

SANTA CLARA VALLEY HABITAT AGENCY

GOVERNING AND IMPLEMENTATION BOARD

VIRTUAL MEETING MINUTES

THURSDAY, January 20, 2022

3:00 P.M.

CALL TO ORDER

Chair Wasserman called the Joint Governing and Implementation Board meeting to order at 3:03 p.m.

GOVERNING BOARD ATTENDANCE:

PRESENT: Blankley, Cohen, Foley, Marques, Simitian, Spring, Wasserman

ABSENT: Martinez Beltran

IMPLEMENTATION BOARD ATTENDANCE

PRESENT: Keegan, Foley (left meeting at 4:01 p.m.), LeZotte, Marques, Rocha, Spring, Wasserman, Carman (arrived at 3:29 p.m.)

ABSENT: Armendariz, Calnan

STAFF/OUTSIDE AGENCIES:

PRESENT: Edmund Sullivan, Gerry Haas, Valerie Armento, Reid Lerner, Meghan DeGroot, Brenda Vingiello, and Kim Mancera

REPORT FROM THE CHAIRS

Chair LeZotte thanked everyone and their constituents. The Water District had a 20% conservation call and the County has finally exceeded that. We are now well over 20% conservation.

REPORT FROM THE CHAIRS

Chair Wasserman shared that Santa Clara County now has more than 92% of all of its residents 12 years of age and older vaccinated, making us the best vaccinated County in the nation with a population of 1 million people or more.

REPORT FROM THE PUBLIC ADVISORY COMMISSION

None

PUBLIC COMMENTS: ITEMS NOT ON THE AGENDA

Chair Wasserman opened the public comment at 3:06 p.m.
There being no requests to speak, public comment was closed.

JOINT GOVERNING AND IMPLEMENTATION BOARD ACTION

CONSENT AGENDA:

Action: On a motion by Board Member Wasserman and seconded by Board Member Spring approving the Consent Agenda. The motion passed by the following vote: Ayes 10 (Blankley, Cohen, Foley, Keegan, LeZotte, Marques, Rocha, Simitian, Spring, Wasserman); Noes 0; Absent 5 (Armendariz, Calnan, Carman, Mahan, Martinez Beltran)

1. **APPROVE THE MINUTES OF THE SEPTEMBER 16, 2021 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD**

Recommended Action: Approve minutes

REGULAR BUSINESS:

2. **PRESENTATION ON PROPOSED FIRST AMENDMENT TO THE SANTA CLARA VALLEY HABITAT PLAN**

Recommended Action: Receive presentation.

Gerry Haas gave a presentation and answered questions.

No Action taken

3. **FINAL REPORT, FISCAL YEAR 2020-2021 REVENUE AND BUDGET EXPENDITURES**

Recommended Action: Review the revenue and expenditures for Fiscal Year 2020-2021, July 1, 2020, through June 30, 2021.

This item was moved to the Consent Agenda by Chair Wasserman.

4. **REPORT FROM THE EXECUTIVE OFFICER**

Recommended Action: Receive verbal report.

Edmund Sullivan gave a report and answered questions.

Chair Wasserman opened the public comment at 3:37 p.m.
There being no requests to speak, public comment was closed.

No Action Taken

GOVERNING BOARD ACTION

CONSENT AGENDA:

Action: On a motion by Board Member Foley and seconded by Board Member Spring approving the Consent Agenda. The motion passed by the following vote: Ayes 7 (Blankley, Cohen, Foley, Marques, Simitian, Spring, Wasserman); Noes 0; Abstain: 0; Absent 1 (Martinez Beltran)

5. RESOLUTION ACCEPTING WILDLIFE CONSERVATION BOARD PROPOSITION 68 WILDLIFE CORRIDOR AND FISH PASSAGE PROGRAM FUNDS IMPLEMENTATION GRANT FOR THE SR-152 PACHECO CREEK WILDLIFE CONNECTIVITY AND CORRIDOR ENHANCEMENT PROJECT

Recommended Action: Adopt a resolution accepting the grant award from, and entering into a grant agreement with, the Wildlife Conservation Board (WCB) for a Wildlife Corridor and Fish Passage Program grant for the SR-152 Pacheco Creek Wildlife Connectivity and Corridor Enhancement Project in the amount of \$400,000 and appoint the Executive Officer or designee as agent for the Santa Clara Valley Habitat Agency to ensure all grant related tasks for the aforementioned project are completed. The Habitat Agency was notified of the pending award from WCB on December 20, 2021.

6. RESOLUTION ACCEPTING WILDLIFE CONSERVATION BOARD FUNDS TO CONTRIBUTE TO THE LLAGAS CREEK PAJARO RIVER RESTORATION PROJECT

Recommended Action: Adopt a resolution accepting the grant award from, and entering into a grant agreement with, the State of California Wildlife Conservation Board (WCB) for a Proposition 68 restoration grant for the Llagas Creek and Pajaro River Restoration Project in the amount of up to \$221,600 and appoint the Executive Officer or designee as agent for the Santa Clara Valley Habitat Agency to ensure all grant related tasks for the aforementioned project are completed.

7. RESOLUTION ACCEPTING WILDLIFE CONSERVATION BOARD PROPOSITION 68 WILDLIFE CORRIDOR AND FISH PASSAGE PROGRAM FUNDS PLANNING GRANT FOR THE PACHECO PASS (STATE ROUTE 152) WILDLIFE OVERPASS PLANNING PROJECT

Recommended Action: Adopt a resolution accepting the grant award from, and entering into a grant agreement with, the Wildlife Conservation Board (WCB) for a Wildlife Corridor and Fish Passage Program grant for the Pacheco Pass (State Route 152) Wildlife Overpass Planning Project in the amount of \$3,125,000 and appoint the Executive Officer or designee as agent for the Santa Clara Valley Habitat Agency to ensure all grant related tasks for the aforementioned project are completed. The Habitat Agency was notified of the pending award from WCB on December 20, 2021.

REGULAR BUSINESS:

8. SELECTION OF 2022 GOVERNING BOARD CHAIR AND VICE-CHAIR

Recommended Action: Select a Governing Board Chair and Vice-Chair for 2022.

Action: On a motion by Board Member Foley and seconded by Board Member Blankley selecting Mike Wasserman as Chair of the Governing Board for 2022. The motion passed by the following vote: Ayes 7 (Blankley, Cohen, Foley, Marques, Simitian, Spring, Wasserman); Noes 0; Abstain: 0; Absent 1 (Martinez Beltran)

Action: On a motion by Board Member Foley and seconded by Board Member Blankley selecting Rene Spring as Vice Chair of the Governing Board for 2022. The motion passed by the following vote: Ayes 7 (Blankley, Cohen, Foley, Marques, Simitian, Spring, Wasserman); Noes 0; Abstain: 0; Absent 1 (Martinez Beltran)

9. ENDOWMENT INVESTMENT MANAGEMENT SELECTION

Recommended Action: Approve the recommendation of the Executive Officer to invest the Habitat Agency endowment fund with Sand Hill Global Advisors and authorize the Governing Board Chair and the Executive Officer to sign an agreement.

10. REVISED INVESTMENT POLICY

Recommended Action: Adopt the revised Investment Policy by resolution.

Action: On a motion by Board Member Spring and seconded by Board Member Foley approving the recommendation of the Executive Officer to invest the Habitat Agency endowment fund with Sand Hill Global Advisors and authorize the Governing Board Chair and the Executive Officer to sign an agreement as well as adopt the revised Investment Policy by resolution. The motion passed by the following vote: Ayes 7 (Blankley, Cohen, Foley, Marques, Simitian, Spring, Wasserman); Noes 0; Abstain: 0; Absent 1 (Martinez Beltran)

FUTURE GOVERNING BOARD INITIATED AGENDA ITEMS:

None

GOVERNING BOARD ADJOURNMENT

There being no further business, Chair Wasserman adjourned the Governing Board meeting at 4:01 p.m.

IMPLEMENTATION BOARD ACTION

CONSENT AGENDA:

Action: On a motion by Board Member Spring and seconded by Board Member Wasserman approving the Consent Agenda. The motion passed by the following vote: Ayes 7 (Carman, Keegan, LeZotte, Marques, Rocha, Spring, Wasserman); Noes 0; Abstain: 0; Absent 2 (Armendariz, Calnan).

11. SAN FELIPE CREEK RESTORATION PROJECT AGREEMENT WITH BALANCE HYDROLOGICS

Recommended Action: Authorize the Executive Officer to execute a not to exceed \$360,860 Service Agreement with Balance Hydrologics to provide hydrologic and geomorphic monitoring for Years 4 through 10 for the San Felipe Creek Restoration Project.

12. SAN FELIPE CREEK RESTORATION PROJECT AGREEMENT WITH CONFLUENCE RESTORATION

Recommended Action: Authorize the Executive Officer to execute a not to exceed \$217,775 Service Agreement with Confluence Restoration to provide site maintenance services for Years 4 and 5 for the San Felipe Creek Restoration Project.

13. DAVIDSON RESERVE SOIL PILE REMOVAL PROJECT AGREEMENT WITH HYDROCHEM PSC

Recommended Action: Authorize the Executive Officer to execute an agreement with Hydrochem PSC to remove a legacy soil pile on the Davidson Reserve in an amount not to exceed \$89,023.

14. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A FIVE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH LONGS CUSTOM DISCING, INC FOR BURROWING OWL HABITAT MANAGEMENT

Recommended Action: Authorize the Executive Officer to execute a not-to-exceed \$214,880.00 five-year Professional Services Agreement with Longs Custom Discing, Inc. (Longs) to assist with habitat management at the Regional Wastewater Facility Burrowing Owl Management Area in San Jose.

15. LLAGAS CREEK PAJARO RIVER CONFLUENCE RESTORATION PROJECT AGREEMENT WITH TRIANGLE PROPERTIES/ICF TEAM

Recommended Action: Authorize the Executive Officer to execute a not to exceed \$243,760 agreement with the Triangle Properties/ICF team to complete baseline and feasibility studies, design, and permitting for the Llagas Creek Pajaro River Confluence Restoration Project.

REGULAR BUSINESS:

16. SELECTION OF 2022 IMPLEMENTATION BOARD CHAIR AND VICE-CHAIR

Recommended Action: Select an Implementation Board Chair and Vice-Chair for 2022.

Action: On a motion by Board Member Spring and seconded by Board Member Keegan selecting Linda J. LeZotte as Chair of the implementation Board for 2022. The motion passed by the following vote: Ayes 7 (Carman, Keegan, LeZotte, Marques, Rocha, Spring, Wasserman); Noes 0; Abstain: 0; Absent 2 (Armendariz, Calnan).

Action: On a motion by Board Member Spring and seconded by Board Member Wasserman selecting Jennifer Carman as Vice Chair of the implementation Board for 2022. The motion passed by the following vote: Ayes 7 (Carman, Keegan, LeZotte, Marques, Rocha, Spring, Wasserman); Noes 0; Abstain: 0; Absent 2 (Armendariz, Calnan).

17. FIRST AMENDMENT TO THE SANTA CLARA VALLEY HABITAT PLAN

Recommended Action: Authorize the Executive Officer to execute a not-to-exceed \$1,470,860 Consultant Services Agreement with ICF to prepare a major amendment to the Santa Clara Valley Habitat Plan.

Action: On a motion by Board Member Spring and seconded by Board Member Wasserman authorizing the Executive Officer to execute a not-to-exceed \$1,470,860 Consultant Service Agreement with ICF to prepare a major amendment to the Santa Clara Valley Habitat Plan. The motion passed by the following vote: Ayes 7 (Carman, Keegan, LeZotte, Marques, Rocha, Spring, Wasserman); Noes 0; Abstain: 0; Absent 2 (Armendariz, Calnan).

18. APPOINTMENT TO PAC

Recommended Action: Approve the recommendation of the Executive Officer to appoint Reid Lerner to an initial four-year term on the Public Advisory Committee (PAC) representing business/development.

Action: On a motion by Board Member Wasserman and seconded by Board Member LeZotte approving the recommendation of the Executive Officer to appoint Reid Lerner to an initial four-year term on the Public Advisory Committee (PAC) representing business/development. The motion passed by the following vote: Ayes 7 (Carman, Keegan, LeZotte, Marques, Rocha, Spring, Wasserman); Noes 0; Abstain: 0; Absent 2 (Armendariz, Calnan).

FUTURE IMPLEMENTATION BOARD INITIATED AGENDA ITEMS:

None

OPPORTUNITY FOR PUBLIC COMMENT

Chair LeZotte opened the public comment at 4:13 p.m. There being no requests to speak, public comment was closed.

IMPLEMENTATION BOARD ADJOURNMENT

There being no further business, the Implementation Board meeting adjourned at 4:13 p.m

MINUTES PREPARED BY:



Kim Mancera, Secretary