- Discussion included:
 - Role and requirements of associate directors (non-voting but still subject to Brown Act, conflict of interest, and attendance policies);
 - Keener's interests, including removal of the fish barrier and the bridge over San Pedro Creek, Pacifica Watershed Coalition, Fire Safe San Mateo County and the large eucalyptus stands around Linda Mar in Pacifica;
 - When asked, Keener said he would be comfortable with the non-advocacy role of RCDs.
- **ACTION:** Etherton moved to appoint John Keener as Associate Director, Reynolds seconded. Motion passed unanimously.

9.2 Board will consider recommendation to amend and sole source contract with the California Native Plant for the Landscape Database and Vegetation Mapping Project in Santa Cruz and Santa Clara Counties.

- Discussion included California Department of Fish and Wildlife's relationship with California Native Plant Society (CNPS) for this work, CDFW's requirement to work with CNPS, and their unique expertise for the project. Nelson noted that the RCD staff was working on a proposed update to the Procurement Policy to address the distinction of a sole source versus a subaward.
- Glauthier noted the omission of 'Society' on the agenda and memo header and asked that it be added in for the record.
- **ACTION:** Etherton moved to amend the sole source contract with CNPS, Kossy seconded. Motion passed unanimously.

9.3 Executive Director's Report

- Nelson would be leading a webinar after the meeting, "Caring for a Watershed Top to Bottom."
- Black, Indigenous & People of Color (BIPOC) group of RCD staff submitted a letter to CARCD board expressing concerns and providing a list of demands. The CARCD Board would be responding within the week; all demands were accepted and the CARCD Board thanked the BIPOC group for making them better.
- Recent RCD staff presentations:
 - Noah Katz, Water Quality Program Manager, reported to the Midcoast Community Council (MCC) regarding water quality monitoring.
 - Sidhu reported to MCC reading fire and fuel load reduction efforts.
 - Nelson and Sidhu met with the Portola Valley Town Council.
 - Katz presented to the San Mateo County Harbor District.
 - Issel presented to Pescadero Municipal Advisory Council.
 - Nelson presented to Thrive Alliance San Mateo.
 - Nelson and Katz will be hosting a public webinar about water quality on the Coastside on April 21st.

- All staff will be attending Diversity, Equity & Inclusion (DEI) training in the near future and directors are invited to join.
- Communications continue to be an unmet need for the RCD which was resulted in a story that is largely untold.
- RCD staff is working on an Implementation Plan for the strategic plan.
- The Fiscal Year 2022 Budget process is underway. Nelson acknowledged Hodges' efforts on preparing the packet for our new federally approved indirect rate; it has been a big lift.
- RCD contracted with Jayne Batty of Miramar Farms, to support convening an advisory committee for the RCD's potential boundary expansion. Kaeser is the RCD staff project managing it and Kossy and Glauthier are directors on the committee.
- RCD has been working on a land acknowledgement, a number of complexities to it.
- Project updates:
 - Two to four more carbon farm plans are in development.
 - Notice to proceed has been issued by funder for the fish passage barrier work on San Pedro Creek.
 - Post-fire recovery work continues, specifically with hazardous tree removal as well as bridge and road repairs. Howard complimented Sheena Sidhu and Sara Polgar, RCD staff, on their communication and collaboration with the State of California; Sidhu noted the integration with NRCS had been phenomenal.
 - Recent meeting of Integrated Watershed Restoration Program's Technical Advisory Committee about fish habitat restoration projects in planning and design phases.
 - Cloverdale Bridge Project if funded will include installing a number of habitat enhancements.

9.4 NRCS report

- Howard reported being pleased with the new Secretary of Agriculture, Tom Vilsack; immediate improvements included a new directive on the NRCS telework policy based on DEI and employee retention and policy on COVID response and safety.
- Howard and Nelson would be bringing a new Vehicle Use Cooperative Agreement before the board by May.

9.5 Directors' reports

- Kossy will be taking her new travel trailer on a three to four week trip but will make herself available for Board Meetings.
 - Etherton reported her excitement for SB 1383 about recycling and compost, and her hope that it would become a funding source for carbon farm plans. She also reported the Institute for Local Government's Beacon Awards would be open to Special Districts; it might be a good opportunity for the RCD.
- Reynolds stated how much he appreciates the RCD's Board and staff and hoped to host everyone at Level Lea Farms.
- Glauthier expected to meet with the Local Agency Formation Commission in April; they had all the maps and Glauthier hoped for the opportunity to annex the area east of Skyline Blvd.

- Keener is involved with a setting up a California native plant nursery on the site of Pacifica Gardens.

8.4 March 11, 2021 letter to California Department of Water Resources (DWR) regarding late grant payments.

- There was discussion about the origins of writing the letter and the partnership with DWR in preparing it.

7 Adjourn Meeting

- Kossy adjourned the meeting at 5:12 p.m.

March 4, 2021

Dr. Amrith Gunasekara, Science Advisor to the Secretary
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814

Re: Implementation of Governors Executive Order on Land Conservation and Nature Based Solutions

Dear Dr.Gunasekara,

Thank you for the opportunity to share my comments on CDFA's implementation of the Governors' Executive Order. Thank you for hosting the series of listening sessions on this topic, which I attended. This letter is a follow-up to the comments I shared during those meetings on how to scale nature-based solutions on working lands to meet the goals set forth in the Governors Executive Order.

It is inspiring and exciting to work in California, who is leading the nation in addressing climate change. The Healthy Soils Program was the first of its kind in providing financial support to farmers and ranchers to promote climate-beneficial agricultural practices that build soil health and increase climate resilience. Similarly, the Governor's Executive Order is an example to the nation in setting an aspirational vision for conservation. I was pleased to see working lands recognized as a way to achieve the State's climate and biodiversity goals.

I offer the following comments to support CDFA and the Healthy Soils Program to accomplish the ambitious goals set forth in the Executive Order. These findings are rooted in interviews I have conducted with agricultural stakeholders in San Mateo County as part of our local climate action planning process as well as participation in regional and statewide conversations at the intersection of agriculture and climate.

1. Funding certainty. Producers overwhelmingly identified financial support as essential to alter agricultural practices, some of which have been in place for generations. The Healthy Soils Program (HSP) has helped many implement climate beneficial practices but is not seen as a reliable funding source because has not been offered consistently and because it is increasingly oversubscribed. An increase in funding would make the program more accessible and worthwhile to apply. Also, solicitations at the same time each year, would allow producers to plan projects for HSP funding, leading to more implementation of climate beneficial farming practices.
2. Food safety considerations. Producers also shared concerns about how some Healthy Soils Practices may conflict with food safety certification. These practices include compost, hedgerows, and windbreaks. Technical assistance providers and food safety certifiers would benefit from increased understanding about the intersection between food safety and climate beneficial farming practices to help food safety certified producers adopt Healthy Soils practices.
3. Equipment lending programs. Many practices that sequester carbon require specialized equipment, like compost spreaders, drill seeders, and roller crimpers. Small farms are unable to purchase equipment that they only need once a year or on occasion. Although farmers may be interested in exploring new practices, they will be unable to make those management changes if they do not have access to the equipment. RCDs can- and often do- serve as local lenders of equipment for climate-smart agricultural practices. RCDs have the local relationships and program management experience to operate successful

equipment lending programs. Investment from the State in equipment lending programs through RCDs would address a major barrier to practice adoption, helping to scale climate beneficial agricultural practices.

4. Technical assistance. Implementing nature-based solutions at scale across California will require on-the-ground support from technical assistance providers. Funding and solicitation timelines of HSP currently limit technical assistance to helping producers apply to the grant program and helping awardees with project implementation. It does not fund technical assistance to adopt of climate beneficial practices. Technical assistance providers, rooted in the community with strong local relationships, are essential to help producers integrate climate- and nature-beneficial practices into their operations. For the program to accomplish its vision and goals, technical assistance must be funded more broadly than helping producers prepare grant applications.

CDFA has indicated a desire to track implementation of climate-smart agricultural practices that were supported through CDFA grant programs. I recommend CDFA consider how to track implementation of these practices more broadly, including projects funded on working lands through non-CDFA programs (e.g., grant programs funding similar work through other State agencies and departments, USDA Farm Bill cost-share programs, etc.), private sector programs (e.g., Zero Food Print and carbon markets), and practices adopted by producers at their own expense. California is leading the nation in its inclusion of nature-based climate solutions on working lands. CDFA is uniquely positioned to understand the totality of this work across the state and to tell its story. RCDs can be helpful at a local level to help track progress on larger climate goals.

California can scale nature-based solutions on working lands to help fight climate change while creating a more resilient food system. Increased and more reliable funding for practice implementation and technical assistance, increased access to necessary farming equipment, and coordinated communication with food safety requirements will help farmers and ranchers implement climate beneficial agricultural practices, and data collection of on the ground implementation will help the state track progress on its climate goals. Thank you for considering these comments, and please feel free to reach out if you have any questions.

Sincerely,



Adria Arko
Agriculture and Climate Programs Manager

Cc:

Karen Ross, Secretary of California Department of Food and Agriculture
Environmental Farming Act Science Advisory Panel
Karen Buhr, Executive Director of California Association of Resource Conservation Districts

March 11, 2021

Carmel Brown, P.E
Financial Assistance Branch Chief
California Department of Water Resources
Division of Integrated Regional Water Management
Financial Assistance Branch
901 P Street
Sacramento, CA 95814

Dear Ms. Brown,

I write you regarding the challenges San Mateo Resource Conservation District (SMRCD) has faced due to delays in payment from the Integrated Regional Water Management Program (IRWMP). We appreciate the time and efforts of DWR staff to work with us to collectively understand this issue and identify potential solutions. We hope that this letter might serve to support IRWMP as it addresses critical water-related needs throughout California, and help ensure that the program is accessible to smaller-budget organizations that partner to do this essential work.

Because SMRCD has a small amount of base funding, typically less than \$70,000 annually for all operations, we rely almost entirely upon grants to pay staff and contractors. The RCD currently has two grants funded through IRWMP totaling \$5.6 million, which has leveraged more than \$6 million additional state, federal and private funds. These grants have enabled us to develop and implement domestic and agricultural water conservation and storage projects for a rural community with very few resources for water supply: no snowpack, no state or federal water project, no water utility, and no irrigation district. Endangered coho salmon, threatened steelhead trout, small farms, and domestic water systems rely on the same small local creeks with extremely limited streamflow in later summer and fall. Our IRWMP funded and leveraged projects have served 25 farms and 6 rural domestic water systems and have as much as doubled the amount of water available in local creeks during critical low flow months. These projects, individually and collectively, are successfully ensuring water for farms, fish, and people.

Because the funding is administered as reimbursements for work that has been completed, SMRCD and other grantees essentially hold debt for the State while awaiting payments that often arrive many months- sometimes a year or longer- after work has been completed. These delayed payments have myriad effects on our organization and our ability to deliver on the promise and intent of the bond funds. Delayed payments create significant cash flow burdens and can:

- Pose a barrier to participating in IRWMP. Smaller budget organizations have described the cash flow burden as a barrier to entry in this funding program, even describing it as “pay-to-play.” We have had to borrow money to make payroll while awaiting payments for our work to protect California’s water resources.

- Increase project costs. Contractors who bid on our IRWMP projects have reported taking out loans to cover hundreds of thousands of dollars in costs for employees, equipment and materials, which can increase project costs 10-20%.
- Limit the pool of qualified contractors. Numerous well qualified contractors will no longer bid on IRWMP-funded projects unless we can find a private donor or other creative means to pay contractors while waiting for State reimbursement for expenses.
- Impair public perception of our financial solvency. Our financial statements are publicly noticed and can influence investments in our organization, partnerships, credit approvals, and more. At one point, our ability to enter into a lease for our office space was compromised when the property manager saw that our financial statements showed outstanding balances to contractors on IRWMP projects that were an order of magnitude larger than our annual funding for operations.
- Harm staff morale and relationships with our community. SMRCD staff are the front-line workers and the “face” to delayed payments. They receive frequent pleas or frustrated communications from contractors about payment delays and feel their reputation being impaired in the communities they serve.

In addition to delayed payments, please note that even when payments are made for work completed successfully, funds are retained for several years for multi-year projects. This poses an additional and significant financial burden that might be ameliorated by releasing retention in appropriate project increments.

Thank you for your continued attention on this challenging issue. As always, we stand ready to partner with you to identify, explore, vet, and innovate solutions.

Sincerely,



Kellyx Nelson
Executive Director

APPLICATION TO SERVE AS AN ASSOCIATE DIRECTOR

**of the
SAN MATEO COUNTY RESOURCE CONSERVATION DISTRICT**

A cover letter and/or additional materials may be attached.

DATE: 3/3/21

NAME: John Keener

ADDRESS: [REDACTED], Pacifica CA 94044

TELEPHONE: [REDACTED]

EMAIL: [REDACTED]

1. What is your interest in serving as an associate director?

I want to help an organization that is uniquely positioned in San Mateo County, particularly in protecting and restoring stream habitats.

2. Please share information about your background that will benefit the RCD.

I was trained as a microbiologist (PhD), but became a biochemist/geneticist, and performed research on E. coli and yeast. Later in my career I took up technical writing. I'm a former council member and mayor of Pacifica. I am now on the board of the Pacifica Land Trust, President of the San Pedro Creek Watershed Coalition, and director emeritus of Peninsula Clean Energy.

3. What other skills will you bring to the district?

In addition to my science and writing skills, I can read a budget, and I know how to operate in a political environment. I am well read regarding climate change.

4. What direct or indirect conflicts of interest may you have in serving as an associate director?

The San Pedro Creek Watershed Coalition is participating in a grant with the RCD.



Memorandum

Date: 3/18/21

To: Board of Directors

From: Dylan Skybrook

Re: Recommendation to amend and sole source contract with the California Native Plant Society for the Landscape Database and Vegetation Mapping Project in Santa Cruz and Santa Clara Counties

The Santa Cruz Mountains Stewardship Network (SCMSN) recommends amending the RCD's contract with the California Native Plant Society (CNPS) for vegetation classification work related to SCMSN's Landscape Database and Vegetation Mapping Project in Santa Cruz and Santa Clara Counties.

The contract is for coordinating and conducting field work, reviewing collected samples, analyzing and classifying field data, providing written descriptions of plant communities, and producing a final report. This project provides an important dataset that, together with lidar and imagery, form the basis for many data products, similar to the countywide fine-scale vegetation map created for Sonoma County (see www.sonomavegmap.org), and those in development for Marin and San Mateo Counties.

As SCMSN's fiscal agent, the RCD entered into a contract on September 4, 2020 with CNPS for the amount of \$24,989- below the threshold required for bidding or board approval- to begin the project for Santa Cruz and Santa Clara Counties. Since that time, new funds have come in, enabling the RCD to augment the contract for a new amount of \$180,673.

The Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing Policy adopted by this board of directors on March 20, 2014 requires solicitation of formal advertised bids for expenditures exceeding \$50,000. The policy allows exceptions to standard purchasing procedures in some circumstances, including when "services are of a unique type, are of a proprietary nature, or are otherwise of such a required and specific design or construction, or are specifically necessary for purposes of maintaining cost effective system consistency, so as to be available from only one source."

The work proposed meets this criterion because:



- This work is funded by the California Department of Fish and Wildlife (CDFW). CDFW has an ongoing relationship with CNPS regarding vegetation classification work in the State of California. The agreement between the San Mateo Resource Conservation District and CDFW explicitly mentions CNPS as the provider of vegetation classification for the vegetation mapping project.
- Because of the relationship between CDFW and CNPS, CNPS has done or is doing vegetation classification work for vegetation mapping projects in Sonoma, Marin, and San Mateo Counties. The budget for the Santa Cruz/Santa Clara vegetation mapping project is based on being able to take advantage of the economies of scale that come from CNPS working across the region.

Note: The Vegetation Mapping and Landscape Database Project is a project of the SCMSN. The San Mateo Resource Conservation District acts as fiscal agent for the SCMSN. Because the SCMSN covers San Mateo, Santa Cruz, and Santa Clara Counties, the San Mateo Resource Conservation District Board, as fiscal agent, sometimes approves contracts, grants, and the like, for SCMSN projects that lie outside the San Mateo Resource Conservation District's boundaries. The Board has previously approved grants and contracts for the Vegetation Mapping and Landscape Database Project.