

SANTA CLARA VALLEY HABITAT AGENCY

GOVERNING AND IMPLEMENTATION BOARD VIRTUAL MEETING MINUTES

THURSDAY, March 16, 2023
3:00 P.M.

CALL TO ORDER

Chair Rene Spring called the Joint Governing and Implementation Board meeting to order at 3:08 p.m.

GOVERNING BOARD ATTENDANCE:

PRESENT: Arenas, Candelas, Simitian, Spring

ABSENT: Armendariz, Cohen, Librers, Marques

IMPLEMENTATION BOARD ATTENDANCE

PRESENT: Arenas, Carman, Calnan, Candelas, Keyon, Rocha, Spring

ABSENT: Armendariz, Eisenberg, Keegan, Marques

STAFF/OUTSIDE AGENCIES:

PRESENT: Edmund Sullivan, Valerie Armento, Julia Jakubek and Michelle Bigelow

REPORT FROM THE GOVERNING BOARD CHAIRS

None

REPORT FROM THE IMPLEMENTATION BOARD CHAIRS

None

REPORT FROM THE PUBLIC ADVISORY COMMISSION

None

PUBLIC COMMENTS: ITEMS NOT ON THE AGENDA

Chair Rene Spring opened the public comment at 3:09 p.m.

There being no requests to speak, public comment was closed.

JOINT GOVERNING AND IMPLEMENTATION BOARD ACTION

CONSENT AGENDA:

Items 1 and 2 have been continued to a future meeting due to lack of quorum for Governing Board.

1. **APPROVE THE MINUTES OF THE SEPTEMBER 15, 2022 AND THE JANUARY 19, 2023 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD**

Recommended Action: Approve minutes.

2. **2023-24 DEVELOPMENT FEE ADJUSTMENTS**

Recommended Action: Review automatic inflation adjusted mitigation fees increase upon new public and private development within the geographic boundaries of the Santa Clara Valley Habitat Plan Area for Fiscal Year 2023-24 and the non-mitigation charges for participating special entities.

REGULAR BUSINESS:

3. **REVIEW AND ACCEPT FISCAL YEAR 21-22 AUDIT REPORT**

Recommended Action: Review and accept the Santa Clara Valley Habitat Agency Audit Report and Audit Report presentation for the fiscal year ended June 30, 2022.

Julie Jakubek with Jakubek Consulting provided the report and presentation.

Chair Rene Spring opened the public comment at 3:21 p.m.

There being no requests to speak, public comment was closed.

Report received.

4. **REPORT FROM THE EXECUTIVE OFFICER**

Recommended Action: Receive verbal report.

Executive Officer Edmund Sullivan provided the report.

Report received.

Chair Rene Spring opened the public comment at 3:35 p.m. The following person was called to speak.

Doug Muirhead

There being no further requests to speak, public comment was closed.

GOVERNING BOARD ACTION

CONSENT AGENDA:

Items 5 through 8 have been continued to a future meeting due to lack of quorum.

5. **CONSIDERATION AND ADOPTION OF CHANGES TO 2023–2024 BURROWING OWL IMPACT FEE ZONES**
Recommended Action: Adopt Resolution Revising 2022–2023 Burrowing Owl Conservation Fee Zone Map.

6. **AB 1600 DEVELOPMENT IMPACT FEE REPORT – FISCAL YEAR 2021-22**
Recommended Action: Review and Accept the AB 1600 Development Impact Fee Report for FY 2021-22.

7. **RESOLUTION ACCEPTING SECOND CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE PLANNING ASSISTANCE GRANT FOR A MAJOR AMENDMENT TO THE SANTA CLARA VALLEY HABITAT PLAN**
Recommended Action: If approved, this action would replace a previous action by the Governing Board, which noted an incorrect grant award amount.

8. **RESOLUTION AUTHORIZING THE GOVERNING BOARD TO ENTER INTO A GRANT AGREEMENT WITH THE WILDLIFE CONSERVATION BOARD (BATES RANCH)**
Recommended Action: Adopt resolution authorizing Grant Agreement with the Wildlife Conservation Board authorizing the acquisition of approximately 735-acre portion of the approximately 852-acre Bates property (APNs 756-22-025; 756-22-026; 756-37-004; 756-26-001; 756-26-013; 756-37-001; 756-18-004; 756-37-005; and 756-22-005) in Santa Clara County for \$5,825,000.

FUTURE GOVERNING BOARD INITIATED AGENDA ITEMS:

None

GOVERNING BOARD ADJOURNMENT

There being no further business, Chair Spring adjourned the Governing Board meeting at 3:39 p.m.

IMPLEMENTATION BOARD ACTION

CONSENT AGENDA:

Action: On a motion by Board Member Spring and seconded by Board Member Carman approving the Consent Agenda. The motion passed by the following vote: Ayes 7 (Arenas, Calnan, Candelas, Carman, Keyon, Rocha, Spring); Noes 0; Abstain: 0; Absent 4 (Armendariz, Eisenberg, Keegan, Marques).

9. **APPROVAL OF AMENDMENT TO RENEW EMPLOYEE SERVICES AGREEMENT WITH SANTA CLARA COUNTY**

Recommended Action: Authorize the Executive Officer to execute an amendment to exercise the first of its two five-year options to renew an Employee Services Agreement (“Agreement”) with Santa Clara County relating to providing sharing of County staff in an amount not to exceed \$371,855.37 (average of \$71,371.07 annually) for period July 1, 2023 through June 30, 2028, while reserving one additional option for a five-year renewal.

10. PACHECO PASS WILDLIFE DIRECTIONAL FENCING DESIGN AND PERMITTING AMENDMENT WITH MARK THOMAS

Recommended Action: Authorize the Executive Officer to execute a second service agreement amendment with Mark Thomas & Company, Inc. for a not-to-exceed amount of \$145,172 for planning, design and regulatory permitting associated with wildlife directional fencing in Pacheco Pass.

11. FIRST AMENDMENT - HABITAT PLAN COMPLIANCE AND MONITORING DATABASE AGREEMENT

Recommended Action: Authorize the Executive Officer to execute a First Contract Amendment for a 3-year time extension and a not-to-exceed \$292,455 budget adjustment to the 2018 Dudek Agreement for the Habitat Plan Monitoring Database Development.

12. RESOLUTION AUTHORIZING THE IMPLEMENTATION BOARD TO ENTER INTO A GRANT AGREEMENT WITH THE WILDLIFE CONSERVATION BOARD (BATES RANCH)

Recommended Action: Adopt resolution authorizing Grant Agreement with the Wildlife Conservation Board authorizing the acquisition of approximately 735-acre portion of the approximately 852-acre Bates property (APNs 756-22-025; 756-22-026; 756-37-004; 756-26-001; 756-26-013; 756-37-001; 756-18-004; 756-37-005; and 756-22-005) in Santa Clara County for \$5,825,000.

FUTURE IMPLEMENTATION BOARD INITIATED AGENDA ITEMS:

None

CLOSED SESSION:

EXECUTIVE OFFICER EVALUATION

Authority: Government Code 54957(b)

Employee Performance Evaluation: Executive Officer

OPPORTUNITY FOR PUBLIC COMMENT

Chair Carman opened the public comment at 3:40 p.m. There being no requests to speak, public comment was closed.

ADJOURN TO CLOSED SESSION

Adjourn to closed session at 3:40 p.m.

RECONVENE

Reconvene the meeting at 4:20 p.m.

CLOSED SESSION ANNOUNCEMENT

No action taken. Direction given.

IMPLEMENTATION BOARD ADJOURNMENT

There being no further business, the Implementation Board meeting adjourned at 4:21 p.m.

MINUTES PREPARED BY:



Michelle Bigelow, Secretary