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**San Mateo County Flood & Sea Level Rise  
Resiliency District  
BOARD OF DIRECTORS**

**County Supervisors:**

District 3 Don Horsley  
At-Large Dave Pine – **Chair**

**City Representatives:**

North Donna Colson  
Central Diane Papan  
South Lisa Gauthier  
Coast Debbie Ruddock – **Vice Chair**  
At-Large Marie Chuang

## **AGENDA**

**September 26, 2022**

**4:00 PM**

### **1. Roll Call**

**2. Public Comment** Persons wishing to address the Board on District-related matters not on this Agenda may speak for up to two minutes; comments on Agenda items shall be heard during that item for up to two minutes.

### **3. Action to Set the Agenda and Approve the Consent Agenda**

- A. Adopt Resolution 2022-09-26-A to continue conducting meetings of the Board of Directors remotely due to public health concerns caused by the COVID-19 pandemic
- B. Approve the Minutes of the May 23, 2022 and June 27, 2022 District Board meetings
- C. Approve District participation in the Association of California Water Agencies Joint Powers Insurance Authority Commitment to Excellence Program and Risk Control Grant Program
- D. Adopt Resolution 2022-09-26-B regarding Workers Compensation coverage for District volunteers
- E. Adopt an Integrated Pest Management Policy for the District

### **4. Regular Business**

- A. Update on District guidance for planning and development along the San Francisco Bay shoreline
- B. Update on the District's Pillar Point Harbor Shoreline Area Protection and Enhancement Project

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

### **6. CEO's Report \***

### **7. Board Member Reports and Items for a Future Agenda \***

### **8. Adjournment**

\* There is no written staff report for this item

#### **Meeting information, and public access and communications**

- During the meeting, public comment can be submitted at the appropriate time via Zoom Chat or by raising your hand, speaking if joining by phone, or email to [board@OneShoreline.org](mailto:board@OneShoreline.org) prior to 12:00 pm on the meeting day; please indicate the agenda item to which your comment applies and it will be read or summarized at the meeting by the Board Clerk.
- If you require assistance to participate in the meeting or wish to submit written communication to all Board Members regarding the meeting, please contact the Clerk of the Board by 9:00 am on the day of the meeting.
- Public records relating to an open session item on the agenda are available at least 72 hours prior to a Regular Board meeting or at least 24 hours prior to a Special Board meeting, when these records are distributed to Board members. Public records are available at the District office at 1700 South El Camino Real, Suite 502, San Mateo, CA 94402 and at [OneShoreline.org](http://OneShoreline.org). To receive these documents electronically, please email [board@OneShoreline.org](mailto:board@OneShoreline.org).

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

**Date:** September 26, 2022  
**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors  
**From:** Len Materman, CEO  
**Subject:** Continued remote meetings due to public health concerns caused by the COVID-19 pandemic

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**Recommendation**

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) adopts Resolution 2022-09-26-A re-invoking the provisions of Assembly Bill 361 (“AB 361”), finding that the COVID-19 pandemic state of emergency continues to present imminent risks to the health or safety of attendees and continues to directly impact the ability of the Board to meet safely in person.

**Background and Discussion**

AB 361 sets forth remote meeting requirements and procedures for local legislative bodies during a proclaimed state of emergency. Specifically, AB 361 allows a local legislative body to continue holding remote meetings between October 1, 2021 and January 1, 2024 under the following circumstances:

- Automatically whenever the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- When the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- When the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Once the Board complies with AB 361, the following Brown Act rules for remote meetings are suspended: that the Board makes available a physical location to observe the meeting or to make a public comment, and each teleconference location has posted notices or agendas, is accessible to the public, and is identified by address on the agenda.

At all of its meetings since enactment of AB 361, the Board has adopted, by unanimous vote, resolutions finding that, as a result of the continuing COVID-19 state of emergency, meeting in person would present imminent risks to the health or safety of attendees. The circumstances, though improved, remain materially similar.

Reducing the circumstances under which people come into close contact remains a vital component of an effective COVID-19 response strategy. While local agency public meetings are an essential government function, the last two-plus years have proven that holding such meetings *in person* is often not essential.

The Board has found, and it continues to be the case, that indoor public meetings of the Board and its committees (collectively, “Legislative Bodies”) pose particularly high risks for transmission of COVID-19, as such meetings would bring together residents from across the county and the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, and other safety measures essential to enabling that all residents — including those who are unvaccinated or with compromised immune systems — can safely participate. In addition, the Board has been unable to find a suitable physical location that would reasonably allow it to conduct its public meetings in compliance with these safety measures/concerns.

Persons experiencing any potential symptoms of COVID-19, who test positive but are asymptomatic, or who are exposed to someone with COVID-19, should follow medical advice regarding self-isolation or self-quarantine and avoiding public gatherings such as in-person meetings of the Board. Such persons should be able to do so without sacrificing their right to participate in public business during periods of self-isolation or self-quarantine.

Moreover, because the onset of symptoms of COVID-19 or a positive test may occur too close to the start of a meeting for alternative arrangements for attendance to be made consistently with the Brown Act, providing a remote attendance option for Board meetings should be maintained for as long as COVID transmission remains a potential risk of in-person meetings.

Therefore, it is recommended that the Board adopt a resolution re-invoking the provisions of AB 361 with findings to confirm that the Board has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19; that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of the Legislative Bodies to meet safely in person; and that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees.

**Impact on District Resources:** There is no impact on District resources associated with this item.

**Attachment:** Draft Resolution 2022-09-26-A

**DRAFT RESOLUTION NO. 2022-09-26-A**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT  
RE-INVOKING THE PROVISIONS OF ASSEMBLY BILL 361, FINDING THAT THE COVID-19  
PANDEMIC STATE OF EMERGENCY CONTINUES TO PRESENT IMMINENT RISKS  
TO THE HEALTH OR SAFETY OF ATTENDEES AND CONTINUES TO DIRECTLY IMPACT  
THE ABILITY OF THE BOARD OF DIRECTORS TO MEET SAFELY IN PERSON**

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

**WHEREAS**, on March 4, 2020, pursuant to Government Code Section 8550, *et seq.*, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus (“COVID-19”) and, subsequently, the San Mateo County Board of Supervisors declared a local emergency related to COVID-19, and the proclamation by the Governor and declaration by the Board of Supervisors remain in effect; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions in the California Open Meeting Law, codified at Government Code Section 54950, *et seq.* (the “Brown Act”), related to teleconferencing by local agency legislative bodies, provided that certain requirements were met and followed; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended certain provisions of Executive Order N-29-20 that waive otherwise applicable Brown Act requirements related to remote/teleconference meetings by local agency legislative bodies through September 30, 2021; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed into law Assembly Bill 361 (“AB 361”) which provides that a local agency legislative body may continue to meet remotely without complying with otherwise applicable requirements in the Brown Act related to remote/teleconference meetings, provided that a state of emergency has been proclaimed and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees; and

**WHEREAS**, the COVID-19 pandemic has informed legislative bodies about the unique advantages of remote public meetings, as well as the unique challenges, which are frequently surmountable; and

**WHEREAS**, at all of its meetings since enactment of AB 361, the Board has adopted, by unanimous vote, resolutions finding that, as a result of the continuing COVID-19 state of emergency, meeting in person would present imminent risks to the health or safety of attendees, and current circumstances, though improved, remain materially the same; and

**WHEREAS**, the Board has an important interest in protecting the health and safety of those who participate in its meetings, and reducing the circumstances under which people come into close contact remains a vital component of an effective COVID-19 response strategy; and

**WHEREAS**, the Board has found, and it continues to be the case, that indoor public meetings of the Board and its committees (collectively, “Legislative Bodies”) pose particularly high risks for transmission of COVID-19, as such meetings would bring together residents from across the county and the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, and other safety measures essential to enabling that all residents — including those who are unvaccinated or with compromised immune systems — can safely participate, and the Board has been unable to find a suitable physical location that would reasonably allow it to conduct its public meetings in compliance with these safety measures/concerns; and

**WHEREAS**, persons experiencing any potential symptoms of COVID-19, who test positive but are asymptomatic, or who are exposed to someone with COVID-19, should follow medical advice regarding self-isolation or self-quarantine and avoiding public gatherings such as in-person meetings of the Board, and such persons should be able to do so without sacrificing their right to participate in public business during periods of self-isolation or self-quarantine; and

**WHEREAS**, because the onset of symptoms of COVID-19 or a positive test may occur too close to the start of a meeting for alternative arrangements for attendance to be made consistently with the Brown Act, providing a remote attendance option for Board meetings should be maintained for as long as COVID transmission remains a potential risk of in-person meetings; and

**WHEREAS**, this Board has reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to impact the ability of the Board to conduct its meetings in person because there is a continuing threat of COVID-19 to the community and that in-person meetings of the Legislative Bodies would pose risks to the health or safety of participants through person-to-person contact and make it difficult for those who are immunocompromised or unvaccinated to be able to safely participate, and it is challenging to ascertain and ensure compliance with vaccination and other safety recommendations at such meetings; and

**WHEREAS**, in the interest of public health and safety, as affected by the state of emergency caused by the spread of COVID-19, the Board finds that this state of emergency continues to directly impact the ability of the Legislative Bodies to meet safely in person and that meeting in person would present imminent risks to the health or safety of attendees, and the Board will therefore re-invoke the provisions of AB 361 related to teleconferencing for meetings of the Legislative Bodies.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that:

1. The above recitals are true and correct.
2. The Board has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19.
3. The Board reinvoles the provisions of AB 361 and finds that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of the Legislative Bodies to meet safely in person.
4. The Board further finds that meeting in person would continue to present imminent risks to the health or safety of meeting attendees and directs staff to continue to agendize public meetings of the Legislative Bodies only as online teleconference/remote meetings.

PASSED AND ADOPTED this 26th day of September 2022, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

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Clerk of the Board of Directors

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Chair of the Board of Directors

**SAN MATEO COUNTY  
FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT  
Board of Directors meeting held remotely via Zoom  
May 23, 2022  
DRAFT - MINUTES**

**1. Roll Call**

Chair Dave Pine called the meeting to order at 4:02 p.m. via Zoom video conference software. Interim Clerk of the Board Sukhmani Purewal took the roll call.

Directors Present:

Marie Chuang, Representing At Large  
Donna Colson, Representing Northern San Mateo County cities  
Lisa Gauthier, Representing Southern San Mateo County cities  
Don Horsley, Representing Board of Supervisors, District 3  
Diane Papan, Representing Central San Mateo County Cities  
Debbie Ruddock, Representing Pacific Coastside San Mateo County Cities (Vice Chair)  
Dave Pine, Representing Board of Supervisors, At Large (Chair)

Director(s) Absent:

None

Staff Present:

Len Materman, Chief Executive Officer  
Brian Kulich, Esq., Legal Counsel  
Colin Martorana, Project Manager  
Lucy Dong, Finance Manager  
Makena Wong, Associate Project Manager  
Sukhmani Purewal, Interim Clerk of the Board

**2. Public Comment**

Ann Schneider, Councilmember, City of Millbrae

**3. Action to Set the Agenda and Approval the Consent Agenda**

- A. Adopt Resolution 2022-05-23-A to continue conducting meetings of the Board of Directors remotely due to public health concerns caused by the COVID-19 pandemic
- B. Adopt Resolution 2022-05-23-B to participate in the Liability and Property Joint Protection Programs of the Association of California Water Agencies/Joint Powers Insurance Authority
- C. Adopt Resolution 2022-05-23-C adopting FY 2022-23 Water Pollution Control Service Charges Reports for Flood Zone One - Countywide, and Resolution 2022-05-23-D adopting FY 2022-23 Water Pollution Control Service Charges Reports for Flood Zone Two - City of Pacifica Project

Motion made by Vice Chair Ruddock and seconded by Director Chuang to set the agenda and approve consent agenda items:

Ayes: Chuang, Colson, Gauthier, Horsley, Papan, Ruddock, and Pine

Noes: None

Absent: None

Vote: 7-0-0

4. **Regular Business**

A. Discuss the Fiscal Year 2021-22 Budgets, and the Fiscal Year 2022-23 Draft Budgets

Len Materman presented on the proposed draft budgets for Fiscal Year (FY) 2022-23, in comparison to the approved FY2021-22 budgets.

In regards to the operating budget, the estimated balance (or reserves) at the end of FY2021-22 is \$2,844,855. The draft FY2022-23 year-end balance is estimated to be \$3,291,314. In the absence of a long-term funding measure and based on estimated operating budget reserves and currently-known revenue, revenue is expected to run out approximately at the end of FY2024-25, and reserves are estimated to run out in August of 2026.

In regards to Capital Projects Budget for FY2022-23 Draft, the projected revenue is expected to be \$3,530,080.

The Flood Zone Budget for FY2021-22 Approved and Estimated Year-End, and FY2022-23 Draft is below:

	COLMA Approved FY21-22	COLMA Estimated FY21-22 Year-End	COLMA Draft FY22-23	SAN BRUNO Approved FY21-22	SAN BRUNO Estimated FY21-22 Year-End	SAN BRUNO Draft FY22-23	SAN FRANCISQUITO Approved FY21-22	SAN FRANCISQUITO Estimated FY21-22 Year-End	SAN FRANCISQUITO Draft FY22-23
Revenue	\$3,539,764	\$4,564,088	\$4,287,533	\$299,382	\$379,708	\$355,442	\$363,571	\$447,555	\$411,693
Expenses	\$4,332,973	\$3,761,380	\$3,303,860	\$381,900	\$1,379,228	\$952,134	\$378,140	\$377,603	\$448,316
Year End Balance (reserves)	\$28,835,455	\$30,931,678	\$31,915,351	\$3,646,391	\$2,773,928	\$2,427,236	\$793,914	\$1,263,234	\$1,226,611

Other speakers: Chair Pine, Director Colson, Director Horsley

Public Speaker(s): None

B. Update on a potential San Mateo County parcel tax to fund resilience to the impacts of climate change

Len Materman discussed the County’s potential parcel tax for climate resilience. The key details of the parcel tax are still under discussion but the parcel tax funds could provide funding for: 1. Direct capacity support; 2. Projects to build resilience to sea level rise, extreme storms, drought and enhance natural areas for ecosystems and as a buffer for communities; 3. Projects and capacity to build resilience to wildfire. Below is the proposed upcoming timeline for the parcel tax:

- **April-June: County educational/informational outreach efforts through mailers and online ads**
- **Mid-June: New polling regarding a potential parcel tax**
- **June 27: OneShoreline Board meeting for update and potential action**
- **July: County Board of Supervisors may consider placing a measure on the November ballot**
- **August 12: Deadline to place a County measure on the November ballot**
- **November 8: Election Day**

CEO Materman also discussed the potential contents of a letter of response to a letter from the City Council of Foster City regarding how Foster City's levee/wall project fits into OneShoreline's regional efforts, the potential County parcel tax for climate resilience, and a potential project at Baywinds Park where Foster City and the City of San Mateo meet.

Other speakers on this item: Chair Pine; Vice Chair Ruddock; Directors Horsley, Colson, Papan, Chuang, and Gauthier; and Brian Kulich.

Public Speaker(s): Councilmember Ann Schneider, City of Millbrae; Michael Barber, Supervisor Pine's staff; and Sue Digre.

Motion made by Director Horsley and seconded by Director Colson, authorizing Chair Pine and CEO Materman to write a response to the letter sent by City of Foster City:

Ayes: Chuang, Colson, Gauthier, Horsley, Papan, Ruddock and Pine

Noes: None

Absent: None

Vote: 7-0-0

#### 5. **Chair's Report**

Chair Pine mentioned that he is working hard on the potential parcel tax.

#### 6. **CEO's Report**

Mr. Len Materman provided a report on the following:

- Bayfront Canal and Atherton Channel Project approved construction change orders. As of May 23, 2022, total of \$145,169.75 has been approved for change orders.

#### 7. **Board Members Reports and Items for a Future Agenda\***

Director Ruddock talked about the possible legislation affecting OneShoreline and funding opportunities in current state budget trailer bills.

#### 8. **Closed Session – Public Employee Performance Evaluation, Title: Chief Executive Officer**

Board ended the regular open session and joined the closed session at 5:11 p.m.

#### 9. **Adjournment**

The meeting adjourned to closed session at 5:11 p.m. with no reportable action to follow by either Chair Pine or Counsel Brian Kulich.



**SAN MATEO COUNTY**  
**FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT**  
**Board of Directors meeting held remotely via Zoom**  
**June 27, 2022**  
**DRAFT - MINUTES**

**1. Roll Call**

Chair Dave Pine called the meeting to order at 4:05 p.m. via Zoom video conference software. Interim Clerk of the Board Sukhmani Purewal took the roll call.

Directors Present:

Marie Chuang, Representing At Large  
Donna Colson, Representing Northern San Mateo County cities  
Lisa Gauthier, Representing Southern San Mateo County cities  
Don Horsley, Representing Board of Supervisors, District 3  
Diane Papan, Representing Central San Mateo County Cities  
Debbie Ruddock, Representing Pacific Coastside San Mateo County Cities (Vice Chair)  
Dave Pine, Representing Board of Supervisors, At Large (Chair)

Director(s) Absent:

None

Staff Present:

Len Materman, Chief Executive Officer  
Brian Kulich, Esq., Legal Counsel  
Colin Martorana, Project Manager  
Lucy Dong, Finance Manager  
Makena Wong, Project Manager  
Sukhmani Purewal, Interim Clerk of the Board

**2. Public Comment**

None

**3. Action to Set the Agenda and Approval the Consent Agenda**

- A. Adopt Resolution 2022-06-27-A to continue conducting meetings of the Board of Directors remotely due to public health concerns caused by the COVID-19 pandemic
- B. Approve the Minutes of the March 28, 2022 District Board meeting
- C. Authorize the CEO to execute a Master Services Agreement with Pump Repair Service Company for maintenance services for the Walnut and Angus Pump Stations in the San Bruno Flood Zone

Motion made by Director Chuang and seconded by Director Gauthier to set the agenda and approve consent agenda items:

Ayes: Chuang, Colson, Gauthier, Horsley, Papan, Ruddock, and Pine

Noes: None

Absent: None

Vote: 7-0-0

#### 4. Regular Business

- A. Adopt Resolution 2022-06-27-B approving an Amendment to the Employment Agreement with, and a Discretionary Bonus of \$10,000 to, the Chief Executive Officer

Len Materman spoke on this item. The proposed amendments to the agreement are: 1. Extend the term for an additional two years, through June 30, 2026; and 2. Increase the CEO's annual salary, effective July 1, 2022 by 6.5% from \$235,000 to \$250,275. All other terms and conditions of the agreement will remain in place.

Reporting out from the closed session following the May 23, 2022 Board meeting, the performance review of the CEO found that the CEO has performed exceptionally. In recognition of the CEO's performance over the past two years, the Board desires to give him a one-time discretionary bonus of \$10,000.

Other speakers: Chair Pine, Director Horsley, Director Colson, Vice Chair Ruddock, Director Gauthier, Director Papan, and Director Chuang.

Motion made by Director Chuang and seconded by Director Ruddock to adopt the resolution:

Ayes: Chuang, Colson, Gauthier, Horsley, Papan, Ruddock, and Pine

Noes: None

Absent: None

Vote: 7-0-0

- B. Adopt Resolution 2022-06-27-C establishing a Salary Schedule for Fiscal Year 2022-23

Len Materman spoke on this item. The changes to the Salary Schedule that are now proposed reflect the new CEO salary proposed for Board approval in Agenda Item 4A and the number of employees (2) within the category of Project Manager to reflect the promotions of Colin Martorana and Makena Wong. Any fiscal impacts resulting from these changes are included in the FY2022-23 Operating Budget proposed in Agenda Item 4C.

Other speakers on this item: Chair Pine

Public Speaker(s): None

Motion made by Director Colson and seconded by Director Papan to approve the resolution:

Ayes: Chuang, Colson, Gauthier, Horsley, Papan, Ruddock and Pine

Noes: None

Absent: None

Vote: 7-0-0

- C. Approve the Fiscal Year 2022-23 Operating Budget, Flood Zones Budget, and Capital Projects Budget

Len Materman spoke on this item. The key differences between proposed FY 2022-23 budgets and the approved FY2021-22 budgets are: 1. The 3 years of annual contributions by the County and all 20 cities within it have ended; Operating Budget revenue now includes State grants, County Measure K funds, and interest; 2. All 3 Flood Zones are expected to see increased property tax

revenue next year. The Flood Zones with noticeably increased expenses are San Bruno to maintain two pump stations and our annual contribution to the San Francisquito Creek Joint Powers Authority; and 3. In the Capital Project Budget, the income and expenses of the Bayfront Canal & Atherton Channel Project are greatly reduced as construction is complete, the revenue and expenses of the Millbrae and Burlingame Shoreline Area Project are substantially increased, and we added a potential project along the Pillar Point Harbor Area Coastline.

Other speakers on this item: Chair Pine, Director Horsley, Director Colson, and Vice Chair Ruddock.

Public Speaker(s): None

Motion made by Chair Pine and seconded by Vice Chair Ruddock to approve the Fiscal Year 2022-23 Operating Budget, Flood Zones Budget, and Capital Projects Budget:

Ayes: Chuang, Colson, Gauthier, Horsley, Papan, Ruddock and Pine

Noes: None

Absent: None

Vote: 7-0-0

#### 5. **Chair's Report**

Chair Pine mentioned that the parcel tax will not move forward at this time. Following outreach, recent polling was not favorable due to concerns with the economy.

Other speakers on this item: Director Horsley, Director Papan, and Len Materman.

Public Speaker(s): None

#### 6. **CEO's Report**

Mr. Len Materman provided a report on the following:

- Welcomed June Choi, Stanford PhD student and Summer Fellow with OneShoreline through the Haas Center's Partnerships for Climate Justice program
- Future Board Item: OneShoreline objectives for planning and development review

#### 7. **Board Members Reports and Items for a Future Agenda\***

Director Gauthier mentioned a question raised by Ann Schneider at last County Emergency Team meeting about who was responsible for creek flooding in Millbrae.

Vice Chair Ruddock reported an update on state legislation related to OneShoreline's work.

#### 8. **Closed Session – Public Employee Performance Evaluation, Title: Chief Executive Officer**

Board ended the regular open session and joined the closed session at 4:58 p.m.

#### 9. **Adjournment**

The meeting adjourned to closed session at 4:58 p.m. with no reportable action to follow by either Chair Pine or Counsel Brian Kulich.

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

**Date:** September 26, 2022  
**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors  
**From:** Len Materman, CEO  
**Subject:** Approve the District's participation in the Association of California Water Agencies/Joint Powers Insurance Authority's Commitment to Excellence Program and Risk Control Grant Program

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**Recommendation**

That the San Mateo County Flood and Sea Level Rise Resiliency District ("District") Board of Directors ("Board") approves the District's participation in the Association of California Water Agencies/Joint Powers Insurance Authority's ("Authority") Commitment to Excellence Program and Risk Control Grant Program and authorizes the Board Chair and CEO to sign the Commitment to Excellence certificate on behalf of the District.

**Background and Discussion**

The Authority is a risk-sharing pool that, since its formation in 1979, has offered joint protection programs that provide advantages in terms of cost, risk management, and services for participating public water agencies in California.

On September 14, 2020, the Board adopted Resolution 2020-9-14 authorizing the District to participate in the Authority's Employee Benefits Joint Protection Program, which provides health, vision, and dental coverage to all District employees, effective January 1, 2021. Then, on May 23, 2022, the Board adopted Resolution 2022-05-23-B authorizing the District to enter the Authority's Liability and Property Joint Protection Programs, which cover liability for bodily injury, property damage, errors and omissions, employment practices, fiduciary responsibilities, inverse condemnation, accidental pollution, and automobile, and physical assets, such as buildings, infrastructure, and equipment, effective July 1, 2022.

Since July 1, 2022, the Authority's Risk Management Team has assessed the District's operations and infrastructure and, after the assessment, recommended that the District participate in the Authority's Commitment to Excellence Program, a "best practices" resource that supports six loss reduction focus areas: Vehicle Operations; Construction; Infrastructure; Employment Practices; Ergonomics/Falls; and Wildfire Prevention. The program is a long-term outreach effort by the Authority to help its member agencies, including the District, establish policies and protocols to maximize job safety and reduce the frequency and severity of property loss.

In addition, participation in the Commitment to Excellence Program will provide the District access to the Authority's Risk Control Grant Program, which promotes the implementation of loss-mitigation best practices through a one-time grant in the amount of up to \$10,000 that can be used to fund the District's risk management and safety program projects or equipment.

If the Board approves the participation in this program and authorizes the Chair and CEO to sign the attached Commitment to Excellence certificate, the CEO will submit that certificate and a Risk Control Grant Program application to the Authority.

**Impact on District Resources:** Approval of the participation in this program could increase the District's grant revenue for operations by \$10,000 in Fiscal Year 2022-23.

**Attachment:** Commitment to Excellence certificate



# Commitment to Excellence

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

and the ACWA JPIA in mutual support for ensuring the most consistent, cost effective and broadest possible affordable insurance coverage and related services, and in partnership with all JPIA members, and in the interest of reducing **San Mateo County Flood and Sea Level Rise Resiliency District's** insurance costs, commit to a program of excellence that through the implementation of "best practices" reduces the potential and frequency of:

- **Vehicle Losses**
- **Infrastructure Related Losses**
- **Construction Related Losses**
- **Employment Practices Claims**
- **Ergonomic (Musculoskeletal) and Fall Injuries**
- **Wildfire Prevention**

and fully support the goal of implementing effective preventative measures that work to achieve these loss reductions.

Signature  
CEO, ACWA JPIA

Signature  
CEO, San Mateo County Flood and Sea Level Rise Resiliency District

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

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

**Date:** September 26, 2022  
**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors  
**From:** Len Materman, CEO  
**Subject:** Adopt Resolution 2022-09-26-B regarding Workers' Compensation Coverage for District volunteers

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**Recommendation**

That the San Mateo County Flood and Sea Level Rise Resiliency District ("District") Board of Directors ("Board") adopts Resolution 2022-09-26-B making District volunteers employees for the purposes of Workers' Compensation Insurance.

**Background and Discussion**

The Association of California Water Agencies/Joint Powers Insurance Authority ("Authority") is a risk-sharing pool that, since its formation in 1979, has offered joint protection programs that provide advantages in terms of cost, risk management, and services for participating public water agencies in California.

On September 14, 2020, the Board adopted Resolution 2020-9-14 authorizing the District to participate in the Authority's Employee Benefits Joint Protection Program, which provides health, vision, and dental coverage to all District employees, effective January 1, 2021. Then, on May 23, 2022, the Board adopted Resolution 2022-05-23-B authorizing the District to enter the Authority's Liability and Property Joint Protection Programs, which cover liability for bodily injury, property damage, errors and omissions, employment practices, fiduciary responsibilities, inverse condemnation, accidental pollution, and automobile, and physical assets, such as buildings, infrastructure, and equipment, effective July 1, 2022.

The Authority requires that all Liability Program members (which now includes the District) adopt a resolution making volunteers subject to Workers' Compensation Insurance coverage pursuant to California Labor Code Section 3363.5, which provides that "a person who performs voluntary service without pay for a public agency, as designated and authorized by the governing body of the agency or its designee, shall, upon adoption of a resolution by the governing body of the agency so declaring, be deemed to be an employee of the agency for purposes of this division while performing such service."

For these purposes, "'voluntary services without pay' shall include services performed by any person, who receives no remuneration other than meals, transportation, lodging, or reimbursement for incidental expenses" (California Labor Code, § 3363.5(b)) and can, for example, include student interns which the District has had for a portion of each year, youth and civic groups undertaking projects, or individuals temporarily responding to or assisting in emergency situations. Even Directors attending meetings or performing other services for which they are not compensated can be considered volunteers.

Making volunteers employees for the purposes of Workers' Compensation Insurance coverage means any claim a volunteer files for a workplace injury or illness would be subject to the no-fault, limited damages provisions of the Workers' Compensation system.

District staff has notified our Workers' Compensation Insurance provider, Hartford, of this potential action.

**Impact on District Resources:** If Resolution 2022-09-26-B is adopted and Workers' Compensation Insurance coverage is secured for District volunteers, there will be a small but insignificant impact on District resources.

**Attachment:** Draft Resolution 2022-09-26-B

**DRAFT RESOLUTION NO. 2022-09-26-B**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT  
MAKING VOLUNTEERS EMPLOYEES FOR THE PURPOSES OF  
WORKERS' COMPENSATION INSURANCE**

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

**WHEREAS**, the District may, from time to time, have unpaid persons perform volunteer services for the District; and

**WHEREAS**, this Board desires to provide Workers’ Compensation Insurance benefits for persons authorized by the District to perform volunteer services for the District pursuant to California Labor Code Section 3363.5.

**NOW, THEREFORE, IT IS DETERMINED AND ORDERED** that the Board hereby adopts the policy that an unpaid person authorized to perform volunteer service for the District shall be deemed to be an employee of the District for the purposes of Workers’ Compensation Insurance benefits provided for by law for any injury or illness sustained by them while engaged in the performance of services for the District under its direction and control.

PASSED AND ADOPTED this 26th day of September 2022, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk of the Board of Directors

\_\_\_\_\_  
Chair of the Board of Directors

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

**Date:** September 26, 2022  
**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors  
**From:** Len Materman, CEO  
**Subject:** Adopt an Integrated Pest Management Policy for the District

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**Recommendation**

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) adopts an Integrated Pest Management Policy (“IPM Policy”) on land owned by or otherwise controlled by the District.

**Background and Discussion**

On October 14, 2009, the San Francisco Bay Regional Water Quality Control Board (“RWQCB”) adopted a Municipal Regional Permit (“MRP”), Order No. R2-2009-0074, which established updated permit conditions affecting municipalities in the San Francisco Bay Area. Among the permitting mandates is the adoption of an IPM Policy by each of the Permittees. This mandate is intended to prevent the impairment of urban streams by pesticide-related toxicity, and specifies that Permittees shall implement a pesticide toxicity control program that addresses, within its jurisdiction, their own and others’ use of pesticides that pose a threat to water quality.

In response to this order, staff from the County of San Mateo (“County”) and the municipalities within San Mateo County established a coordinated IPM Policy that meets the goals of protecting the health and safety of their respective staff and the general public, the environment and water quality, and provides sustainable solutions for pest control through the reduced use of pesticides. The County adopted this policy in July 2012.

Since 2020, most of the District’s IPM-related maintenance activities have been conducted in accordance with the County’s adopted IPM Policy by the County Department of Public Works or its contractors. The District’s IPM-related maintenance activities occurring in portions of Colma Creek within the incorporated limits of the City of South San Francisco and Town of Colma are conducted by those municipalities on behalf of the District through Maintenance Agreements (authorized by this Board in December 2020 and March 2021, respectively), and are performed in accordance with the municipalities’ adopted IPM Policies.

Adoption of the District’s own IPM Policy will satisfy the District’s reporting mandates and other MRP requirements and memorialize the framework that will guide the District in future management efforts so that the use of pesticides does not cause or contribute to toxicity in receiving waters and pests are controlled through techniques intended to minimize environmental impacts. The District will require its staff and contractors to adhere to its IPM Policy in all applicable activities on its property.

District counsel has reviewed and approved the IPM Policy as to form.

**Impact on District Resources**

There is no fiscal impact on District resources associated with the approval of this IPM Policy.

**Attachment**

Draft Integrated Pest Management Policy



**DRAFT**

**SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT  
INTEGRATED PEST MANAGEMENT POLICY  
CONSISTENT WITH REQUIREMENTS OF THE  
SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD  
MUNICIPAL REGIONAL STORMWATER PERMIT**

**I. PURPOSE**

The San Mateo County Flood and Sea Level Rise Resiliency District (“District”) seeks to protect the health and safety of its employees and the general public, the environment and water quality, as well as provide sustainable solutions for pest control through the reduced use of pesticides on its property by applying Integrated Pest Management (“IPM”) principles and techniques. The Municipal Regional Stormwater Permit (“MRP”) of the San Francisco Bay Regional Water Quality Control Board requires that the District minimize reliance on pesticides that threaten water quality.

**II. BACKGROUND**

Pesticides are defined as: any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Pests can be insects, rodents and other animals, unwanted plants (weeds), bacteria, or fungi. The term pesticide applies to herbicides, fungicides, insecticides, rodenticides, molluscicides, and other substances used to control pests.

IPM is an ecosystem-based strategy that focuses on long-term prevention of pests and/or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

IPM techniques could include biological controls (e.g., ladybugs and other natural enemies or predators); physical or mechanical controls (e.g., hand labor or mowing or caulking entry points to buildings); cultural controls (e.g., mulching, alternative plant type selection, and enhanced cleaning and containment of food sources in buildings); and reduced risk chemical controls (e.g., soaps or oils).

District-owned or managed property/facility may include, but is not limited to: open spaces, roadsides, flood channels, other outdoor areas, and buildings and structures.

**III. REQUIRED USE OF INTEGRATED PEST MANAGEMENT**

Employees implementing pest management controls will use IPM techniques that emphasize non-pesticide alternatives. Pesticides will only be used after careful consideration of non-chemical alternatives and then, after such consideration, only the least toxic chemicals that are effective shall be used. Pest control contractors hired by the District are required to implement IPM to control pests, which will be achieved by hiring only IPM-certified pest control contractors or by including in contractor agreements specifications requiring implementation of IPM methods.

The District will establish written standard operating procedures for pesticide use to ensure implementation of this IPM policy and to require all District employees and pest control contractors to comply with the standard operating procedures.

The District will track employee and contractor pesticide use and prepare an annual report summarizing pesticide use and evaluating pest control activities performed consistent with the MRP's requirements.

The District will review its purchasing/procurement procedures, service agreements with pest control contractors, and employee training materials and practices to determine what changes, if any, need to be made to support the implementation of this IPM policy.

The District will perform educational outreach and/or support countywide or regional efforts to educate residential and commercial pesticide users on a) goals and techniques of IPM, and b) pesticide-related water quality issues consistent with the MRP's requirements.

The IPM-based hierarchical decision-making process used to control pests will include the following:

1. Based on field observations, evaluate locations and sites where pest problems commonly occur to determine pest population, size, occurrence, and natural enemy population, if present. Identify conditions that contribute to the development of pest populations, and decisions and practices that could be employed to manage pest populations;
2. Design, construct, and maintain landscapes and buildings to reduce and eliminate pest habitats;
3. Modify management practices, including watering, mulching, waste management, and food storage, to discourage the development of pest population;
4. Modify pest ecosystems to reduce food, water sources, and harborage (locations favorable to pests);
5. Prioritize the use of physical controls such as mowing weeds, using traps, and installing barriers;
6. Use biological controls to introduce or enhance pests' natural enemies;
7. When pest populations reach treatment thresholds (based on how much biological, aesthetic, economic, or other damage is tolerable) non-pesticide management activities will be evaluated before considering the use of pesticides;
8. When pesticides are necessary, select reduced risk pesticides and use the minimum amounts needed to be effective;
9. Apply pesticides at the most effective treatment time, based on pest biology, monitoring, and other variables, such as weather, seasonal changes in wildlife use, and local conditions; and
10. Whenever possible, use pesticide application methods, such as containerized baits, that minimize opportunities for mobilization of the pesticide in stormwater runoff.

The District will identify an IPM coordinator who is responsible for the implementation of this IPM policy.

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

**Date:** September 26, 2022  
**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors  
**From:** Len Materman, CEO  
**Subject:** Update on District guidance for planning and development along the San Francisco Bay shoreline

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### **Recommendation:**

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) receive an update on District staff’s development of a guidance policy for jurisdictions to incorporate resilience to future climate-driven conditions into documents that guide the approval of development and infrastructure projects in San Francisco Bay shoreline areas of San Mateo County.

### **Background and Discussion:**

As discussed at previous District Board Meetings, an enduring aspect of the District’s work to build long-term resilience countywide rests on identifying opportunities for new development and infrastructure projects to be resilient and be part of the regional solution to this transformative challenge. These projects are intended to function for decades, during which time the impacts of climate change will grow, and thus these projects should be designed to function under foreseeable future conditions, including higher sea levels and more intense storms, wildfires, drought, and heat. Incorporating climate resilience into the siting and building of these assets now will avoid the much more difficult and costly effort to retrofit these assets later.

The District began this effort in earnest in the summer of 2021 when the City of Burlingame requested District assistance with creating a chapter on sea level rise resilience for the City’s soon-to-be updated zoning ordinance. District staff consulted with the Georgetown Law School Climate Center and cities, counties, and states around the country to develop the chapter, which was approved as part of the ordinance last December (and is the first of its kind in the Bay Area). Building on our success with Burlingame, the District has engaged with other cities at their request (South San Francisco, San Carlos, and San Mateo) to incorporate future climate-driven conditions into their key land use planning documents (General Plans, Specific Plans, or Zoning Ordinances).

Meanwhile, at the request of developers or city staff in the jurisdictions listed above plus Redwood City, Belmont, and East Palo Alto, and staff of the Bay Conservation and Development Commission (BCDC), the District has provided comments on design concepts or submittals from private developers with waterfront projects.

At the suggestion of planning staff from several cities, these District comments are being templated into a draft District Planning Guidance Policy, which can be used as a standardized and evolving resource for cities and the County to account for climate-driven flooding, stormwater capture, groundwater rise, and sea level rise in planning documents, processes, and approvals.

There are two primary components in the emerging policy:

1. An overview of current climate science, the need for countywide planning guidance, and District guiding principles and objectives, including levels of protection and environmental and recreational enhancements.
2. Template recommendations for:
  - a. General Plan and Zoning Ordinance documents, including requirements related to buffer zones and easements along San Francisco Bay and local creeks for flood protection and habitat; elevation and construction standards for shoreline protection infrastructure and the first floor of new developments; stormwater capture and drainage; trail connectivity and public access; the disclosure in real estate transactions of climate-driven hazards, and potentially other topics.
  - b. Reviews by city and County planning departments of development and infrastructure projects that are subject to approval by those departments, and project criteria that trigger suggested District review.

More details on these components will be presented to the Board for feedback and discussion. Following Board input, District staff will further develop the document, solicit comments on it from selected city planning staff, and bring it back to the Board for consideration of approval.

**Impact on District Resources:** There is no impact on District resources associated with this item.

**Attachments:**

Key references that inform the proposed District Guidance Policy include:

- Section 25.12.050 of the City of Burlingame Zoning Ordinance (adopted December 2021)
- Section 8 (Safety Element, pages S-4 through S-6) of the City of San Mateo Draft General Plan Goals, Policies, and Actions (published July 2022)

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

**Date:** September 26, 2022  
**To:** San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors  
**From:** Len Materman, CEO  
**Subject:** Update on the District’s Pillar Point Harbor Shoreline Area Protection and Enhancement Project

**Recommendation:**

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) receive an update on the District’s initial project scoping efforts for its Pillar Point Harbor Shoreline Area Protection and Enhancement Project.

**Background and Discussion:**

The shoreline areas within and around Pillar Point Harbor north of Half Moon Bay face unnatural, historic, and increasing vulnerability from either too little sand, too much sand, or flooding.

Following the construction of two large outer breakwaters by the U.S. Army Corps of Engineers sixty years ago to protect the Harbor, the coastline transitioned from a smooth half-moon shape into one marked by substantial erosion and ineffective and inconsistent hardened features. The outer breakwaters have also led to sand accretion within the Harbor that impedes navigation and requires dredging, and to the flooding of roads and parking areas from high tides and waves. These three hazards – erosion, sand accretion, flooding – will be exacerbated under future climate-driven storms and sea level rise, one foot of which will overtop the outer breakwaters during a 100-year storm.



In this 2½ mile stretch of San Mateo County’s Pacific coastline, all levels of government – federal, state, county, city, and special (harbor) district – are impacted by current and future climate-driven factors and each (understandably) is focused on the vulnerability of its assets. Many studies and projects over the past several decades by one level of government or individual property have focused on a specific reach of this shoreline, and while some have had short-term success in protecting or enhancing an asset, none has achieved sustained or geographically broad benefits.

Consistent with the philosophy behind the District’s formation – no single jurisdiction can address this transformative challenge alone and that we are all in this together – late last year the District engaged the consulting firm ESA to utilize the work of previous studies by the Corps of Engineers, San Mateo County, Caltrans, Harbor District, and others to develop a holistic approach to the shoreline in terms of threats, timescale, and geography.

We gave the consultant the following statement to guide their work:

*Multiple jurisdictions and key stakeholders share responsibility for an adaptable regional solution that addresses long-term future conditions by working with nature rather than fighting it, where possible.*

We set as a project performance objective that key built, recreational, and ecological assets may be modified but they must be sustained over the long-term. District staff worked with the consultant to review previous studies and consider technical and permitting issues, as well as overall feasibility. A slide deck was developed to explain the problem and the need to change the *status quo* in favor of a new phased long-term approach. Over the past month, we met with technical and policy experts and key stakeholders and property owners to receive feedback on this new vision, and, over the next month, more such conversations are planned to identify concerns and recommendations.

At this Board meeting, we will use this slide deck to explain the high-level vision and potential next steps and funding.

**Impact on District Resources:** Funding for this initial study was provided by a County Measure K grant; there is no further impact on District resources associated with this item at this time.

**Attachments:** None