



Guadalupe-Coyote Resource Conservation District (GCRCD)

An independent special district of the State of California

SUMMARY MINUTES

**Regular Meeting of the Board of Directors
Thursday, December 1, 2022, at 5:00 p.m.**

Susan Hare
President

Gail Bautista
Vice-President

Gary Jahns, Ph.D.
Director

Rick Lanman, M.D.
Director

Paula Quintero
Director

Larry Johmann
Associate Director
Director Emeritus

Bill Leikam
Associate Director
Director Emeritus

Mel Sarmiento
Associate Director

Kat Wilson
Associate Director

Stephanie Moreno
Executive Director
District Clerk

Roger Castillo
Watershed Project
Assistant

Julie Gantenbein
District Counsel

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Consistent with Government Code section 54953(e) and Guadalupe-Coyote RCD Resolution 21-07, and in light of the declared state of emergency related to COVID-19, this meeting was held via a virtual platform.

Note: Though agenda items may be considered out of order (for example, to accommodate the schedules of guest speakers and/or members of the public in attendance for a specific item, or when items are removed from the consent agenda), the official minutes remain recorded in the same order as originally published in the official agenda. Number of votes are reflected in the following order: Aye-Nay-Abstention, with nays and abstentions called out by Director name.

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- 1. Call to Order:** The meeting was called to order at 5:00 p.m. by President Hare. Directors present: President Hare, Vice President Bautista, and Directors Jahns, Lanman and Quintero (5:01 p.m.) Associate Directors present: Bill Leikam. Staff and consultants present: Executive Director/District Clerk Moreno, District Counsel Julie Gantenbein (Items 1-3b).
 - 2. Approval of Agenda:** Executive Director Moreno presented a request pursuant to Government Code Section 54954.2(b)(2) to add the following emergency item to the agenda: "Discussion and possible action to adopt a resolution requesting the Santa Clara County Board of Supervisors consider approval of a name change for the District to "North Santa Clara County Resource Conservation District".

Motion: Add an emergency item to the agenda titled "Discussion and possible action to adopt a resolution requesting the Santa Clara County Board of Supervisors consider approval of a name change for the District to "North Santa Clara County Resource Conservation District". (Lanman/Hare; 5-0-0)

Motion: Approve the agenda as amended. (Jahns/Quintero; 5-0-0).

- 3a. Public Comment:** None
- 3b. Emergency Item:** Executive Director Moreno and District Counsel Julie Gantenbein recommended approval of a resolution titled "Resolution of the Board of Directors of the Guadalupe-Coyote Resource Conservation District Determining it is in the Best Interest of the District to Change Its Name to either North Santa Clara Resource Conservation District or North Santa Clara County Resource Conservation" in light of County staff's recommendation contained within the December 6, 2022 Board of Supervisors (BOS) packet. In response to a question from Director Bautista, Ms.

Moreno clarified that if the BOS denies the request for both names, it does not preclude the District from submitting a future request to the County for an alternate name. President Hare requested a few amendments to the draft resolution.

Motion: Approve the Resolution Determining it is in the Best Interest of the District to Change Its Name to either North Santa Clara Resource Conservation District or North Santa Clara County Resource Conservation, and to authorize the Board President to finalize the language and sign the document before sending it to the Board of Supervisors for their December 6, 2022 meeting. (Jahns/Quintero; 4-0-1; abstention by Bautista)

4. **Consent Agenda:** Executive Director Moreno read a public comment submitted by Doug Muirhead on Item 4.6.

Motion: Approve the consent agenda as presented. (Bautista/Jahns; 5-0-0)

5. **Partner Reports**

- 5.1 *USDA-NRCS:* Ms. Moreno read the monthly report from Acting District Conservationist Kyle Venell, Hollister Service Center.
5.2 *Other Partners:* No reports.

6. **Programs and Projects**

- 6.1 *ZEN Pilot Project:* Executive Director Moreno gave an update on feedback from the City of San José's survey of and presentation to the Santee Neighborhood Association. She indicated that she is reaching out to locate funding or other assistance for installation of a drip irrigation system at one of their community gardens; there may be an opportunity to receive donated trees for use in the project from the Moon Valley Nursery; she is researching the possibility of providing assistance with translation equipment; and has suggested the possibility of funding stipends for community member tree maintenance. Directors indicated they would like any trees planted to be native and drought tolerant. President Hare suggested helping the community form a group to maintain the trees modeled after other groups who have done so successfully.
- 6.2 *Los Gatos Creek Watershed Restoration Project:* Executive Director Moreno gave an update on the delay in approval for CARCD's *Climate Resilience Through Habitat Restoration* block grant application to the California Wildlife Conservation Board. Director Lanman emphasized that Los Gatos Creek is a special resource compared to other creeks in the County because it has both Chinook salmon and beaver populations; in response, the Board indicated they would like to see beaver added to the District's community education program which already includes Chinook salmon.
- 6.3 *Wildfire Risk Mitigation:* Executive Director Moreno gave an update on the Santa Clara County Community Wildfire Protection Plan update; the District's role in the planning effort by the Santa Clara County FireSafe Council; and her request to develop a District annex for the CWPP, which would include a module on prescribed grazing. She shared a public comment submitted by Doug Muirhead encouraging the District to work across agency silos in developing the CWPP.

7. **Administration:**

- 7.1 *CARCD Annual Business Meeting:* Executive Director Moreno reviewed the status of the CARCD resolutions previously adopted by the Board, and the Board confirmed that Director Quintero would be the District delegate for the December 8, 2022 meeting.

- 7.2 *Associate Director Appointment:*

Motion: Appoint Rick Lanman as GCRCD Associate Director for a 4-year term, effective at the end of his term as GCRCD Director. (Hare/Quintero; 4-0-1; abstention by Lanman)

- 7.3 *Employee Benefit Plans:* Executive Director Moreno reported that she has hired a new full-time employee, who will be eligible for employee benefit plans as originally discussed during the FY 2022-

23 budget hearing, and presented the staff report and recommendation for amendments to the District's employee benefit plans.

Motion: Establish the District Employee Benefit Plans as recommended in the proposal and summary (attached to minutes) and direct the Executive Director to implement the plans and amend the Personnel Policies and Procedures Employee Handbook to incorporate the approved changes. (Hare/Jahns; 5-0-0)

- 7.4 *Executive Director Compensation:* President Hare presented the recommendation on behalf of the labor negotiators (President Hare and Director Jahns). Director Quintero expressed concern that the Executive Director salary was being set at the 50% percentile of salaries statewide given the cost of living in the area, and requested that next year the salary survey examine salaries in this area rather than statewide. In response to a question from Director Bautista regarding the schedule for performance and salary reviews, the Board agreed a concerted effort should be made in the future to conduct them on an annual and routine basis.

Motion: Approve a change in compensation for the Executive Director and authorize the Board President to sign an amended compensation agreement with the Executive Director that incorporates the following changes:

- *A merit increase of 3% for Fiscal Year 2021-2022, raising salary to \$111,240.00 and retroactive to July 1, 2022.*
- *A cost-of-living (COLA) increase of 8% for Fiscal Year 2022-23, raising salary to \$120,139.20 and effective on January 1, 2023.*
- *Employer-paid premiums at 100% for the District's dental and vision insurance plans, effective January 1, 2023. (Jahns/Lanman; 5-0-0)*

- 7.5 *Board Member, Associate Director and Staff Reports:* Directors, associate directors and staff gave individual updates and reports on topics and activities relevant to GCRCD. Associate Director Leikam was acknowledged for being featured in an article on local beavers that was published on the cover of the Mercury News on Sunday, December 27, 2022; Director Lanman also was quoted in the article. Executive Director Moreno reported an increase in email subscription requests from members of the public since the name change survey was posted on the Nextdoor platform.

8. Adjourn Meeting

Consent Agenda

- 4.1 Approve minutes for the November 3, 2022 Board Meeting.
- 4.2 Accept financial reports for October 2022.
- 4.3 Adoption of a resolution to allow continued remote teleconference meetings due to COVID-19 emergency.
- 4.4 Approve the FY 2022-23 Annual Work Plan.

Information Only:

- 4.5 California Department of Fish and Wildlife; *Volume 108 Issue 3 – Proceedings of the 14th Biennial Deer and Elk Workshop – Review of considerations for restoration of tule elk to the San Francisco Peninsula and northern Monterey Bay counties of California.* (Director Lanman and Associate Director are co-authors.)
- 4.6 California Department of Fish and Wildlife; *Volume 108 Issue 3 – Proceedings of the 14th Biennial Deer and Elk Workshop – Road and highway undercrossings as potential critical linkages for California's elk populations.* (Director Lanman is co-author.)
- 4.7 Santa Clara County Board President Wasserman; *GCRCD Request for Name Change to North Santa Clara RCD*; dated October 31, 2022.

- 4.8 USDA Natural Resources Conservation Service (NRCS); *How to Access Historical Soil Surveys on the New NRCS Website*; dated November 10, 2022.
- 4.9 California Natural Resources Agency; *Four More Local Water Agencies Join Agreement to Improve the Health of Rivers and Landscapes – New Signatories Add Momentum to Years-Long Effort to Help Recover Salmon While Protecting Water Reliability*; dated November 10, 2022.
- 4.10 Santa Clara LAFCO; *Notice of Public Hearing West Valley Sanitation District SOI Amendment and Annexation 2022-01 (Linda Vista Avenue)*; dated November 16, 2022.
- 4.11 Santa Clara County Finance Agency; *Quarterly Investment Report for Schools and Special Districts for the period ending September 30, 2022*; dated November 16, 2022.
- 4.12 Environmental Protection Agency (EPA); *EPA Announces Selection of Members to Farm, Ranch, and Rural Communities Federal Advisory Committee*; dated November 16, 2022.
- 4.13 San Jose Water Company and Santa Clara County FireSafe Council; *San Jose Water Company and Santa Clara County FireSafe Council Announce Partnership to Protect Regional Watersheds and Drinking Water Systems*; dated November 17, 2022.
- 4.14 State Water Resource Control Board; *Notice of Approved Settlement with Lehigh Southwest Cement Company, Santa Clara County*; dated November 18, 2022.
- 4.15 Santa Clara County Office of Sustainability; *Grant Opportunity for CBOs*; dated November 22, 2022.
- 4.16 State Water Resource Control Board; *Consideration of a proposed Resolution readopting the Prohibited Wasteful Water Uses Emergency Regulation for Water Conservation (December 7, 2022)*; dated November 23, 2022.

Attachment: Staff Report: *Agenda Item 7.3: Employee Benefit Plans*



Guadalupe-Coyote Resource Conservation District (GCRCD)

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DATE: December 1, 2022
TO: GCRCD Board of Directors
FROM: Stephanie Moreno, Executive Director/District Clerk
SUBJECT: Agenda Item 7.3: Employee Benefit Plans

Recommendation:

The Board of Directors approve the following motion:

Establish the District Employee Benefit Plans as recommended in the proposal and summary, and direct the Executive Director to implement the plans and amend the Personnel Policies and Procedures Employee Handbook to incorporate the approved changes.

Background:

From 2014 to 2020, the District provided an employer contribution of up to \$900 per month for health insurance per the terms of the employment agreement with the Executive Director. The District contracted with Covered California for a small business plan as it was the only offering available that allowed for a group health insurance option with a sole employee. A linked dental plan also was available as an employee-paid option. Unfortunately, Covered California does not offer Medicare coverage, so when the Executive Director reached Medicare age, the plan was terminated, and the Executive Director was given a salary increase of \$500.00 per month to cover the estimated 2020 Medicare and supplemental costs in order for her to maintain a similar level of coverage as was previously provided through her compensation agreement.

During employee recruitment discussions in 2021 and 2022, the Board agreed to implement a comprehensive employee benefit package to support successful employee recruitment and retention, and allocated \$1,000 per month (prorated for 9 months) towards new employee benefits in the FY 22-23 budget. Provision of employee insurance coverage, in particular access to quality and affordable health and dental plans, also is aligned with the District's goal of achieving social equity in its operations.

A new full-time employee has been hired and is scheduled to begin work at the end of December. After discussions with the employee, reviewing information provided by other resource conservation districts (RCDs), and soliciting quotes from insurance companies, I formulated the following proposal for Board consideration.

Employee Benefits Proposal:

For this proposal, employer contributions for all plans are recommended for the employee only. Dependent coverage will be available, but premiums will be the responsibility of the employee and paid for through payroll deduction under an authorized IRS Section 125 plan. Based on current employment, if the District approves the recommendation of 100% employer-paid insurance coverage as set forth

below, a Section 125 plan likely would not be needed for calendar year 2023. In the event the District chooses a lower percentage of employer-paid premium coverage, the District will need to engage a third-party administrator to ensure compliance with government regulations.

In addition to my recommendation for specific benefits, I also am recommending that employees be granted access to their insurance benefits immediately upon hire, with any waiting period limited to those imposed by the District's insurance carrier. This will ensure that access to health care is not an issue for future employees, and is in alignment with the District's social justice goals.

Health: Covered California for Small Business is the only group plan option I was able to identify that would allow enrollment of only one employee. There are four levels offered: Bronze, Silver, Gold and Platinum. I am recommending the Silver PPO level as the District's reference plan, with the employer's portion set at 100%. The District's maximum defined benefit contribution will be set at the employee premium for the plan, which is currently \$537.92 per month. This will provide the new employee with a broad range of PPO and HMO offerings to choose from without losing their ability to move down a tier to save on employee share of costs if the District chooses a different reference plan in future calendar years as a response to insurance premium increases. Covered California has produced a brief explanation [video](#) explaining how the reference plan system benefits employers and employees. Estimated annual calendar cost for 2023 will be capped at \$6,455.04, but may be lower depending on the plan chosen by the employee.

Dental: Delta Dental offers the most plan options and two tier options, one of which (Tier 4) was created with one-parent households in mind. Delta requires a minimum of two employees be enrolled, so this plan it would provide an additional benefit to the Executive Director. Covered California also offers a plan that would be \$5.34/month cheaper, but the cost-share categories drop to 50% from the 60-90% (depending on service) offered in the Delta plan. I am recommending the Delta Deluxe 300 PPO plan at a Tier 4 rate with the employer's portion set at 100%. The District costs for calendar year 2023 will be \$57.33 per month for each employee, for an estimated cost of \$1,375.92 per calendar year.

Vision: Delta Dental offers five vision plans, and also requires a minimum of two employees to be enrolled, so this plan would provide an additional benefit to the Executive Director. I am recommending the DeltaVision Deluxe Plan with the employer's portion set at 100%. Covered California does not offer a vision plan. The District costs for calendar year 2023 will be \$9.99 per month for each employee, including the Executive Director, for an estimated cost of \$239.76 per calendar year.

Communications Stipend: Remote work stipends were offered by a number of organizations during the pandemic, and some are continuing to offer them as an employee benefit, although the circumstances of when they are offered vary. RCDs representatives who responded to my email reported stipends between \$15 (50% remote) and \$50 (100% remote) per month. For at least the first six months of employment, the new employee will be primarily working away from the office – whether from home, at a co-working space, or in the field – and will need reliable communication via internet and phone. I am recommending a \$35.00 communications stipend be offered until September 30, 2023, for an estimated cost of \$315.00 for 9 months, and then reconsidered during the FY2023-24 budget process.

The 2023 calendar year estimated cost for the new benefit packages is \$8,385.72, which calculates at \$698.81 per month through September 2023. This represents a cost savings of \$301.19 per month from the original estimate to provide a comprehensive benefit package for the new employee. Two of the recommended plans also will provide enhanced benefits for the Executive Director at a monthly cost of

\$67.32 per month, which has been factored into the total estimated cost. Because the Board budgeted \$9,000 for new benefits for FY22-23, there will be an estimated cost savings of \$4,807.14 for this fiscal year, assuming a policy start date of January 1, 2023 (some plans may take longer due to enrollment and underwriting schedules).

Legal Considerations:

The IRS has regulations in place to ensure that employee benefits are managed correctly for income tax purposes. Providing plans through well-known and reputable firms such as are included in this proposal will help provide a level of assurance that the District is providing benefits in compliance with applicable regulations. Should an IRS Section 125 plan be needed to provide pre-tax benefits for employee share of cost, the District will need to engage a third-party administrator to ensure compliance with federal and state regulations regarding the provision of benefits and the reporting of personal income.

Summary:

My recommendation is to establish the District's employee benefit package as follows:

- *Health:* Covered California for Small Business Silver PPO Tier Reference Plan; 100% employer contribution for employee only; reference plan premium currently \$537.92 per month per employee for an estimated maximum annual cost of \$6,455.04 (Executive Director not eligible).
- *Dental:* Delta Dental Deluxe 300 PPO Plan; Tier 4 premiums; 100% employer contribution for employee only; requires two employees for enrollment; premium currently \$57.33 per month per employee for an estimated annual cost of \$1,375.92 (Executive Director eligible).
- *Vision:* Delta Dental Vision Deluxe; Tier 4; 100% employer contribution for employee only; requires minimum of two employees for enrollment; premium currently \$9.99 per month per employee for an estimated annual cost of \$239.76 (Executive Director eligible).
- *Communications Stipend:* \$35.00 per month through September 30, 2023, after which the need for continued stipend will be reevaluated by the Board (Executive Director not eligible).
- *Access to Benefits:* Amend the Personnel Policy and Procedures Employee Handbook to reflect access to health benefits for eligible new employees on the first day of the month after the effective date of hire.