

County of San Mateo
Flood and Sea Level Rise Resiliency Advisory Committee
San Mateo City Hall, Conference Room C, San Mateo, CA
MINUTES
December 9, 2019

1. Call to Order/Roll Call

Chair Dave Pine called the meeting to order at 4:10 p.m. Interim Clerk Boland took roll call and confirmed a quorum was present.

Committee Members Present:

Dave Pine, Representing Board of Supervisors, At-Large (Chair)
Debbie Ruddock, Representing Coastside (Vice Chair) (Arrived 4:12 p.m.)
Donna Colson, Representing Northern San Mateo County cities
Maryann Moise Derwin, Representing San Mateo County cities at-large
Don Horsley, Representing Board of Supervisors, District 3
Diane Papan, Representing Central San Mateo County cities

Committee members absent:

Lisa Gauthier, Representing Southern San Mateo County cities

Staff Present:

Larry Patterson, Interim Chief Executive Officer
Brian Kulich, Esq., County Counsel
Jim Porter, County of San Mateo Director of Public Works
Rochelle Kiner, Deputy Director, Public Works
Ann Stillman, Deputy Director, Public Works
Erika Powell, Flood Resiliency Program Manager
Danielle Lee, Deputy Director, Office of Sustainability
Christine Boland, Interim Clerk

2. Public Comment

Brian Perkins, Congresswoman Jackie Speier's office, discussed upcoming federal funding opportunities in which the Bayside and Coastside could be included in federal spending bills.

3. Action to Set the Agenda

Chair Pine recommended moving all presentations to the end of the meeting. Committee members concurred.

Motion/Second: Pine/Horsley moved to set the agenda, as amended.

Ayes: Colson, Derwin, Papan, Horsley, Ruddock, Pine

Noes: None

Absent/Abstain: Gauthier

Motion Passed: 6-0-1

4. Approval of Consent Agenda

- 4.1 Approval of Minutes of November 12, 2019 Advisory Committee Meeting
- 4.2 Draft Agreement with County Counsel for District Counsel Services
- 4.3 Transfer of Obligations and Assets from San Mateo County to Flood and Sea Level Rise Resiliency District

Motion/Second: Horsley/Colson moved to approve the Consent Agenda.

Ayes: Colson, Derwin, Horsley, Papan, Ruddock, Pine

Noes: None

Absent/Abstain: Gauthier

Motion Passed: 6-0-1

6. Regular Agenda

6.1 Draft Office Space Lease Agreement

Interim CEO Patterson outlined details contained in the draft Lease Agreement with Borel Estate Company for 2,166 square feet of office space at 1700 El Camino Real, Suite 502, San Mateo, Calif., for the new Flood District offices. As part of the lease, the Miller Reams Hall on the first floor would be available for board meetings. He noted the space is currently occupied and the Flood District would not take occupancy until mid to late-January 2020, after certain necessary office improvements were performed.

In response to Member Colson, County Counsel Kulich discussed the “split-roll” voter initiative which would amend the California Constitution to require an annual property tax re-assessment of commercial properties based on market value rather than purchase price, and whether the reassessment would have an impact on the Flood District’s lease agreement.

Motion/Second: Ruddock/Derwin moved to approve the lease agreement with Borel Estate Company for office space at 1700 El Camino Real, Suite 502, San Mateo, Calif. for a three-year term.

Ayes: Colson, Derwin, Horsley, Papan, Ruddock, Pine

Noes: None

Absent/Abstain: Gauthier

Motion Passed: 6-0-1

6.2 Draft Agreement for Payroll and Human Resource Services Contract

Deputy Public Works Director Kiner outlined details of the agreement with Paychex to perform payroll, human resources services and workers’ compensation insurance for the Flood District. She noted that the contract is a cooperative agreement, mirroring the contract of Peninsula Clean Energy contract for an identical scope of services.

Motion/Second: Horsley/Ruddock moved to approve an agreement with PayChex to provide payroll, human resources and workers’ compensation insurance for a term of two years in an amount of up to \$5,000 per year, for a total estimated cost of up to \$10,000.

Ayes: Colson, Derwin, Horsley, Papan, Ruddock, Pine
Noes: None
Absent/Abstain: Gauthier
Motion Passed: 6-0-1

6.3 Draft Master Agreement for San Mateo County Services

Interim CEO Patterson outlined the Master Agreement with the County of San Mateo, allowing for the continuation of District operations for the term of January 1, 2020 to June 30, 2022. Deputy Public Works Director Kiner added that the services provided in the agreement included engineering services for management and operations of the zones and flood-related projects, administrative support, community outreach efforts and accounting services. Mr. Patterson noted the term was 2.5 years in an amount of up to \$2,721,200 per year, for a total cost not to exceed \$6,803,000. The agreement includes an option to extend the contract through June 30, 2023 at the same rate, upon mutual consent of the parties.

Mr. Patterson noted that the agreement needed to be approved by the Board of Supervisors at its December 10, 2019 meeting. Committee members discussed the terms of the agreement, the fees and termination clause.

Motion/Second: Colson/Ruddock moved to approve the Draft Master Agreement with the County of San Mateo in the amount of up to \$6,308,000, for the term Jan. 1, 2020 through June 30, 2022.

Ayes: Colson, Derwin, Horsley, Papan, Ruddock, Pine
Noes: None
Absent/Abstain: Gauthier
Motion Passed: 6-0-1

6.4 Draft Fiscal Policies and Procedures

Interim CEO Patterson proposed using eight of the County's fiscal policies and establish them as the new Flood District's policies.

- Service Charge on Returned Checks (County Policy A-4)
- Expense Reimbursement Policy (County Policy A-5)
- Semi-Weekly Check Processing Policy (County Policy A-6)
- Accounting for Capital Assets (County Policy A-7)
- Soliciting, Selecting and Developing Agreements with Providers of Goods and Services (County Policy B-1)
- Appropriation Authority (County Policy B-15)
- County Travel Policy (County Policy B-16)
- Electronic and Facsimile Signatures (County Policy B-29)

Mr. Patterson noted two exceptions to the County's policies B-1 and B-15 for the Flood District, as follows:

Policy B-1: Soliciting, Selecting and Developing Agreements with Providers of Goods and Services: Mr. Patterson recommended lowering the new CEO's signature authority from \$100,000 to \$25,000 initially and adjust later, when appropriate; and establishing an emergency procurement authority level of \$100,000 for emergency operations and maintenance issues.

Policy B-15: Appropriation Authority: Mr. Patterson recommended the new CEO be authorized to approve District Appropriation Transfer Requests (“ATR’s”) unless State law or other requirements dictate that approval be made by the District board.

Committee members discussed whether the \$100,000 for emergency repairs was adequate, given the expensive nature of public works projects. Interim CEO Patterson responded that an emergency board meeting could be called with 24 hours notice if authorization was needed for expenditures exceeding \$100,000. Public Works Director Porter concurred that expenses during an emergency involved in a public works project could far exceed the signature authority of the CEO and that Board approval would be necessary.

No action was taken on this item. The item would be brought back for Board approval in January 2020.

6.5 Update on Insurance Coverage for the Flood and Sea Level Rise Resiliency District

Interim CEO Patterson introduced Scott Johnson, the County of San Mateo’s Risk Manager. Mr. Johnson discussed the basic insurance needs for the new Flood District, his recommendations on coverage and limits. He provided a cost estimate for the coverage, noting that the Flood District was added as an additional insured to the County’s overall insurance program as an interim measure.

Mr. Johnson responded to board member questions regarding potential liability exposure to individual cities within the Flood District jurisdiction and how coverage would work. He stated he and the County Counsel would further research liability issues and update the board at a later time. Interim CEO Patterson stated the estimated cost of the program would be within the signature authority of the new CEO and the Flood District would be covered on January 1, 2020.

6.6 Review of Revised Flood and Sea Level Rise Resiliency District Board Member Guidelines

Mr. Patterson reviewed the latest amendments which he incorporated into guidelines using underline and strikeout editing marks. He stated the item would be brought back for final adoption in January 2020.

6.7 Draft 2020 Board Meeting Calendar

Interim CEO Patterson presented the draft meeting calendar for 2020, noting the increase from one board meeting per month to two. He proposed cancelling any meeting that fell on a Federal holiday. Chair Pine added that there would be more meetings in the beginning of the year but that the intention is to move back to one meeting per month.

All meetings would be held on the second and fourth Mondays of the month, 1700 El Camino Real, first floor in Miller Ream Hall conference room, San Mateo, Calif., unless otherwise noticed:

- January 13 and 27
- February 10 and 24
- March 9 and 23
- April 13 and 27
- May 11 (no meeting May 25 due to Memorial Day)
- June 8 and 22
- July 13 (no meeting July 27)

- August 10 (no meeting Aug. 24)
- September 14 and 28
- October 26 (no meeting Oct. 12 due to Columbus Day)
- November 9 and 23
- December 14 (no meeting Dec. 28)

Motion/Second: Papan/Horsley moved adoption of the 2020 meeting calendar.

Ayes: Colson, Derwin, Papan, Horsley, Ruddock, Pine

Noes: None

Absent/Abstain: Gauthier

Motion Passed: 6-0-1

7. Chair's Report

Chair Pine stated reported on the State Legislative Analyst's upcoming report on "Possible State Actions to Support local climate adaptation planning.

Committee member Ruddock reported on a meeting she attended on Sea Level Rise in Southern California on the urgency need of coastal sea level rise regarding adaptation pilot projects.

Chair Pine added that the Bay Area Council has announced a \$2m resilience challenge grant of up to \$200,000 and a State Resource bond is coming back in 2020.

8. Interim CEO Report

None.

9. Advisory Committee Reports

9.1 Ad Hoc CEO Recruitment Subcommittee Report

Chair Pine provided an update on the recruitment process for the new CEO. He stated that several top candidates have been identified and would be interviewed the first week in January. Interim CEO Patterson encouraged all board members to attend.

At 5:40 p.m., Chair Pine was excused from the remainder of the meeting.

5. Presentations (Taken out of order)

5.1 Regional Stormwater Program

Matt Fabrey, Manager of the Stormwater Program for the City/County Association of Governments (C/CAG), provided a comprehensive presentation on the regional stormwater program, including the "greenstreets" program which he explained captures runoff and toxins before reaching the Bay. He discussed the modeling that C/CAG has conducted for each city to undertake and address respective jurisdiction stormwater programs and the collaborative nature of taking a regional approach. Mr. Fabrey identified five regional stormwater management projects, discussed a climate change modeling project in which he offered to collaborate with the new Flood District in 2021.

At 5:50 p.m., Committee Member Horsley was excused from the remainder of the meeting.

5.2 Funding History of MOU and San Francisquito Creek Joint Powers Authority Projects

Len Materman, CEO of the San Francisquito Creek Joint Powers Authority, provided an overview of the history of the Authority, its jurisdiction and current partner agencies. He discussed public and private funding of the Authority, its initial projects, future partnerships and other possible projects.

Due to the hour, the second half of the presentation was postponed until January, 2020.

10. Committee Member Reports

None

11. Items for Future Agenda

None.

12. Adjournment

The meeting adjourned at 6:15 p.m. The next meeting would be held on Monday, January 13, 2020, 4 p.m., 1700 El Camino Real, in Miller Ream Hall (first floor), San Mateo, Calif.