



North Santa Clara
Resource Conservation District (NSCRCD)
(formerly the Guadalupe-Coyote RCD)
An independent special district of the State of California

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To: NSCRCD Board of Directors

From: Stephanie Moreno, Executive Director/District Clerk

Subject: *Item 7.1 Director Board/Committee Assignments*

Date: July 2, 2023

Recommendation:

If the Board of Directors is interested in moving forward with voluntary Director assignments to outside boards and committees, the following motion is recommended:

Authorize the President to annually establish a list of Directors voluntarily assigned to attend meetings of other agencies and organizations on behalf of the District for the dual purpose of relaying District information and keeping the Board informed as to projects and activities related to the mission and goals of the District. Further direct the Executive Director to bring back to the Board a written policy for Board/Committee appointments for Board review and approval.

Background:

In the past, Directors have attended outside meetings in order to be more fully informed and/or present on behalf of the District. More recently, Directors have expressed an interest in attending meetings and interacting with other agencies in order to increase visibility for the District, particularly in light of its recent name change. At the June 1, 2023 Board meeting, President Hare requested that I put together a “short-list” of committees and boards for the Board to review.

Discussion:

Many jurisdictions assign individual Board members to other boards and committees, but typically as voting or ex-officio members of those other boards and committees. Those board or committee appointments are usually made the chair or president of the Board, but can also be confirmed by the full board. Our District only has a few of those types of appointments at this time:

- The Board President (as presiding officer) is the representative to the Independent Special District Selection Committee (ISDSC) per LAFCO.
- The Board President is the representative to the CARCD Bay-Delta Regional Association by consensus of the Board.
- Director McColl has been designated by the Board as the representative to the Santa Clara County Special Districts Association.
- President Hare is currently assigned to the Valley Water Environmentally Focused Stakeholder group (appointed by then-President Lanman).

There has been some discussion of the Directors engaging with other agencies and organizations as part of a broader outreach effort. If the Board wishes to designate individual Directors to attend other boards and committees as District representatives for the dual purpose of relaying District information and keeping our Board informed as to projects and activities related to the mission and goals of the District, I recommend you consider the following questions before making a decision:

- Who will make the appointments?
- What will be the process of soliciting interest and determining which Directors will attend specific committee and board meetings as a representative of the District?
- How will the District coordinate attendance at meetings so that other Directors may also attend without creating a Brown Act violation?
- How will District messaging be created and approved for use by Directors when attending other agency meetings and interacting with their staff on behalf of the District to ensure they are speaking for the District, not as an individual Director?
- How will an individual Director ensure that the comments they make while attending other agency meetings or interacting with their staff as an individual Director or as a member of the public are not perceived as being made on behalf of the District?
- What will be the expectation for Director attendance at the specific committee and board meetings once an assignment is made?
- What will be the standard for Directors to use in reporting back on their attendance and/or interactions with other agency boards, committees and staff?

In response to President Hare's request, I have compiled a "short-list" of boards, committees and other organizations whose mission, purpose, goals, programming, boundaries and/or jurisdiction intersect with the District and for which attendance by a Director may provide a direct benefit to District operations:

Meetings Open to the Public:

Loma Prieta Resource Conservation District (LPRCD): LPRCD is the resource conservation district that represents south county, and with whom NSCRCD has an MOU.

Midpeninsula Regional Open Space District (Midpen): Midpen is an independent special district that has preserved a connected greenbelt of more than 70,000 acres of public open space in the greater Santa Cruz Mountains region.

Santa Clara Board of Supervisors (BOS): The BOS oversees county departments and programs, and appropriates and spends money on programs to meet county residents' needs, including constituents that live within the District. In Santa Clara County, they also appoint Directors to the District Board.

Santa Clara County Commission on Equal Access and Employment Opportunity: The purpose of the Commission is to advise the Board of Supervisors, the County Executive, employee groups, community groups, and the public at large on ways to: promote equal access and opportunity; create and maintain accessible programs, services and work environments able to meet the needs of a diverse and multicultural population; and prevent discrimination and harassment in all areas of County employment and County service.

Santa Clara County Firesafe Council: The Santa Clara County Firesafe Council (SCCFSC) is a non-profit, grassroots organization that provides education and project assistance for homeowners and landowners in communities that are vulnerable to wildfire.

Santa Clara County Fish and Game Commission: The Commission is an advisory group to the BOS and reviews requests from wildlife and environmental organizations for funding from the County Fish and Game Propagation Fund.

Santa Clara County Planning Commission: The Commission is an advisory group to the BOS on issues and policies related to planning, land use regulation, and community development. They often review projects that may have environmental impacts to soil, water and wildlife.

Santa Clara Valley Habitat Agency: The Habitat Agency is a joint powers authority (JPA) composed of the Cities of Gilroy, Morgan Hill, and San Jose, and Santa Clara County that leads the implementation of the Santa Clara Valley Habitat Plan, a regional plan to protect endangered species and natural resources while allowing for future development in Santa Clara County. The agency has two decision-making bodies, a Governing Board and an Implementation Board.

Santa Clara Valley Open Space District (OSA): OSA is an independent special district created by the California state legislature, and which has protected over 28,000 acres of open space, natural areas, watersheds, and wildlife habitat.

Santa Clara Valley Water District (Valley Water): Valley Water is an independent special district and water resources management agency whose mission is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy.

Valley Water Agricultural Water Advisory Committee: The Committee assists the Valley Water board with policies and issues pertaining to agricultural water supply and use as well as in the annual review of groundwater production charges. (LPRCD President Peter Van Dyke is a member of the Committee representing LPRCD).

Various Cities: Planning agencies for various cities send notices to the District of council and/or planning commission meetings for projects that may have an environmental impact on the District or its watersheds.

Board Meetings Available to Attend via Membership or by Invitation:

Land Trust of Santa Clara Valley (LTSCV): LTSCV's mission is to preserve agriculture, other working lands and open space in Santa Clara County and adjacent areas. Attendance would be by invitation only, such as to make a presentation.

Santa Clara County Farm Bureau: The local farm bureau is a non-profit organization dedicated to promoting and preserving farming and ranching in the Santa Clara Valley. Associate memberships are available to people and businesses who want to support agriculture in the Santa Clara Valley, although they are not actively farming. Attendance would be invitation only, for example to make a presentation. The District is also eligible for an associate membership.

Santa Clara County Cattlemen's Association: The local cattlemen's association works is a non-profit association that represents Santa Clara County's ranchers and beef producers in economic, political and social interests. Attendance would be invitation only, such as to make a presentation.

Wineries of Santa Clara Valley (WSCV): WSCV is a nonprofit made up of member wineries who grow and produce wines that are grown in the Santa Clara Valley. The association also includes associate members who are vineyard owners, individuals and businesses in the wine industry or have another interest in the success and growth of the Santa Clara Valley wine industry. The District may be eligible for associate membership.

Authorities:

The Brown Act (Government Code Section 54959) defines meetings of a legislative body and sets forth

regulations on member attendance to ensure that public agencies operate openly and transparently. For purposes of this proposed action, the following section of the Brown Act would apply:

54952.2 (a) As used in this chapter, “meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(3) (A) Paragraph (1) shall not be construed as preventing a member of the legislative body from engaging in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body provided that a majority of the members of the legislative body do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body. A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.

(B) For purposes of this paragraph, all of the following definitions shall apply:

(i) “Discuss among themselves” means communications made, posted, or shared on an internet-based social media platform between members of a legislative body, including comments or use of digital icons that express reactions to communications made by other members of the legislative body.

(ii) “Internet-based social media platform” means an online service that is open and accessible to the public.

(iii) “Open and accessible to the public” means that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of

the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

- (3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.
 - (4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.
 - (5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.
 - (6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.
- (d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed. *(Amended by Stats. 2020, Ch. 89, Sec. 1. (AB 992) Effective January 1, 2021. Repealed as of January 1, 2026, by its own provisions. See later operative version added by Sec. 2 of Stats. 2020, Ch. 89.)*

Financial Considerations:

The District is not allowed to pay Directors for attendance at meetings, but would be responsible for reimbursing them for mileage related to their physical attendance at a meeting, if so requested to do so by the Director. The exact amount of new annual funding needed for this proposed action would be dependent on the number of meetings attended physically rather than by an online platform, but if each Director requested reimbursement for fifty (50) miles of transportation per month, that would be an estimated \$1,965 per year of new funding required in the budget assuming the existing IRS mileage reimbursement of 65.6 cents per mile.

Summary:

If Directors are willing to take on these volunteer assignments, it would expand the current capacity of the District to engage with other agencies and organizations whose mission, purpose, goals, programming, boundaries and/or jurisdiction intersect with the District. This would potentially lead to new partners and collaborations, as well as enhancing the District's visibility with other agencies, organizations, constituents and stakeholders. This would be a direct benefit to the District that would likely outweigh the additional financial cost.