



Guadalupe-Coyote Resource Conservation District (GCRCD)

An independent special district of the State of California

SUMMARY MINUTES

Regular Meeting of the Board of Directors
Monday, March 4, 2021 at 5:00 p.m.

Rick Lanman, M.D.
President

Gary Jahns, Ph.D.
Vice-President

Gail Bautista
Director

Susan Hare
Director

Paula Quintero
Director

Roger Castillo
Associate Director
Director Emeritus

Larry Johmann
Associate Director
Director Emeritus

Bill Leikam
Associate Director
Director Emeritus

Mel Sarmento
Associate Director

Kat Wilson
Associate Director

Stephanie Moreno
Executive Director
District Clerk

Nathan Hale
Program Manager

Julie Gantenbein
District Counsel

Richard Roos-Collins
Special Counsel

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San Jose, CA 95112
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Due to the Shelter-in-Place Order issued by Governor Gavin Newsom and the Santa Clara County Health Officer in response to COVID-19, this meeting was held via Zoom teleconference only, as permitted by the Governor's Executive Order N-29-20, Section 3. Call-in information for the meeting was provided on the agenda.

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.

1. Call to Order: Meeting was called to order at 5:04 p.m. by President Lanman. Directors present for the meeting: President Lanman, Vice-President Jahns, and Directors Bautista, Hare and Quintero. Staff present: District Counsel Gantenbein and Executive Director/District Clerk Moreno.

2. President's Welcome: President Lanman welcomed guests.

3. Approval of Agenda:

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

4. Public Comment: Roger Castillo, Associate Director, shared his concerns regarding the recent fire at the education center in front of the SAP Center in San Jose, which resulted from the homeless situation continuing in that area.

5. Consent Agenda: Items 5.2 was moved to the regular agenda at the request of Director Bautista.

Motion: Approve the consent agenda as amended. (Jahns/Hare; 4-0-1; Hare abstained)

5.2 Minutes for the February 4, 2021 Board Meeting: Director Bautista requested that Mr. Hale's resignation as Associate Director be reflected in the minutes under Item 5.4 (Associate Director Leave of Absence Request for Nathan Hale). Executive Director Moreno explained that since his resignation was submitted to her after the meeting it would not be reflected in the minutes, but would now show in next month's minutes as part of this month's discussion. She asked if Director Bautista would like further clarification of last month's discussion in the minutes, to which she responded in the negative.

During this discussion, Executive Director Moreno also pointed out to the Board that in the switch between presiding officers mid-meeting last month, approval of the consent agenda was overlooked, so those items will be included on a future consent agenda.

Motion: Approve the minutes for the February 4, 2021 Board meeting as presented. (Quintero/Lanman; 5-0-0)

6. **Presentation:** Zoey Diggory, Senior Biologist for Valley Water, and Alison Whipple, Environmental Scientist for San Francisco Estuary Institute, gave an overview of the Coyote Creek Native Ecosystem Enhancement Tool (CCNEET) and answered questions from meeting attendees.

7. **Partner Reports:**

7.1 *USDA-NRCS Report:* District Conservationist James Booth gave his monthly report and reviewed natural resource concerns related to a referral he made to GCRCD from a small agricultural producer in the Morgan Hill area who experienced damages to his nursery operation as a result of the recent wind storm. Executive Director Moreno presented an overview of the producer's need for assistance with repairs (estimated at \$4,100) and debris removal; explained the location, ownership and type of agricultural production, and provided additional information regarding State codes authorizing the expenditure of funding. She indicated the work would be provided per the MOU with Loma Prieta RCD and with their permission, and that there may be additional expenditures needed to assist with debris removal; she hopes to work with the San Jose Conservation Corps on the debris removal. She contacted the County's Agricultural Resilience Incentive Program liaison; although they don't have a grant opportunity available for this, they were open to helping facilitate any required building permits. She said she planned to move forward with the financial and technical assistance, but first wanted to make sure the Board had no objections or concerns. President Lanman expressed support and asked the other Directors if there were any objections; none were raised.

7.2 *Other Partner Reports:* Seth Schalet, Chief Executive Officer for the Santa Clara County FireSafe Council, shared information from the Center for Outreach and Training on employment opportunities for those seeking temporary employment and assistance available for agencies and nonprofit organizations impacted by the fire. Executive Director Moreno offered to prepare some information for distribution.

8. **Administration**

8.1 *Ad Hoc Environmental Justice Policy Committee:* Committee Co-Chairs Bautista and Quintero reviewed progress, indicated the need to look at the social justice aspects once the environmental justice policy is completed, and announced they would be holding a public meeting on March 15, 2021.

8.2 *Rules of Order Policy:* Executive Director Moreno explained that after Director Hare's request for a presentation on Robert's Rules of Order, President Lanman and Director Hare engaged in a discussion regarding drafting a formal rules of order policy for the District. Ms Moreno recommended forming an Ad Hoc Rules of Order Policy Committee consisting of President Lanman and Director Hare to create the draft policy.

Motion: Create an ad hoc Rules of Order Policy Committee to draft a rules of order document for Board review and approval. (Jahns/Quintero; 5-0-0)

9. **Director/Associate Director/Staff Updates:** Directors, Associate Directors and the Executive Director gave updates on topics and activities relevant to GCRCD.

10. **Meeting Adjourned at 6:34 p.m. to April 1, 2021 at 5:00 p.m.**

Consent Agenda

- 5.1 Approve minutes for the January 7, 2021 Board Meeting.
- 5.2 ~~Approve minutes for the February 4, 2021 Board Meeting~~ (moved to regular agenda).

Information Only

- 5.3 Assemblymember Robert Rivas; AB 361 – Brown Act: Remote Meetings During Emergencies; Summary Sheet.
- 5.4 California State Water Resources Control Board; Senate Bill 19 – Stream Gaging Plan; Summary Sheet.
- 5.5 San Mateo Resource Conservation District (RCD) Announcement; San Mateo RCD releases 10,000 Coho Salmon into Pescadero Creek; February 2021.
- 5.6 Protect Coyote Valley San Jose Announcement; County Supervisors Support Coyote Valley Climate Overlay Zone; February 2021.
- 5.7 California Department of Insurance; Commissioner Lara and Governor Newsom's Administration to Establish Home and Community Hardening Standards for Insurance; February 8, 2021.
- 5.8 Valley Water Letter to Federal Energy Regulatory Commission (FERC); Re: National Marine Fisheries Service Letter Pertaining to the Design of the Coyote Percolation Pond Inflatable Dam; February 17, 2021.
- 5.9 California Office of Environmental Health Hazard Assessment; Draft CalEnviroScreen 4.0; February 22, 2021.



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Note: Though agenda items may be considered out of order to accommodate the schedules of guest speakers and/or members of the public in attendance for a specific item, 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.

1. Call to Order: Meeting was called to order at 5:04 p.m. by Vice-President Jahns. Directors present for the meeting: President Lanman (joined at 5:33 p.m.), Vice-President Jahns, and Directors Bautista, Hare and Quintero. Staff present: District Counsel Gantenbein and Executive Director/District Clerk Moreno.

2. President's Welcome: President Lanman was unavoidably delayed arriving at the meeting, and was not present for this item.

3. Approval of Agenda: A motion was made and seconded before requests were made to move two items from the consent agenda to the regular agenda. The original motion was voted upon to take it off of the floor and then a new motion was made to incorporate the requests to move Items 5.3 (request from Director Bautista) and 5.4 (request from Domingo Candelas, Valley Water) to Section 9 (Administration) of the agenda.

Motion: Approve the agenda as presented. (Hare/Bautista; 0-4-0; Lanman absent)

Motion: Approve the agenda as amended. (Bautista/Hare; 4-0-0; Lanman absent)

4. Public Comment: Domingo Candelas, Valley Water, invited GCRCD to join and participate in the One Water Plan process, confirmed that CEO Callender has seen GCRCD's letter to LAFCO, and stated that CEO Callender has listened to the 12/14/20 board meeting recording and stands by his letter dated 1/5/21.

Executive Director Moreno announced the hiring of Nathan Hale to fill the limited-duration Natural Resource Conservation Program Manager position approved by the Board last year. The position was originally approved for an initial term through June 30, 2021, based on existing funding; additional funding has now been secured for the position.

5. **Consent Agenda:** Items 5.3 and 5.4 were moved to the regular agenda; no other action taken.
6. **Presentation:** Game Warden Edgar Corona-Alvarez gave an overview of the California Department of Fish and Wildlife program that protects California’s resources from poaching and overuse, and answered questions from the Directors and other meeting attendees.
7. **Partner Reports:**
 - 7.1 *USDA-NRCS Report:* For the benefit of the new Directors, District Conservationist James Booth gave an overview of his agency and its mission, and described the benefits of the partnership between NRCS and GCRCO.
 - 7.2 *Other Partner Reports:* No reports.
8. **Programs and Projects**
 - 8.1 *Post-Disaster Technical Assistance:* Executive Director Moreno requested the scope of the District’s *Post-Fire Technical Assistance Program* be broadened to incorporate technical assistance for agricultural landowners and leaseholders impacted by other types of natural disasters. The Board had no objections to the change.
 - 8.2 *Anadromous Fish:* Associate Director Roger Castillo shared his observations regarding Coyote Creek and Guadalupe River anadromous fish migration and spawning, and discussed issues he is concerned may be impacting the health of the riparian corridor.
9. **Administration**
 - 9.1 *Policies:*
 - 9.1.1 *Environmental Justice Policy:* Executive Director Moreno explained her recommendation to create an ad hoc Environmental Justice Policy Board committee to solicit public input and develop a District policy.
 - Motion: Create an Environmental Justice Policy Board committee to consist initially of Directors Bautista and Quintero to solicit public input and to develop a District policy. (Hare/Jahns)*

After Board discussion, the motion was amended to read:

 - Motion: Create an ad hoc Environmental Justice Policy Board committee to consist initially of Directors Bautista and Quintero to solicit public input and to develop a District policy. (Hare/Jahns; 5-0-0)*

Associate Director Bill Leikam indicated he would like to participate in the committee and provide input into the framework of the policy. Executive Director Moreno indicated the Board could either add additional open positions now or they could ask Directors Bautista and Quintero to come back to the Board with a recommendation on committee composition. The Board agreed to have the two designated Directors come back with a recommendation on composition.
 - 9.1.2 *Environmentally Preferable Purchasing Policy:* Executive Director Moreno explained that the policy adoption is required as part of the CalRecycle grant. Director Bautista inquired as to whether the public was involved in the development of the non-discrimination clause in the draft policy, to which Ms Moreno replied she is hopeful that there will public input into that clause, as well the clauses contained in contracts and other documents, as a result of the work the District began in June 2020. President Lanman recommended the addition of the words “vulnerable populations” in the language of the resolution and the policy.

Motion: Approve the amended resolution to adopt the Environmentally Preferable Purchasing Policy, as amended. (Lanman/Quintero; 5-0-0)

- 5.3 *ACRCD Agreement:* Director Bautista asked questions regarding the proposed agreement and expressed a preference to have the Board approve the draft agreement prior to entering into negotiations. Executive Director Moreno explained why that would extend the length of time necessary to execute the \$600/month or less agreement. The Board indicating a willingness to hold a special meeting, if necessary, to expedite execution of the agreement.

Motion: Authorize the Executive Director to negotiate the final cost with the Alameda County Resource Conservation District and bring it back to the Board for final approval. (Jahns/Bautista; 5-0-0)

- 5.4 *Leave of Absence Request:* Domingo Candelas, speaking on behalf of Valley Water, spoke in opposition to the hiring of Nathan Hale to fill the temporary, limited-duration position that was created by the Board of Directors in 2020 to provide technical assistance to agricultural producers and landowners, alleging that GCRCDC was transitioning a Board member into an employee and that Valley Water wasn't certain that the position had been posted in order to allow the entire public to apply. He said he would email the Board and staff an article from the American Water Works Association regarding recommended hiring practices to ensure diversity.

Executive Director Moreno replied that GCRCDC had not received any comments from Mr. Candelas or Valley Water when the proposed recruitment process was reviewed by the Board last year; that Mr. Hale has never been a Board member but rather a non-voting associate director; that the position had been posted and disseminated, the detailed aspects of which she then re-reviewed; and that the entire process had been well-vetted with the Board. She added that hiring Mr. Hale has already been extremely beneficial to the District and its constituents because his RCD knowledge and experience as a volunteer associate director had allowed him to fully participate in District program activities with a minimal amount of training. President Lanman also responded to Valley Water's allegations.

Director Bautista asked if there was a policy governing the transition from associate director to employee, and whether the transition created any conflict of interest or violation of law, to which Executive Director Moreno replied it is not a conflict of interest nor violation of law. Director Bautista then asked if it would be possible for Mr. Hale to resign from his associate director position rather than taking a leave of absence, and Ms. Moreno, with assent from Mr. Hale, indicated that was an option. Director Bautista offered to help with future recommendations on posting open positions.

- 10. Director/Associate Director/Staff Updates:** Directors, Associate Directors and the Executive Director gave updates on topics and activities relevant to GCRCDC. During this time, Director Hare also gave a presentation regarding UCCE Master Gardeners of Santa Clara County (report attached at the end of the minutes) and recommended having a presentation regarding Robert's Rules of Order.
- 11. Meeting Adjourned at 7:18 p.m. to March 4, 2021 at 5:00 p.m.**

Consent Agenda

- 5.1 Approve minutes for the December 14, 2020 Regular Meeting (item was inadvertently passed over).
- 5.2 Accept financial reports for December 2021 (item was inadvertently passed over).

- ~~5.3 Authorize the Executive Director to execute an agreement with the Alameda County Resource Conservation District to provide financial services.~~
- ~~5.4 Approve temporary leave of absence for Nathan Hale from his duties as Associate Director.~~

Information Only

- 5.5 Peninsula-South Bay Watershed Forum & Watershed Management Initiative - Land Use Subgroup Workshop Agenda; *“Connecting the Dots”: Future Planning and Action in Peninsula and South Bay Watersheds*; dated January 25, 2021.
- 5.6 NMFS’ Comments Pertaining to the Design of the Coyote Percolation Pond Inflatable Dam for Santa Clara Valley Water District’s FERC Order Compliance Project (FERC Project No. 5737-000, 5737-007); dated January 27, 2021.
- 5.7 California Special Districts Association (CSDA); CSDA Board of Directors Call for Nominations – Seat A; dated January 28, 2021.

Guadalupe-Coyote RCD Board Meeting
2/4/2021
Director's Report Regarding UCCE Master Gardeners of Santa Clara County
Susan Hare, Director

My intention is to raise awareness of the UCCE Master Gardeners of Santa Clara County with members of the board and staff. As volunteer with the UCCE Master Gardeners of Santa Clara County, I believe that familiarity with its mission and resources may be beneficial to the RCD.

The Master Gardener Program of Santa Clara County is a volunteer organization sponsored by the University of California Cooperative Extension. Its mission is to **extend research-based knowledge and information on home horticulture, pest management, and sustainable landscape practices to county residents.**

In preparation for their duties, Master Gardener volunteers must complete a 16-week, 60+ hour training program in home horticulture. To remain certified, each year they must complete 12 hours of continuing education and volunteer for a minimum of 25 hours.

The Master Gardener program in Santa Clara County is one of the most robust in the state. There are over 300 master gardeners actively involved in science-based education to home gardeners.

This education includes sustainable landscape practices, soil health and water conservation.

Master Gardeners support eight demonstration gardens throughout the county showcasing best practices for home gardeners, including fruit trees, edible gardens, low water, composting, healthy soil, and California native landscapes. One such demonstration garden is the 4-acre parcel at Martial Cottle Park. It includes numerous planting beds, test beds, a native garden, pollinator garden, compost demonstration area, two greenhouses, a shade house, a teaching pavilion, and education center.

They also operate a phone and email help desk; hold classes; participate in community events; support school gardens; and disseminate educational information through social media, a monthly newsletter, public blog, radio, and YouTube.

Of particular interest to the RCD may be the Master Gardener Speakers bureau. Master Gardeners are trained educators, as is essential to their mission, and all Master Gardener talks are based on sound science, including information and research provided by University of California Division of Agricultural and Natural Resources. Any organization may request a speaker on topics including sustainable landscaping, water conservation, healthy soil, and composting. Additionally, Master Gardeners are open to collaboration that is in keeping with their mission.

The primary purpose of California's RCDs under Section 9001 (a) of the PRC is to secure "the adoption of conservation practices, including but not limited to, farm, range, open space, urban development, wildlife, recreation, watershed, water quality and woodlands."

It is my hope that better knowledge of UCCE Master Gardeners of Santa Clara County will encourage the RCD to view Master Gardeners as a useful resource and partner to reach home gardeners in urban areas with science-based education on conservation issues.

More information can be found on their website: <http://mgsantaclara.ucanr.edu/>