

**SAN MATEO COUNTY**  
**FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT**

1<sup>st</sup> Floor, Miller Ream Hall  
1700 S. El Camino Real  
San Mateo, CA 94402

**Board of Directors**

**Supervisors:**

District 3	Don Horsley
At-Large:	Dave Pine - <b>Chair</b>

**City Representatives:**

North:	Donna Colson
Central:	Diane Papan
South:	Lisa Gauthier
Coast:	Debbie Ruddock – <b>Vice Chair</b>
At-Large	Maryann Moise Derwin

# AGENDA

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**February 10, 2020**

**4:00 PM**

**1. Roll Call**

**2. Public Comment**

*This item is reserved for persons wishing to address the Board on any Flood and Sea Level District matters that are not otherwise on this meeting agenda. Public comments on matters listed on the agenda shall be heard at the time the matter is called.*

**3. Action to Set the Agenda**

**4. Approval of Consent Agenda**

- 4.1 Approval of Minutes of January 27, 2020 District Board Meeting
- 4.2 Approval of Minutes of January 22 and January 28, 2020 Special District Board Meetings
- 4.3 Adopt a Resolution Approving the Board Member Guidelines
- 4.4 Approval of Amendment No. 3 to the Contract with Larry A. Patterson d.b.a Coast Consulting

## **5. Regular Agenda**

- 5.1 Adopt Ordinance Establishing Rules, Regulations, Standards, And Procedures for Appointment, Suspension and Termination of Employment of District Employees
- 5.2 Approve Administrative Memorandum 2: Travel and Expense Reimbursement Policy
- 5.3 Approve Administrative Memorandum 3: Appropriation Authority

## **7. Chair's Report\***

## **8. Interim CEO Report\***

## **9. Advisory Committee Reports\***

- 9.1 Ad Hoc CEO Recruitment Subcommittee Report\*
- 9.2 Colma Creek Advisory Committee\*

## **10. Board Member Reports\***

## **11. Items for Future Agenda\***

## **12. Closed Session:**

- a. Closed Session: Public Employment Appointment: Chief Executive Officer, pursuant to Government Code Section 54957
- b. Confidential Labor Negotiation: Agency Designated Representative: Larry Patterson, Chief Executive Officer Negotiator

## **13. Adjournment**

\* Indicates that reports are verbal only.

## Meeting Rules and Procedures

### **Signing up to speak to the Board of Directors and Time Limits:**

For the orderly recognition of members of the public who wish to speak before the Board, speakers are asked to fill out a speaker request form and give it to the Clerk of the Board with the item they wish to speak on. However, speakers may elect to not identify themselves by name. The form is available in the entryway area for the meeting room. Public comment is generally limited to two (2) minutes per speaker, although the Board Chair may modify this time limit. Prearranged presentations are limited to 10 minutes.

### **Accommodations for people with disabilities:**

Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact Christine Boland, Clerk to the Board, [cboland@OneShoreline.org](mailto:cboland@OneShoreline.org), at least two working days before the meeting. Notification in advance of the meeting will enable the Board to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Attendees of this meeting are reminded that other attendees may be sensitive to various chemical-based products.

### **Communicating with Board Members:**

If you wish for your written communication or materials to be distributed to all Board Members, please email such communication or materials to Christine Boland, Clerk to the Board, at [cboland@OneShoreline.org](mailto:cboland@OneShoreline.org) or mail them to the address listed on the first page of the agenda, for receipt at least two business days prior to the Board meeting.

**Visual Presentations/Materials:** For PowerPoint presentations, you need to provide the Clerk of the Board a USB flash drive 30 minutes prior to the start of the meeting or via email by 5:00 p.m. the day prior to the meeting. Electronic formats must be PC compatible.

**Public Records:** Public records that relate to any item on the open session agenda for a regular Flood and Sea Level Rise Resiliency District meeting are available for public inspection. Those public records that are distributed less than 72 hours prior to the meeting will be made available for inspection at the same time they are distributed to all members, or a majority of the members of the Board. Such public records will be available for inspection at the San Mateo County Flood and Sea Level Rise Resiliency District office, 1700 El Camino Real, Suite 502, San Mateo, CA 94402 and at [www.oneshoreline.org](http://www.oneshoreline.org). Should you wish to have such documents sent to you by email, please contact Christine Boland, Clerk of the Board, [cboland@OneShoreline.org](mailto:cboland@OneShoreline.org), 650-623-5931.

San Mateo County  
Flood and Sea Level Rise Resiliency District  
1700 S. El Camino Real, Miller Ream Hall  
San Mateo, CA  
January 27, 2020  
MINUTES

1. Roll Call

Vice Chair Ruddock called the meeting to order at 4:01 p.m. Interim Clerk Boland took the roll call and confirmed a quorum was present.

Directors Present:

Debbie Ruddock, Representing Coastside (Vice Chair)  
Donna Colson, Representing Northern San Mateo County cities  
Maryann Moise Derwin, Representing San Mateo County cities at-large  
Lisa Gauthier, Representing Southern San Mateo County cities (arrived 4:25 p.m.)  
Don Horsley, Representing Board of Supervisors, District 3  
Diane Papan, Representing Central San Mateo County cities

Directors Absent:

Dave Pine, Representing Board of Supervisors, At Large (Chair)

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  
Erika Powell, Flood Resiliency Program Manager  
Danielle Lee, Deputy Director, Office of Sustainability  
Colin Martorana, Associate Engineer  
Christine Boland, Interim Clerk of the Board

2. Public Comment

None.

3. Action to Set the Agenda

Motion/Second: Horsley/Derwin moved to set the agenda as posted.

Ayes: Colson, Derwin, Horsley, Papan, Ruddock

Noes: None

Absent/Abstain: Gauthier, Pine

Vote: 5-0-2

4. Consent Calendar

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

Ayes: Colson, Derwin, Horlsey, Papan, Ruddock

Noes: None

Absent/Abstain: Gauthier, Pine

Vote: 5-0-2

4.1 Approved Minutes of January 10, 2020 District Board Special Meeting

4.2 Approved Minutes of January 13, 2020 District Board Meeting

4.3 Adopted Resolution 2020-4, Approving FY 2019-20 Budget

5. Regular Agenda

5.1 Introduce an Ordinance Setting Forth Rules, Regulations, Standards, and Procedures for Appointment, Suspension, and Termination of Employment

Interim CEO Patterson stated the employment policies must be set by Ordinance and were necessary to establish the new District.

Director Derwin inquired about a possible end of year holiday furlough, similar to what other agencies offer. Mr. Patterson stated it could be addressed at a later time once the District is up and running. He noted that the Ordinance would be brought back at the next meeting for adoption and would become effective 30 days from the date of adoption.

Motion/Second: Colson/Horsley moved introduction of Ordinance No. 1, Setting Forth Rules Regulations, Standards and Procedures for Appointment, Suspension and Termination of Employment.

Ayes: Colson, Derwin, Horlsey, Papan, Ruddock

Noes: None

Absent/Abstain: Gauthier, Pine

Vote: 5-0-2

5.2 Discuss Conflict of Interest Code and Reporting Requirements

Mr. Patterson stated State law requires elected officials to file a Conflict of Interest form (Form 700-Assuming Office) within 30 days of taking office as a Board Member. He stated the District then would be adopting its own Conflict of Interest Code in February and certain designated positions would also be required to file the State form initially and on an annual basis.

County Counsel Kulich stated that Board Members could file an "expanded statement" to include the Flood District filing among their other filing obligations as elected officials.

Board members discussed the option of filing electronically through the Fair Political Practices Commission website or through the County of San Mateo's electronic filing system, Netfile.com

5.3 Resolution Supporting a Comprehensive Study of the San Mateo County Bay and Coastal Shorelines Under the 1975 Water Resources Development Act and Instructing the Chief Executive Officer to (1) Revise the Language of the Existing Authorization Under the Water Resource Development Act of 1975 to Include the San Mateo County Coastal Shoreline and, if Appropriate, The City and County of San Francisco and County of Marin, and (2) Communicate the Board's Interest In Initiating the Study Under the 1975 Water Resources Development Act to the Army Corps of Engineers

Mr. Patterson stated the Board received a presentation at its last meeting regarding the potential inclusion of the San Mateo County bay and coastal shorelines under the 1975 Water Resources Development Act in an upcoming Army Corps of Engineers study. He outlined provisions contained in the Resolution encouraging such an inclusion as well as including the City and County of San Francisco and County of Marin.

Director Horsley inquired about the cost, scope and timing of the project. Responding, Erika Powell, Manager Flood Resiliency Program, stated the affordability factor would be determined by the Board of Directors and that local matching funds of 50 percent of the study costs would be required to participate.

Mr. Patterson called upon Brian Perkins, representing Congresswoman Speier's Office, to discuss the timing of the project. Mr. Perkins confirmed that the project could commence following Congressional appropriation of the funds. However, it could take up to three legislative cycles to secure funding. The board discussed inclusion of San Francisco and Marin counties in the study and the benefit-cost ratio.

#### Public Comment

Len Materman, Executive Director, San Francisquito Creek Joint Powers Authority, discussed the schedule for such a study.

Motion/Second: Horsley/Papan moved to adopt Resolution 2020-5, Resolution Supporting a Comprehensive Study of the San Mateo County Bay and Coastal Shorelines Under the 1975 Water Resources Development Act and Instructing the Chief Executive Officer to (1) Revise the Language of the Existing Authorization Under the Water Resources Development Act of 1975 to Include the San Mateo County Coastal Shoreline and, If Appropriate, the City and County of San Francisco and County of Marin, and (2) Communicate the Board's Interest in Initiating the Study Under the 1975 Water Resources Development Act to the Army Corps of Engineers

Ayes: Colson, Derwin, Horsley, Papan, Ruddock

Noes: None

Absent/Abstain: Gauthier, Pine

Vote: 5-0-2

## 6. Chair's Report

Vice Chair Ruddock discussed several climate resilience bonds, legislation moving forward and the Bay Area Collaborative meeting held recently.

7. Interim CEO Report

Mr. Patterson provided the following updates:

- Board members' binders containing the enabling legislation would be augmented with District policies and other pertinent information;
- Discussed the history of the Colma Creek advisory committee after making contact with Helen Fisicaro from the Town of Colma;
- The new District office at 1700 S. El Camino, Suite 502, San Mateo, is now operational;
- The District is properly covered by insurance as of January 1, 2020;
- The District's website of [www.oneshoreline.org](http://www.oneshoreline.org) is under construction and that [www.resilientsanmateo.org](http://www.resilientsanmateo.org) would be used temporarily for board packets and other District information.

At that time, Director Gauthier entered the meeting.

8. Advisory Committee Reports

8.1 Ad Hoc CEO Recruitment Subcommittee Report

Director Colson stated the ad hoc CEO Recruitment subcommittee would meeting again on January 28.

8.2 Colma Creek Advisory Committee

Jim Porter, Director of Public Works, County of San Mateo, provided a brief update on the work of the Colma Creek advisory committee.

8.3 San Francisquito Creek Joint Powers Authority

Mr. Porter stated the San Francisquito joint powers agreement in being updated.

9. Board Member Reports

Director Derwin reported on a volunteer opportunity she participated in recently.

10. Items for Future Agenda

None.

11. Adjournment

The meeting adjourned at 4:37 p.m.

SAN MATEO COUNTY  
FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT  
555 County Center, 5<sup>th</sup> Floor, Conference Room 1  
Redwood City, CA  
SPECIAL MEETING MINUTES  
January 22, 2020

1. Roll Call

Chair Pine called the meeting to order at 5:35 p.m. Interim Clerk Boland confirmed a quorum was present.

Directors Present:

Dave Pine, Representing Board of Supervisors, At Large (Chair)  
Debbie Ruddock, Representing Coastside (Vice Chair)  
Don Horsley, Representing Board of Supervisors, District 3

Directors Participating via Teleconference:

Maryann Moise Derwin, Representing San Mateo County cities at-large

Directors Absent:

Lisa Gauthier, Representing Southern San Mateo County cities  
Donna Colson, Representing Northern San Mateo County cities  
Diane Papan, Representing Central San Mateo County cities

Staff Present:

Larry Patterson, Interim Chief Executive Officer  
Rochelle Kiner, Deputy Director, Public Works  
Brian Kulich, Esq., County Counsel  
Christine Boland, Interim Clerk of the Board

2. Public Comment

None.

3. Closed Session:

The Board convened a Closed Session for the following items:

- a. Public Employment Appointment: Chief Executive Officer, pursuant to Government Code Section 54957
- b. Confidential Labor Negotiation: Agency Designated Representative: Larry Patterson, Chief Executive Officer Negotiation.

4. Adjourn

The meeting reconvened into open session at approximately 6:15 p.m. and adjourned.



SAN MATEO COUNTY  
FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT  
555 County Center, 5<sup>th</sup> Floor, Conference Room 1  
Redwood City, CA  
SPECIAL MEETING MINUTES  
January 28, 2020

1. Roll Call

Chair Pine called the meeting to order at 5:05 p.m. Interim Clerk Boland confirmed a quorum was present.

Directors Present:

Dave Pine, Representing Board of Supervisors, At Large (Chair)  
Debbie Ruddock, Representing Coastside (Vice Chair)  
Maryann Moise Derwin, Representing San Mateo County cities at-large  
Don Horsley, Representing Board of Supervisors, District 3

Directors Participating via Teleconference:

Donna Colson, Representing Northern San Mateo County cities  
Lisa Gauthier, Representing Southern San Mateo County cities  
Diane Papan, Representing Central San Mateo County cities

Staff Present:

Larry Patterson, Interim Chief Executive Officer  
Brian Kulich, Esq., County Counsel  
Rochelle Kiner, Deputy Director, Public Works  
Christine Boland, Interim Clerk of the Board

2. Public Comment

None.

3. Closed Session:

The Board convened a Closed Session for the following items:

- a. Public Employment Appointment: Chief Executive Officer, pursuant to Government Code Section 54957
- b. Confidential Labor Negotiation: Agency Designated Representative: Larry Patterson, Chief Executive Officer Negotiation.

4. Adjourn

The meeting reconvened into open session at approximately 6:10 p.m. and adjourned.

## San Mateo County Flood and Sea Level Rise Resiliency District Agenda Report

**Date:** February 10, 2020  
**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors  
**From:** Larry Patterson, Interim CEO  
**Subject:** Resolution Approving Board Member Guidelines

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### **RECOMMENDATION:**

That the San Mateo County Flood and Sea Level Rise Resiliency District (the “District”) Board of Directors (the “Board”) adopt a resolution approving the District Board Member Guidelines.

### **BACKGROUND:**

Draft District Board Member Guidelines were presented and reviewed by the District Advisory Committee at its October 15, 2019 and December 9, 2019 meetings and subsequently by the Board at its January 13, 2020 meeting. (A copy of the District Board Member Guidelines is attached.) At the January 13, 2020, the Board acted to adopt a resolution approving the District Board Member Guidelines. Inadvertently, however, the resolution was not included with the meeting materials.

### **DISCUSSION:**

Staff recommends that the Board readopt the resolution to document their action at the January 13, 2020 meeting approving the District Board Member Guidelines.

### **ATTACHMENTS:**

Resolution Approving District Board Member Guidelines

1. Draft District Board Member Guidelines

**RESOLUTION NO. \_\_\_\_\_**  
**BOARD OF DIRECTORS OF THE SAN MATEO COUNTY FLOOD AND SEA LEVEL  
RISE RESILIENCY DISTRICT**

\*\*\*\*\*

**RESOLUTION APPROVING THE SAN MATEO COUNTY FLOOD AND SEA LEVEL  
RISE RESILIENCY DISTRICT BOARD OF DIRECTOR GUIDELINES**

**RESOLVED**, by the Board of Directors (the “Board”) of the San Mateo County Flood and Sea Level Resiliency District (the “District”), that

**WHEREAS**, governance of the District is by an independent board comprised of members from five (5) cities and two (2) members from the San Mateo County Board of Supervisors; and

**WHEREAS**, these agencies may have different practices and procedures for performing their duties and interacting with the public; and

**WHEREAS**, the District wishes to have clear and consistent practices and procedures for conducting its business; and

**WHEREAS**, the District Board reviewed draft District Board Member Guidelines at their January 13, 2020 meeting and did not have any further revisions or changes.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** as follows:

1. The District approves the District Board Member Guidelines to establish District standard practices and procedures for performing its duties;
2. The Board may, by resolution, revise the District Board Member Guidelines from time to time to better address the needs of the District.
3. The District Chief Executive Officer is authorized to make minor non-substantive changes to the Guidelines

\*\*\*\*\*

Regularly passed and adopted this 10th Day of February 2020 by the following vote:

AYES:

NOES:

ABSENT:

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Chair of the San Mateo County Flood and  
Sea Level Rise Resiliency District

Certificate of Delivery

I certify that a copy of the original resolution filed with the San Mateo County  
Flood and Sea Level Rise Resiliency District has been delivered to the Chair of the  
Board of Directors.

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Clerk of the San Mateo County Flood and  
Sea Level Rise Resiliency District Board of Directors

# Final Draft

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## Flood and Sea Level Rise Resiliency District Board Member Guidelines

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Adopted on \_\_\_\_\_, 2020

# FSLRRD Board Member Guidelines

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## 1. Purpose and Overview

This handbook provides guidelines for the Flood and Sea Level Rise Resiliency District (District) Board that describe the way the Board does its business.

The purpose of these guidelines is to ensure transparency in the Board's operations and to set a standard of professionalism for the conduct of the Board's business. The Flood and Sea Level Rise Resiliency District wishes to establish a tradition of open government and civil, intelligent public discourse. These guidelines are intended to enhance public participation and Board debate so that the best possible decisions can be made for the Flood and Sea Level Rise Resiliency District.

DRAFT

## 2. Authority of the Board

1. The Board is the policy and lawmaking body of the countywide Flood and Sea Level Rise Resiliency District. State law define the powers and responsibilities of the Board. To the extent of any conflict between these Guidelines and state law, state law shall prevail.

2. General Authorities and Applicability

The Board shall determine its own rules and order of business. When not in conflict with the Constitution or laws of the State of California, these Board Guidelines (“Guidelines”) shall be in effect upon adoption by resolution of the Board.

3. Revisions to these Rules

The Board shall review and revise these Guidelines as needed.

4. Rosenberg’s Rules of Order

To the extent these Guidelines do not address an issue of parliamentary procedure for legislative body meetings, *Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century* shall apply.



### 3. Duties

#### 1. Duties of Board Chair

- A. To conduct meetings of the Board as its chairperson.
  - 1. Ensure that consideration of items on the agenda move along without delay.
  - 2. Ensure that petitioners, proponents and opponents are heard but not allowed to disrupt the meeting.
  - 3. Ensure that decorum is maintained at the meeting.
  - 4. In presiding over matters where the public has provided testimony and/or raised questions, the Chair should:
    - a. Restate the question coming before the Board.
    - b. Direct questions or comments requiring a response to staff for a response.
    - c. Ensure that staff and members of the public direct their comments to the chair.
    - d. If necessary, help keep Board Member questions relevant to the matter being considered by the Board.
    - e. If necessary, consider calling for a brief recess if orderly conduct of the meeting is being disrupted.
    - f. Announce the decision of the Board on all subjects.
  - 5. To ensure that each member of the Board is provided an opportunity to completely express their views on items of business, the Chair should:
    - a. See that Board Members ask to be recognized by the Chair before speaking.
    - b. Ensure that each Board Member is given the opportunity to fully express their views.
- B. On behalf of the Board, to officially welcome dignitaries, officials, and gatherings.
- C. To review the agendas of meetings of the Board and participate in their preparation as necessary.

- D. To serve as the District's primary contact for the media.
- E. Nothing under the Chair's duties shall limit any individual Board Member's ability to interact with members of the public.

2. Duties of Vice Chair

In the absence of the Chair from the City or a Board meeting, the Vice Chair shall possess all powers of the Chair and be subject to all prescribed duties for that office.

3. Duties of Board Members

- A. Arrive on time for all Board meetings.
- B. Review all meeting materials in preparation for Board meetings.
- C. Fulfill any other roles or perform any other tasks as may be assigned by the Board.

DRAFT

## 4. Selection of Chair and Vice Chair

1. Board reorganization, including selection of Chair and Vice Chair occurs annually at the regular meeting in December.
2. The Board believes that experience as a Board Member will assist those who are selected to serve as Chair or Vice Chair, and that it is in the District's best interest that these selections be made in a manner that permits the Chair and Vice Chair to gain that experience in governing and to acclimate themselves to the jobs, tasks, and roles prior to assuming their respective offices.
3. The Board has not established a regular rotation of members into the Chair and Vice Chair positions so all members are eligible to fill the positions and can be selected by a majority of the Board to remain in the position without any term limitation.
4. A Board Member may decline to serve as Chair or Vice Chair.

## 5. Board Member Conduct

1. Members shall:
  - A. Always put the public interest first;
  - B. Treat each other, staff, and members of the public with dignity, courtesy, and respect;
  - C. Maintain confidentiality of all closed session materials and discussion;
  - D. Be attentive to others, limiting interruptions and distractions;
  - E. Encourage diverse viewpoints in debate while being mindful not to prolong discourse or block consensus;
  - F. Agree to respectfully disagree
  - G. Keep comments clear, concise, and on-topic;
  - H. Start and end meetings on time, work from the agenda;
  - I. Present problems in a way that promotes discussion and resolution.
2. Board Members are subject to all the provisions of the District's *Harassment, Discrimination and Reasonable Accommodations for Disabilities Policy*. **(Note that this District policy will be developed and adopted by the Board subsequent to commencement of the FSLRRD in January 2020)**

## 6. Meetings

1. All Board decisions must be made at District Board meetings. Before taking action, the Board may be informed by city, county or other public agency representatives, project applicants, interested members of the public, and District staff.
2. No business may be transacted by the Board at a regular or special meeting unless a quorum of the membership is present (4 members). Action on any item of business shall be by a majority of the full Board (4 members) regardless how many members are present or voting. In some cases, as defined by government code, a 2/3 or 4/5 vote is required which shall require support by 5 or 6 Board members respectively.
3. Board Meeting Dates
  - A. If at any time any regular meeting of the Board falls on a holiday, the regular meeting shall be cancelled or held on the next business day or the earliest business day within a week.
  - B. Once a year the Board shall adopt a schedule of Board meeting dates and locations for the following year.
  - C. Meeting dates and locations may be amended with the approval of the Board.
4. Types of Meetings
  - A. **Regular Meetings** are conducted at a location established by the Board and will be held on the second Monday of each month. The meetings begin at 4:00 p.m. It is District policy to make every effort to complete and distribute the agenda and related reports no later than the preceding Thursday.
  - B. **Special Meetings** are called at a non-regular meeting date and time in accordance with the requirements of the Ralph M. Brown Act. They are generally called by the Chair or Board with a minimum of 24 hours' notice.
  - C. **Closed Sessions** can be part of either special or regular meetings. The Board conducts its business in public to the greatest extent possible. State law recognizes that public discussion of certain items could jeopardize the public interest, compromise the District's position, or cost the citizens of San Mateo County financially, and, therefore, generally allows the Board to hold closed session meetings for the consideration of certain matters.
  - D. **Emergency Meetings** are allowed per the Ralph M. Brown Act when the Board determines that an emergency situation exists.

5. Voting

A motion, second, and a majority vote of the Board shall be required for any formal action of Board.

6. The Chair with the approval of a majority of the Board members present, can change the order of hearing of items on the agenda.

7. Public Participation

A. Members of the public are encouraged and invited to participate in the legislative process by submitting written comments before the meeting or speaking in person at a meeting.

B. It is the intent of these rules to allow everyone to be heard without fear of jeers or cheers that may discourage public participation. For this reason, these rules are taken seriously. Disruptive or unruly behavior may result in removal from the Board meeting.

C. Time Limits for public comment:

1. Individual Speakers - 3 minutes

2. The Chair may, at his/her discretion, adjust the amount of time allotted to the speaker(s) when needed

D. Individuals who wish to speak should submit a speaker card to the Clerk of the Board to be called up at the appropriate time.

8. Regular Agenda Items will generally follow the following sequence:

A. Staff / applicant presentation

B. Board Member questions to applicant and/or staff

C. Open public hearing (or public comment section) for comments

D. Close public hearing (or public comment section)

E. Response by staff to public questions/concerns, if warranted

F. Board discussion and deliberation

G. Board votes

9. Action Minutes

- A. The Board shall use Action Minutes (action minutes contain very little, if any, narrative content) or light summary at the discretion of the Clerk of the Board, to record their proceedings.
- B. Motions and votes are shown in the record.
- C. Audio or video recordings will be used at all regular District meetings and when feasible for special meetings of the Board in order to provide a verbatim record of meetings.
- D. Hard copy handouts and PowerPoint or other visual presentation materials will become part of the public record and will be made available on the District website.
- E. Meeting minutes, handouts, presentation materials and recordings will be retained and made available to the public consistent with the Documents Retention Policy adopted by the District Board.

10. Conflict of Interest

- A. Conflicts of interest of the Board are governed by state law, including the Political Reform Act (PRA) and Government Code.
- B. It is the responsibility of every Board Member to identify his or her possible conflicts. Whenever it appears to a Board Member they may have a prohibited financial or economic interest in any District contract, or other matter that may be presented to the Board, the Board Member should alert the District's Counsel at the earliest opportunity so that District Counsel may advise the Board of any necessary action to address the conflict.

## 7. Meeting Agendas

### 1. Agenda Order

Board agendas will be prepared by the District CEO and Clerk of the Board and presented to the Board in the order described below.

#### A. Opening

1. Pledge of Allegiance
2. Roll Call

#### B. Public Comment

Members of the public wishing to comment on any item not appearing on the agenda may address the Board at this time. State law prevents the Board from taking action on any matter not on the agenda. Comments may be referred to staff for follow up. Public comment is limited to a total of 15 minutes; however, an opportunity for additional public comment will be provided later in the agenda, if needed.

#### C. Action to Set Agenda

A majority of the Board members present shall take action to set or modify the agenda as published.

#### D. Consent Calendar

All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by one motion without discussion. If discussion is desired, that item may be removed and considered separately.

#### E. Presentations

Informational items presented by staff or outside agencies for which no formal action is to be taken.

#### F. Regular

Non-routine items requiring an oral presentation and discussion before action is taken.

#### G. Reports



CEO and Board Members report on their various activities in support of the District's business. This may include reports from any ad hoc subcommittees that may be established by the Board.

G. Future Agenda Items

Board members may request that items be placed on future agendas per the process outlined below.

H. Adjourn

2. Agenda Item Submission

A. Persons who can place matters on the agenda: District CEO or the District's Counsel

B. Board Member:

1. A Board Member may request an item be considered on a future agenda and, upon agreement of a majority of Board, staff will prepare a staff report and place the item on a subsequent agenda.
2. Board Members may make this request verbally during a meeting or may submit a written request.

C. Members of the Public

1. A member of the public may request Board action in the following ways:
  - a. Written correspondence to the Board
  - b. Speak during the Public Comment period at a Board meeting
2. Upon agreement of a majority of the Board, the item requested by a member of the public may be placed on a future agenda.

## 8. Financial Matters

### 1. Board Member Expense Reimbursement Policy

#### A. Authorized Expenses

1. District funds, equipment, supplies, titles, and staff time must only be used for authorized District business and in compliance with the District's Procurement Policy and accounting standards. Members of the Board are entitled to reimbursement of the actual cost of expenses, including meals, that are reasonably incurred in the performance of official duties. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:
  - a. Communicating with representatives outside of San Mateo County on regional, state and national government matters of interest to the District.
  - b. Attending educational seminars, approved by the Board, that are designed to improve officials' skill and information levels.
  - c. Participating in local, regional, state, and national organizations whose activities effect the District's interests; however, a member of the Board shall not accept an elected or appointed position that would require anticipated costs to the District of more than \$100 annually without Board approval.
  - d. Attending fundraising events for nonprofit entities providing services of benefit to the District and /or its residents.
  - e. Attending District events.
2. All other expenses require prior approval by the Board.
3. The District will not reimburse the following expenses:
  - a. The personal portion of any trip.
  - b. Political contributions or events.
  - c. Family expenses, including partner's expenses when accompanying official on agency-related business.
  - d. Entertainment expenses, such as movies, sporting events, or cultural events.

- e. Non-mileage personal automobile expenses, including repairs, citations, insurance or gasoline.
- f. Alcohol
- g. Expenses incurred for events that are social in nature such as parties, retirements, holiday events, and picnics and are not of benefit to the mission of the District.

B. Cost Control

To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. If expenses are incurred that exceed these guidelines, the cost borne or reimbursed by the District will be limited to the costs that fall within these guidelines.

1. Airfare

Airfares that are equal to or less than those available through the League of California Cities, the California State Association of Counties and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. Members are required to use coach or economy class air travel accommodations.

2. Airport Parking

Long-term parking must be used for travel exceeding 24 hours.

3. Automobile

Mileage shall be reimbursed at IRS rates presently in effect (see [www.irs.gov](http://www.irs.gov)). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses. In addition, drivers may be reimbursed for bridge and road tolls. For rental vehicles, only receipted fuel expenses will be reimbursed.

4. Car Rental

Rental rates that are equal or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

5. Conferences/Meetings

If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, rates that are equal to or less than the group rate at the host hotel are presumed to be reasonable and reimbursable for purposes of this policy.

6. Internet

Officials will be reimbursed for Internet access connection and/or usage fees away from home, if Internet access is necessary for District business.

7. Lodging

Lodging expenses will be reimbursed or paid for when travel on official District business reasonably requires an overnight stay. Lodging rates shall not exceed those provided in the Code of Federal Regulations and as listed by the website of the US General Services Administration (available online at <http://www.gsa.gov/portal/content/104877> or by searching [www.gsa.gov](http://www.gsa.gov) for the term 'CONUS')

8. Meals

Reimbursable meal expenses and associated gratuities will not exceed the most recent CONUS rates. Current CONUS rates can be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).

When the meal function is an organized event, the official or employee shall be reimbursed the amount being charged by the event organizer for the meal. The District will not reimburse Board members for alcohol/personal bar expenses. Events organized by the District, such as a reception following Board reorganization, may include serving wine or beer at the discretion of the Board Chair.

9. Taxis/Shuttles/Car Service

Taxis or shuttle fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline, and parking combined, or when such transportation is necessary for time-efficiency. The use of car services such as Uber or Lyft is permitted. Board Members shall use the least expensive and most efficient form of ground transportation.

10. Telephone/Fax/Cellular

Officials will be reimbursed for actual telephone and fax expenses incurred on District business. Telephone bills should identify which calls were made on District business.

11. Transportation

Officials traveling on District business shall use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct, time-efficient route. Government and group rates must be used when available.

C. Expense Reports

1. Expense reimbursement requests must be submitted on an expense report form provided by the District. Reports must document how the expenditure met the requirements of this policy.
2. Expense reports must be submitted within 30 days of an expense being incurred and must be accompanied by receipts documenting each expense and documentation of the event, if available (such as an agenda, conference schedule, or training flyer).
3. Expense reports are a public record.

D. Audits of Expenses

All expenses are subject to verification that they comply with this policy, the District's Procurement Policy and accounting standards.

E. Reports on Meetings

Each official shall briefly give an oral report on any Brown Act meetings they attended for which they receive expense reimbursement at their next Board meeting.

## 9. Communication

### 1. Written Communications

- A. All letters, memoranda, and email communications involving Board Members, the subject of which relate to the conduct of government or the performance of any governmental function, with a few exceptions as outlined in the Public Records Act, are public records and shall be retained consistent with the adopted District Records Retention Policy.
- B. Each Board member will be provided a District email address and should use and encourage the public to use that address for any items related to business of the District.
- C. Emails received by Board members through private, city or county email address should be forwarded to their District email account and to the Clerk of the Board and the District CEO so they can be retained as part of the District records.

### 2. Attorney-Client Privilege

- A. The District, in adopting this policy, does not waive attorney-client-privilege or any other privilege associated with a closed session authorized under the Ralph M. Brown Act.

### 3. Ralph M. Brown Act

- A. Each Board Member should be mindful of all requirements of the Brown Act in communicating with each other.

### 4. Mail Processing

- A. Members of the Board may receive mail and other materials through the District's Office.
- B. Clerk of the Board or staff open all incoming mail for the Chair and Board Members, unless it is labeled personal and confidential.
- C. Clerk of the Board disseminate these materials to individual Board Members. District staff will scan and email correspondence and provide other materials to Board Member's homes/offices.
- D. General correspondence addressed to Board Members as a whole, may be opened and delivered to all Board Members if appropriate.

### 5. Correspondence

- A. The Clerk of the Board is authorized to receive and take administrative action on all correspondence directed to the Board. The Clerk of the Board may also respond to correspondence submitted to the full Board on non-agenda items or authorize a staff member to respond. A courtesy copy is provided to each Board Member.
- B. Generally, correspondence relating to a specific Board agenda item shall be distributed with the agenda report; correspondence received after the publication of agenda packets is to be compiled and distributed to the Board prior to the Board meeting.
- C. After the Board has taken a position on an issue, official correspondence should reflect this position. While Board Members who may disagree with a position are free to prepare correspondence on such issues as private citizens, District letterhead, official Board title, and staff support should not be utilized. In addition, District letterhead and staff support cannot be utilized for personal or political purposes.
- D. District letterhead, logo, insignia and brand, as well as, staff support cannot be utilized for personal or political purposes.

#### 6. Written Communications for Board Meetings

- A. The deadline for the receipt of written communications for inclusion in the agenda packet is up to 5:00pm the Monday, one week prior to the Board meeting. This is to allow for adequate staff review and analysis and to ensure public access to information.
- B. Materials distributed to Board Members during the meeting shall be available for viewing by the public during the meeting if the materials were prepared by the District, or at the conclusion of the meeting if prepared by another person.
- C. If a Board Member receives materials regarding an agenda item, s/he shall forward it to the Clerk of the Board and the District CEO as soon as possible.
- D. If late correspondence is received, the Board will determine at the meeting whether to continue or refer the item to staff if it may result in significant changes to a project, or significant new information has become known.

#### 7. Board - Staff Relations

- A. Individual Board Members may make requests of District staff through the District CEO for limited research and information without the formal concurrence of a majority of the member's colleagues. Requests that will require significant staff time may be referred to the full Board and only pursued if supported by a majority of the Board.

- B. Board Members are encouraged to submit their questions on agenda items to the District CEO as far in advance of the meeting as possible so that Staff can be prepared to respond at the Board meeting.
  - C. Board Members should direct any questions on staff reports to the District CEO or designee.
  - D. Clarifications or technical questions will be answered before the meeting whenever possible.
  - E. Questions and all staff-prepared responses will be forwarded to all Board Members.
  - F. Board members may not direct staff activities. Staff work may be requested through the District CEO or through action of the Board on an agenda item.
8. Speaking for “the District”

Similar to written correspondence, when Board Members are requested to speak to groups or are asked the Board’s position on an issue, the response should reflect the position of the Board as a whole. Of course, a member may clarify his/her vote on a matter by stating, for example, “While I voted against X, the Board voted in support of it.” When representing the District at meetings or other venues, it is important that those in attendance gain an understanding of the Board’s position rather than that of an individual member.

9. Speaking as an Individual

On occasion, Board Members may wish to transmit correspondence on an issue upon which the Board has no position. In these circumstances, members should clearly indicate in their communications that they are not speaking for the Board as a whole, but for themselves as an individual member of the Board. District letterhead and office support may be utilized in these circumstances.



## 10. Legislative

### 1. Board Legislative Committee

- A. It is the policy of the District Board that the Board be involved in the development of the District position on significant pending federal and state legislation that may directly impact the District.
- B. At minimum, the Chair and Vice Chair are the District's Legislative Committee. The maximum number of Legislative Committee members is three.
- C. The Legislative Committee shall meet annually or as needed to draft the District's annual legislative priorities, and shall meet when necessary to develop recommendations for the District's position on legislative matters.
- D. Pending legislation for consideration by the Legislative Committee can be submitted to the Committee by a Board Member or the District Chief Executive Officer (CEO).
- E. The Committee's recommendations shall be presented to the Board for its consideration.
- F. The Board shall direct the Chair or other District official to communicate the District's position on legislative matters to the appropriate legislative bodies.

## 11. References

1. [Ralph M. Brown Act](#) (California Government Code, § 54950 et seq.)
2. [California Public Records Act](#) (California Government Code, § 6250 et seq.)
3. [AB 1234](#) California Government Code, § 53232.3
4. [Rosenberg's Rules of Order https://www.cacities.org/Resources/Open-Government/RosenbergText\\_2011.aspx](https://www.cacities.org/Resources/Open-Government/RosenbergText_2011.aspx)
5. [Continental United States \(CONUS\) rates: https://www.gsa.gov/perdiem](https://www.gsa.gov/perdiem)

DRAFT

## San Mateo County Flood and Sea Level Rise Resiliency District Agenda Report

**Date:** February 10, 2020

**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors

**From:** Brian E. Kulich, District Counsel

**Subject:** Amendment No. 3 to Agreement with Larry A. Patterson d.b.a. Coast Consulting to Increase the Amount by \$39,200 from \$160,000 to \$199,200

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### RECOMMENDATION:

That the San Mateo County Flood and Sea Level Rise Resiliency District (the “District”) Board of Directors (the “Board”) approve Amendment No. 3 to the agreement with Larry A. Patterson d.b.a. Coast Consulting to increase the amount by \$39,200, from \$160,000 to \$199,200.

### BACKGROUND:

In January 2019, the County of San Mateo (the “County”) and Larry A. Patterson d.b.a. Coast Consulting (“Mr. Patterson”) (together, the “Parties”) entered into Agreement No. 46600-19-D001 (the “Agreement”). Under the Agreement, Larry Patterson agreed to provide professional services related to formation of the District. The term of the original Agreement was for one year, ending December 31, 2019, and the amount was \$100,000.

On September 24, 2019, the Parties amended the Agreement to expand the services provided by Mr. Patterson; and, specifically, to make him Interim Chief Executive Officer (“CEO”) of the District. The amendment increased the amount of the Agreement by \$35,000, from \$100,000 to \$135,000.

On December 30, 2019, the Public Works Director extended the term of the Agreement for an additional year, through December 31, 2020, and increased the amount by \$25,000, from \$135,000 to \$160,000. The extension was intended to provide funding for Mr. Patterson to continue in his role of Interim CEO through the first few meetings of the newly-independent District Board, as it was not clear at the time when a permanent CEO would assume management of the District.

The Public Works Director assigned the Contract to the District, effective January 1, 2020.

**DISCUSSION:**

The permanent District CEO is not expected to join the District before March 2020. Therefore, the District still needs an Interim CEO.

Staff recommends that the Board approve the proposed Amendment No. 3 to the Agreement to increase the amount by \$39,200, from \$160,000 to \$199,200. The increased amount is based on Mr. Patterson continuing to act as Interim CEO through March 31, 2020 and performing such CEO services 25 to 30 hours per week.

Because the Agreement was assigned to the District, any amendments must now follow the fiscal policies in Administrative Memorandum A1 adopted by the Board on January 13, 2020. Those policies require Board approval for amendments increasing a contract amount by more than \$25,000, as is the case here.

**FISCAL IMPACT:**

The cost of the proposed amendment to the Agreement, \$39,200, was anticipated in the FY 19-20 Budget adopted by the District Board on January 13, 2020.

**ATTACHMENTS:**

Amendment No. 3 to Agreement with Larry A. Patterson d.b.a. Coast Consulting

**AMENDMENT NO. 3  
TO AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND LARRY  
PATTERSON D.B.A COAST CONSULTING**

**THIS AMENDMENT TO THE AGREEMENT** is entered into effective February 7, 2020, by and between the SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT (the “District”), and Larry Patterson d.b.a. Coast Consulting, (“Contractor”) (together, the “Parties”):

**WITNESSETH:**

**WHEREAS**, on January 7, 2019, the County of San Mateo (the “County”) entered into an Agreement for Larry Patterson, d.b.a. Coast Consulting, to provide oversight and direction for the formation and initial operations of the District while the District was still a dependent district of the County governed by the Board of Supervisors (the “Agreement”); and

**WHEREAS**, the term of the Agreement was for one year, ending December 31, 2019, and the amount was \$100,000; and

**WHEREAS**, on June 25, 2019, Contractor was appointed to serve as interim Chief Executive Officer of the District; and

**WHEREAS**, on September 24, 2019, the County and Contractor amended the Agreement to reflect that Contractor would be acting as interim Chief Executive Officer and to increase the amount of the Agreement by \$35,000, from \$100,000 to \$135,000; and

**WHEREAS**, on December 30, 2019, the County extended the term of the Agreement for an additional year, through December 31, 2020, and increased the amount by \$25,000, from \$135,00 to \$160,000; and

**WHEREAS**, effective January 1, 2020, pursuant to Assembly Bill 825, the District became an independent district governed by the Board of Directors;

**WHEREAS**, effective January 1, 2020, the County assigned the Agreement to the District; and

**WHEREAS**, the District has yet to appoint a permanent Chief Executive Officer and, therefore, the District continues to require the services of Contractor as Interim Chief Executive Officer; and

**WHEREAS**, the Parties wish to further amend the Agreement to increase the amount by \$39,000, from \$160,000 to \$199,200;

**WHEREFORE**, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, THE PARTIES AGREE TO THIS AMENDMENT NO. 3 AS FOLLOWS:

1. Section 3 of the Agreement entitled "Payments" is amended to read as follows:

In consideration of the services provided by Contractor in accordance with all terms, conditions, and specifications set forth in this Agreement and in Exhibit A, the District shall make payment to Contractor based on the rates and in the manner specified in Exhibit B. The District reserves the right to withhold payment if the District determines that the quantity or quality of the work performed is unacceptable. In no event shall the District's total fiscal obligation under this Agreement exceed One Hundred Ninety Nine Thousand Two Hundred Dollars and Zero Cents (\$199,200.00). In the event that the District makes any advance payments, Contractor agrees to refund any amounts in excess of the amount owed by the District at the time of contract termination or expiration. Contractor is not entitled to payment for work not performed as required by this Agreement.

2. All other terms and conditions of the Agreement shall remain in full force and effect.

In witness of and in agreement with this Amendment No. 3 terms, the Parties, by their duly authorized representatives, affix their respective signatures:

For Contractor: LARRY PATTERSON

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Larry Patterson, d.b.a. Coast Consulting  
Contractor Name (please print)

For District:

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Dave Pine, Chair

## San Mateo County Flood and Sea Level Rise Resiliency District Agenda Report

**Date:** February 10, 2020

**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors

**From:** Larry Patterson, Interim CEO

**Subject:** Adoption of an Ordinance Setting Forth Rules, Regulations, Standards, and Procedures for Appointment, Suspension, and Termination of Employment of District Employees

### RECOMMENDATION:

That the Board of Directors (“Board”) of the San Mateo County Flood and Sea Level Rise Resiliency District (the “District”) adopt an ordinance setting forth rules, regulations, standards, and procedures for appointment, suspension, and termination of employment of District employees, previously introduced on January 27, 2020, and waive the reading of the ordinance in its entirety.

### BACKGROUND:

On September 29, 2019, Governor Newsom signed into law Assembly Bill 825 (“AB 825”), which amended the San Mateo County Flood Control District Act effective January 1, 2020 to expand the scope of the District, to address and protect against the impacts of sea level rise, and to change the governance of the District from the San Mateo County Board of Supervisors sitting as the District’s governing board to an independent board of directors.

AB 825 provides that the Board “may in its discretion appoint an executive officer, a clerk, and any other officers and employees for the [B]oard or [D]istrict as in its judgment may be deemed necessary, prescribe their duties, and fix their compensation. The employment of those officers and employees shall be governed in accordance with an ordinance setting forth rules, regulations, standards, and procedures for appointment, suspension, and termination of employment.”

A draft ordinance setting forth rules, regulations, standards, and procedures for appointment, suspension, and termination of employment of District employees (the “Ordinance”) was introduced on January 27, 2020.

**DISCUSSION:**

Staff recommends that the Board now adopt the Ordinance. Because applicable laws governing these issues are frequently updated, the Ordinance attempts to maximize the District’s flexibility while, at the same time, establish the framework for a range of employment-related issues—specifically, hiring/appointment, compensation and benefits, discipline, incompatible activities, and equal employment opportunities.

**FISCAL IMPACT:**

Adoption of the Ordinance has no fiscal impact. However, implementation of polices set forth in the Ordinance, including employee compensation and benefits, will have a fiscal impact, the amount of which is currently unknown.

**ATTACHMENTS:**

Ordinance Setting Forth Rules, Regulations, Standards, and Procedures for Appointment, Suspension, and Termination of Employment of District Employees



**ORDINANCE NO. 1**

**BOARD OF DIRECTORS, SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE  
RESILIENCY DISTRICT**

\* \* \* \* \*

**AN ORDINANCE SETTING FORTH RULES, REGULATIONS, STANDARDS, AND  
PROCEDURES FOR APPOINTMENT, SUSPENSION, AND TERMINATION OF  
EMPLOYMENT OF DISTRICT EMPLOYEES**

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**SECTION 1. FINDINGS.** The Board of Directors (the “Board”) of the San Mateo County Flood and Sea Level Rise Resiliency District (the “District”) hereby finds and declares as follows:

**WHEREAS**, on September 29, 2019, the Governor signed into law Assembly Bill 825 (“AB 825”), which amended the San Mateo County Flood Control District Act to expand the scope of the District to address and protect against the impacts of sea level rise and, commencing January 1, 2020, changed the governance of the District from the San Mateo County Board of Supervisors sitting as the governing board to the Board as an independent board of directors; and

**WHEREAS**, AB 825 provides that the Board “may in its discretion, appoint an executive officer, a clerk, and any other officers and employees for the [B]oard or [D]istrict as in its judgment may be deemed necessary, prescribe their duties, and fix their compensation. The employment of those officers and employees shall be governed in accordance with an ordinance setting forth rules, regulations, standards, and procedures for appointment, suspension, and termination of employment;” and

**WHEREAS**, the Board now wishes to set forth the rules, regulations, standards, and procedures for appointment, suspension, and termination of employment District officers and employees; and

**NOW, THEREFORE**, the Board ordains as follows:

**SECTION 2. DISTRICT POLICY.** The policy of the District hereby declared and adopted is that District employees shall be those persons competent to perform the District's public responsibilities and services and that there shall be provided adequate compensation for such employees and policies ensuring equal employment opportunity.

**SECTION 3. HIRING AND APPOINTMENT.**

3.1. Chief Executive Officer.

(a) Appointment. The Chief Executive Officer is the chief administrative officer of the District. The Chief Executive Officer shall be appointed by the Board on the basis of executive and administrative qualifications and experience, and shall serve at the pleasure of the Board.

(b) Vacancy. In the event of a vacancy or disability, the Board shall appoint an Acting Chief Executive Officer until the Board either determines that the Chief Executive Officer is able to resume the duties of the office or appoints a new Chief Executive Officer.

(c) Compensation. The Chief Executive Officer's compensation shall be commensurate with the responsibilities of the position.

(d) Duties. The Chief Executive Officer is responsible to the Board for the proper and efficient administration of the District. The Chief Executive Officer shall:

(i) Coordinate the work of all other District officers or employees;

(ii) Hire, appoint, promote, discipline, suspend, or terminate all District officers or employees, consistent with District policies and procedures;

(iii) Formulate and present to the Board plans to implement policies and accomplish goals established by the Board;

(iv) Recommend an annual District budget;

(v) Have responsibility for the administration of the budget after its adoption by the Board;

(vi) Provide an in-depth analysis and review of all District programs on a regular basis in such a manner that the Board may make informed policy decisions;

(vii) Provide and implement systems of adequate checks and balances and controls to safeguard District money and property;

(viii) Work with all other government entities; federal, state, regional, and local, in the best interests of the District;

The Chief Executive Officer shall have such other powers and shall perform such other duties as are necessary for the efficient operation of the District which are not inconsistent with this Ordinance.

3.2. Remaining District Employees. The Chief Executive Officer shall be authorized to hire, appoint, advance, and/or promote all other District employees, consistent with District policies and goals and applicable state, federal, and local laws.

#### **SECTION 4. EMPLOYEE COMPENSATION AND BENEFITS**

4.1. District Policy. It is the policy of the District that its employees shall be compensated at levels fairly and reasonably commensurate with those available for the same services in other areas of public and private employment and that all appointments, hiring, advancements, and promotions shall be upon considerations of merit and consistent with the needs and goals of the District and applicable state, federal, and local laws.

4.2. Schedule of Salaries. Each fiscal year, the Chief Executive Officer shall prepare an annual schedule of salaries, including benefits, for District employees. Upon review and approval of said schedule of salaries by the Board, either as proposed by the Chief Executive Officer or as amended by the Board, the Board by resolution shall adopt same. The resolution shall be regularly reviewed by the Chief Executive Officer, who shall recommend any such amendments to the Board as may be appropriate.

4.3. Attendance and Hours of Work.

(a) The Chief Executive Officer shall fix the hours of work with due regard for the goals of the District, convenience of the public, and applicable state, federal, and local laws.

(b) Employees occupying part-time positions shall work such hours and schedules as the Chief Executive Officer or designee shall prescribe.

(c) Except as hereinafter provided, District offices shall be open for the transaction of business from 8:00 a.m. to 5:00 p.m. every day except Saturdays, Sundays and holidays. The Chief Executive Officer may make such changes to the schedule of office hours as may be required, convenient, or appropriate.

(d) The Chief Executive Officer or designee shall maintain complete attendance records for all employees showing time worked and including all categories of the employees' pay status such as straight time, overtime, shift differential pay, call back pay, vacation, sick leave, leaves of absence, and other categories. The Chief Executive Officer or designee shall insure that utilization of employee benefits such as vacations, leaves of absence, and other related benefits and privileges do not exceed those which they have accrued or have been allowed.

#### 4.4 Overtime.

(a) Employees working overtime shall be compensated as provided by applicable state, federal, and local laws.

(b) All compensable overtime must be authorized by the Chief Executive Officer or designee in advance of being worked. If prior authorization is not feasible because of emergency conditions, a confirming authorization must be made on the next regular working day following the date on which the overtime was worked.

4.5 Vacations and Leave. The District will provide paid vacation and sick leave to its employees in accordance with applicable state, federal, and local laws. The Chief

Executive Officer will develop for the Board's approval by resolution such vacation and leave policies.

4.6. Travel Expense Reimbursement Policy. Whenever any District employee, in the performance of his or her duty, is required to travel, such employee shall be allowed, in addition to any salary or compensation, actual and necessary travel expenses, according to a reimbursement policy developed by the Chief Executive Officer and approved by the Board by resolution.

4.7. Holidays.

(a) Full-time employees in established positions shall be entitled to take all authorized holidays on full pay, not to exceed eight (8) hours for any one day. Part-time employees shall be entitled to holiday pay in proportion to the percentage of full-time hours worked during the pay period which includes each holiday, i.e., a part-time employee working fifty (50) percent of the full-time hours in a pay period shall be paid for four (4) hours for each holiday falling within that pay period.

(b) Employees must be in a pay status on both their regularly scheduled workdays immediately preceding and following the holiday to be entitled to holiday pay.

(c) The holidays for the District are:

January 1	New Year's Day
Third Monday in January	Martin Luther King Jr's Birthday

Third Monday in February	Washington's Birthday
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Second Monday in October	Columbus/Indigenous Peoples' Day
November 11	Veteran's Day
Fourth Thursday in November	Thanksgiving Day
Friday following Thanksgiving Day	
December 25	Christmas

(d) Holidays may also include every day appointed by the President of the United States or the Governor of the State of California to be a day of public mourning, thanksgiving, or holiday. The granting of such holidays shall be discretionary with the Board.

(e) If the Legislature or the Governor appoints a date different from the one shown above for the observance of one of these holidays, then the District shall observe the holiday on the date appointed by the Legislature or the Governor.

**SECTION 6. EMPLOYEE DISCIPLINE.** All District employees are at-will. The Chief Executive Officer is authorized to discipline and/or dismiss such employees when the Chief Executive Officer, in his or her sole discretion, deems it in the best interest of the District and in compliance with District policies and applicable state, federal, and local laws.

**SECTION 7. INCOMPATIBLE ACTIVITIES OF DISTRICT EMPLOYEES.** No District employee shall engage in activities that are inconsistent with, incompatible to, or in conflict with, or inimical to, the duties of such employee, and the Chief Executive Officer shall develop for the Board's approval rules governing such activities.

**SECTION 8. EQUAL EMPLOYMENT OPPORTUNITY POLICY.**

8.1. The District recognizes, welcomes, and appreciates a diverse and multi-cultural workforce, and the Board commits the District and all employees to an inclusive, results-oriented, equal employment opportunity environment aimed at a workforce free of illegal discrimination, retaliation, and harassment.

8.2. The Chief Executive Officer or designee shall develop for the Board's approval an equal employment opportunity policy consistent with all applicable laws that, without limitation, prevents illegal discrimination, retaliation, and harassment, provides reasonable accommodations to qualified individuals with disabilities, and sets forth internal reporting procedures.



**SECTION 9. SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall be effective 30 days from the date of its passage.

\* \* \* \* \*

Introduced on the 27<sup>th</sup> day of January, 2020.

Regularly passed and adopted this 10<sup>th</sup> day of February 2020 by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

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Chair of the San Mateo County Flood and  
Sea Level Rise Resiliency District Board of Directors

Certificate of Delivery

I certify that a copy of the original Resolution filed with the San Mateo County Flood and Sea Level Rise Resiliency District has been delivered to the Chair of the Board of Directors.

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Clerk of the San Mateo County Flood and  
Sea Level Rise Resiliency District Board of Directors

# San Mateo County Flood and Sea Level Rise Resiliency District

## Agenda Report

**Date:** February 10, 2020

**To:** San Mateo County Flood and Sea Level Rise Resiliency District

**From:** Larry Patterson, Interim CEO

**Subject:** Adopt Administrative Memorandum No. 2: Travel and Expense Reimbursement Policy

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**RECOMMENDATION:**

That the Board of Directors (the “Board”) of the San Mateo County Flood and Sea Level Rise Resiliency District (the “District”) adopt District Administrative Memorandum No. 2, “Expense Reimbursement Policy.”

**BACKGROUND:**

The County Controller’s Office (“Controller”) has agreed to continue providing general oversight of the District’s financial services from January 1, 2020 through June 30, 2021. However, the agreement with the Controller is contingent upon the District’s compliance with fiscal policies and procedures adopted by the County of San Mateo (the “County”). The District may elect to use the County’s established policies and procedures or adopt its own more restrictive policies and procedures.

Board members received copies of the County of San Mateo’s Administrative Memoranda at the December 9, 2019 District meeting. The County’s Administrative Memoranda A-5 “Expense Reimbursement Policy” and B-16 “County Travel Policy” were combined into the District’s Administrative Memorandum No. 2, “Travel and Expense Reimbursement Policy”, which provides the guidelines for travel expense reimbursements.

**DISCUSSION:**

At the County, fiscal policies and procedures are established and updated through Administrative Memoranda prepared by the Controller and approved by the County Manager. The County’s Administrative Memorandum A-5 and B-16 provide the guidelines for travel expense reimbursements.

The District’s Administrative Memorandum No. 2 reflects the County’s policy and guidelines on determining the eligibility of and process for the reimbursement of travel related expenses

incurred by District Board members or employees in the performance of their official duties of the District

The Administrative Memorandum can be revised in the future through action of the Board as needed to best guide the fiscal policies of the Board. Additional fiscal policies and procedures will be developed on an as-needed basis in collaboration with the Department of Public Works, the Controller's Office, and the CEO.

**FISCAL IMPACT:**

There are no fiscal impacts associated with adopting Administrative Memorandum No. 2.

**ATTACHMENTS:**

1. Administrative Memorandum No. 2: Travel and Expense Reimbursement Policy.

**SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT  
ADMINISTRATIVE MEMORANDUM NO. 2**

**TRAVEL AND EXPENSE REIMBURSEMENT POLICY**

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The San Mateo County Flood and Sea Level Rise Resiliency District (the “District”) Travel Policy is intended to establish consistent, efficient, and effective guidelines for District employees and officials when traveling on District business.

**I. Purpose and Appropriateness of Travel**

Travel on District time and at District expense will be permitted for *bona fide* business reasons that will benefit the District and its mission within the County of San Mateo (the “County”). Occurrences that would require an employee or member of the District’s Board of Directors (Board) to travel include, but are not limited to, official business of the District at conferences, education, appearances before local, state, and federal administrative agencies, legislative bodies, and judicial proceedings or when otherwise serving in an official capacity representing the District.

**II. Reimbursement for Travel Expenses Within the County**

Reimbursement for expenses incurred while travelling on District business within the County limits is limited to transportation costs. The District will reimburse employees and Board members for travel in their own automobiles at the rate determined by the Internal Revenue Service. Whenever practical, District employees are encouraged to carpool or use public transportation for District related business travel within the County limits.

The above reimbursement restrictions are limited to travel-related expenses and do not limit reimbursement for the actual costs of expenses reasonably incurred in the performance of official duties, such as business-related meals within the County. However, reimbursement for business-related meals requires approval by the Chief Executive Officer (CEO) or designee.

**III. Reimbursement for Travel Expenses Outside the County**

Reimbursement for expenses incurred while travelling on District business outside County limits shall include:

- Meals (*see* section IV below for further policy guidelines)
- Lodging
- Transportation
- Incidentals (e.g. tips, baggage transfers)

Such expenses must be necessary and reasonable.

#### IV. All Travel

When traveling on District time and at District expense, employees should adhere to the following:

##### a. Advance Planning

Business travel should be planned in advance whenever possible to obtain the lowest possible rates. Reduced rates and fares can generally be obtained by booking in advance.

##### b. Lodging

Government and group rates offered by a provider of lodging services shall be used when available. If such rate is not available, the maximum reimbursement rate shall be limited to the Continental United States (CONUS) current rate as set forth in the Code of Federal Regulations or double the amount of the CONUS current rate for CONUS designated high cost of living metropolitan areas. If the lodging is in connection with a conference or organized educational activity, reimbursement for lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor.

Current CONUS rates can be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).

##### c. Air Transportation

Employees shall use coach or economy classes of air travel accommodations. Government and group rates offered by a provider of transportation services shall be used when available.

##### d. Ground Transportation

Employees shall use the least expensive and most efficient form of ground transportation (including carpooling and Public transportation).

##### e. Meals

Reimbursements will only be provided for meals incurred for one's self during business travel when all the following criteria are satisfied.

- The meal was purchased outside of the County limits;
- The cost of the meal was reasonable and not excessive; and
- The travel required an overnight stay.

The above reimbursement restrictions are limited to meals incurred for one's self as a result of travel away from the District's home area (in conjunction with an overnight stay) and do

not limit reimbursement for the actual costs of expenses reasonably incurred in the performance of official duties, such as business-related meals outside the County. However, business-related meals require CEO or designee approval.

The maximum reimbursement for the actual cost of travel-related meals for one’s self, (in conjunction with an overnight stay) will be limited to CONUS rates except that for CONUS designated high cost of living metropolitan areas, the maximum reimbursement rate shall be limited to double the amount of the CONUS current rate.

f. Weekend Travel

Reimbursement for Saturday or Sunday travel will be made when adequate justification is provided on the travel expense reimbursement form.

g. Out-of-State Travel

All out-of-state travel for meetings and conferences must be approved by the CEO or designee.

**V. Advance Claims**

An advance claim for travel may be submitted if a Board member or employee needs money to defray out-of-pocket expenses, up to a maximum of \$1,000. Such requests must be made at least five (5) working days before travel is to commence. Receipts to support the use of such advances must be provided and accounted for on a travel expense reimbursement form.

Required registration fees for educational courses, conferences, or other meetings may be paid directly to the organization or association conducting such course, conference, or other meeting and the Board member or employee shall not be required to advance the funds therefor.

**VI. Expense Reimbursement**

Expenses incurred by the Board members or employees should be submitted for approval and will be reimbursed on a monthly basis. Only one expense reimbursement form per Board member or employee should be submitted for reimbursement during a one-month period. All expenses reimbursement requests shall be approved by the supervisor and/or the CEO or designee.

The Board member or employee shall submit a completed expense reimbursement form with all required documentation and approvals no later than 90 days after the expense was incurred. Any expenses submitted more than 90 days after the expense was incurred will require approval by the CEO.

Approved: \_\_\_\_\_

# San Mateo County Flood and Sea Level Rise Resiliency District

## Agenda Report

**Date:** February 10, 2020

**To:** San Mateo County Flood and Sea Level Rise Resiliency District

**From:** Larry Patterson, Interim CEO

**Subject:** Adopt Administrative Memorandum No. 3: Appropriation Authority

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### **RECOMMENDATION:**

That the Board of Directors (the “Board”) of the San Mateo County Flood and Sea Level Rise Resiliency District (the “District”) adopt District Administrative Memorandum No. 3: “Appropriation Authority.”

### **BACKGROUND:**

The County Controller’s Office (“Controller”) has agreed to continue providing general oversight of the District’s financial services from January 1, 2020 through June 30, 2021. However, the agreement with the Controller is contingent upon the District’s compliance with fiscal policies and procedures adopted by the County of San Mateo (the “County”). The District may elect to use the County’s established policies and procedures or adopt its own more restrictive policies and procedures.

Board members received copies of the County of San Mateo’s Administrative Memoranda at the December 9, 2019 District meeting. The County’s Administrative Memorandum B-15, “Appropriation Authority”, was updated and is now the District’s Administrative Memorandum No. 3: Appropriation Authority, which provides the process and guidelines for the appropriation of funds.

### **DISCUSSION:**

At the County, fiscal policies and procedures are established and updated through Administrative Memoranda prepared by the Controller and approved by the County Manager. The County’s Administrative Memorandum B-15 provides the guidelines for the appropriation of funds between budget units at an object level.

The District’s Administrative Memorandum No. 3 provides guidelines on the process for the appropriation of funds between budget units or at an object level during the fiscal year through

the submittal of an Appropriation Transfer Request (ATR). An ATR can be used to appropriate new, unanticipated revenues or transfer existing appropriations from one budget unit to another, or between objects within the same budget unit. Some ATRs must be approved by the Chief Executive Officer (CEO) and the Chair of the Board, or their designees. In addition, certain ATRs require approval by either a majority vote or 6/7th vote of the Board depending on the nature of the requested appropriation or transfer.

The Administrative Memorandum can be revised in the future through action of the Board as needed to best guide the fiscal policies of the Board. Additional fiscal policies and procedures will be developed on an as-needed basis in collaboration with the Department of Public Works, the Controller's Office, and the CEO.

**FISCAL IMPACT:**

There are no fiscal impacts associated with adopting Administrative Memorandum No. 3.

**ATTACHMENTS:**

1. Administrative Memorandum No. 3: Appropriation Authority.



**SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT  
ADMINISTRATIVE MEMORANDUM NO. 3**

**APPROPRIATION AUTHORITY**

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The San Mateo County Flood and Sea Level Rise Resiliency District (the “District”) Board of Directors (the “Board”), through the budget approval process, appropriates funds for each budget unit at an object level (Salaries and Benefits, Services and Supplies, Other Charges, Fixed Assets, Other Financing Uses and Interfund Transfers). The District is only authorized to expend funds within the amount appropriated by the Board for each budget unit-object level.

As set forth herein, the Chief Executive Officer (CEO) or designee must request any necessary appropriation adjustments at an object level, and obtain the necessary approvals for such adjustments, **prior** to any over expenditures or commitments (purchase orders and encumbrance requests). The District’s will not process any claims (including salaries and benefits) if there is insufficient appropriation authority.

The CEO or designee may seek amendment of the appropriations to a budget unit or object level during the fiscal year by submitting an Appropriation Transfer Request (ATR). An ATR can be used to appropriate new, unanticipated revenues or transfer existing appropriation from one budget to another, or between objects within the same budget unit.

All ATRs must be approved by the CEO and Board Chair (or their authorized designees). In addition, as set forth herein, certain ATRs require approval by either a majority vote or 6/7ths vote of the Board depending on the nature of the requested appropriation or transfer.

The above-referenced approval requirements do not apply to the approval of emergency expenditures, which will be controlled by the provisions of Government Code §§ 29127 and 29128.

**Required Approvals:**

The following ATRs require Board approval in addition to the CEO:

	Description	Req'd Vote	Example(s)
A.	Transfers of any amount between budget units within a fund if overall appropriations are not increased	Majority	This would apply to transfer appropriation request between different budget units requiring separate legal appropriation by the Board, even if the overall budget does not increase.
B.	Transfers of any amount between funds	6/7ths	<p>The District's appropriations in Services and Supplies to Other Financing Uses (Operating Transfers In) to fund a capital improvement project. Capital Projects, a separate budget unit and fund, recognizes the Operating Transfer in and appropriates the new funds in Fixed Assets-Structures. In this example, which is fairly common, a 6/7ths vote is required for two reasons: transfer between funds and unanticipated revenue (see E below).</p> <p>[Note: Transfers between funds generally require a double entry to appropriate the outgoing transfer from one fund and the incoming transfer to the other. Monies cannot be transferred between funds with an ATR only. After the ATR is approved, journal entries are required to physically move the funds.]</p>
C.	Transfers of any amount from appropriation for contingencies	6/7ths	<p>The District transfers "Appropriation for Contingencies" to "Services and Supplies" to address an unanticipated issue.</p> <p>[Note: Any movement of money from the Appropriation for Contingencies account requires a 6/7ths vote.]</p>

	Description	Req'd Vote	Example(s)
D.	Appropriation of any restricted, committed, assigned and unassigned fund balances, excluding the general reserves and non-spendable fund balance	6/7ths	<p>The District transfers Reserves to Other Charges.</p> <p>Any movement of money from the following accounts requires 6/7ths vote:            8612 – Departmental Reserves            8613 – Appropriation for Internal Leases            8811 – Capital Reserves (Non-General Fund), and            8821 – General Reserves (Non-General Fund)</p> <p>[The CEO is authorized to transfer funds from account 8613 for internal leases not exceeding \$25,000].</p> <p>Note: General reserves and non-spendable fund balance represent special classification of reserves under Generally Accepted Account Principles (GAAP) that cannot be transferred except under special situations and/or conditions]</p>
E.	Appropriation of any amount recognizing unanticipated revenues	6/7ths	<p>The District recognizes unanticipated grant revenue and makes a corresponding appropriation in Services and Supplies. Common Adjustments involving unanticipated revenue also include the transfer of money between funds (see B above).</p> <p>Appropriation of any revenue accounts on the “from” side of the ATR (objects 1000, 1200, 1400, 1500, 1600, 2000, 2500, 2600 or 2700) will require a 6/7ths vote by the Board where the overall budget has increased. Transfers moving budgeted revenue from one sub-unit to another within the same budget unit and same fund, which do</p>

			not increase the overall budget, do not require Board approval.
	Description	Req'd Vote	Example(s)
F.	Transfers or adjustments of any amount canceling appropriations	Varied	<p>The District is cancelling an appropriation in Other Charges and the funds are being returned to Reserves. This particular example requires a 6/7ths vote because the funds are being returned to Reserves. The voting requirements may have been different had the funds been moved to another budget unit or a different account.</p> <p>[Note: The Board's voting requirements depends on the nature of the transfer.]</p>

Transfer of any amount within a budget unit and within a fund, except transfers to/from Reserves and Contingencies, may be approved by the CEO and Chair of the Board (or their authorized designees) without full Board approval, provided that the overall appropriations of the budget unit are not increased.

**General Processing Guidelines:**

The following general guidelines should be followed when completing an ATR:

1. ATRs must balance. The sum of all "From" entries must equal the sum to all "To" entries.
2. The "From" section can represent a combination of new revenues and existing appropriations.
3. When transferring existing appropriations, you must have sufficient savings at the Budget Unit / Object level as well as the Sub-unit, Sub-account level from which the appropriation is taken.
4. The appropriation of Unanticipated Revenue should only be for revenue that has already been received by the District or its receipt is from a guaranteed funding source (i.e., Federal or State grant). Unless prior permission is granted by the CEO and the Chair of the Board, the District should not prepare ATRs recognizing unanticipated revenues on the assumption that future operating revenues would exceed budgeted appropriations at year-end. Generally speaking, unanticipated revenue should only be recognized and appropriated when the "money is in the bank" or it is from a guaranteed funding source.

Approved: \_\_\_\_\_