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To join the meeting, click on:

<https://smcgov.zoom.us/j/97148869958>

or call by phone: 669-900-6833, ID #971 4886 9958

**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 Maryann Moise Derwin

AGENDA

January 25, 2021

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. Approve the Minutes of the December 14, 2020 District Board Meeting
 - B. Approve a District Equal Employment Opportunity Policy
 - C. Approve a District Incompatible Activities Policy
 - D. Authorize the CEO to Execute Documents to Select US Bank as Custodian and Appoint PFM as Investment Advisor
 - E. Adopt a Resolution Authorizing the CEO to Invest District Funds in the State’s Local Agency Investment Fund
4. **Regular Business**
 - A. Authorize the District to support the passage of State Senate Bill 45, the proposed Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022
 - B. Discussion and potential action regarding appointment of members to committees of the Board of Directors*
 - C. Discuss *Bay Adapt: Regional Strategy for a Rising Bay*, an effort of the Bay Conservation and Development Commission (BCDC)
5. **Chair’s Report***
6. **CEO’s Report***
7. **Board Member Reports**
8. **Items for a Future Agenda**
9. **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@onshoreline.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 www.onshoreline.org. To receive these documents electronically, please email board@onshoreline.org.

**SAN MATEO COUNTY
FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT
Board of Directors meeting held remotely via Zoom
December 14, 2020
DRAFT - MINUTES**

1. Roll Call

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

Directors Present:

Dave Pine, Representing Board of Supervisors, At Large (Chair)
Donna Colson, Representing Northern San Mateo County cities
Maryann Moise Derwin, Representing San Mateo County cities at-large
Lisa Gauthier, Representing Southern San Mateo County cities
Don Horsley, Representing Board of Supervisors, District 3
Diane Papan, Representing Central San Mateo County cities

Director(s) Absent: Debbie Ruddock, Representing Coastside (Vice Chair)

Staff Present:

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

2. Public Comment

Vice Chair Debbie Ruddock joined the virtual meeting at 4:03 p.m.

No written or verbal comments.

- 3. Action to Set the Agenda and Approve the Consent Agenda**
- A. Approve the Minutes of September 14, 2020 and November 9, 2020 District Board meetings**
 - B. Accept the District's Audited Financial Statements for January 1 – June 30, 2020 (Attached) and Authorize the Chief Executive Officer, or Designee, to Transmit the Audit to Appropriate Governmental Agencies**
 - C. Approve a Policy Establishing Procedures to Protest the District's Bidding Process for Construction Contracts**
 - D. Approve the 2021 Schedule of Regular meetings of the Board of Directors**

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

Ayes: Colson, Derwin, Gauthier, Horsley, Papan, Pine, Ruddock

Noes: None

Absent: None

Vote: 7-0-0

No written or verbal public comments.

4. **Regular Business**

- A. Authorize the Chief Executive Officer to Enter into an Agreement with the City of South San Francisco Regarding Maintenance of Portions of the Colma Creek Channel

Speakers: Len Materman, Director Maryanne Derwin, Makena Wong, Legal Counsel Brian Kulich, and Chair Dave Pine.

Public Speakers: Ann Stillman, Deputy Director of Public Works, County of San Mateo

Motion made by Director Horsley and seconded by Vice Chair Ruddock to enter into an Agreement:

Ayes: Colson, Derwin, Gauthier, Horsley, Papan, Pine, Ruddock

Noes: None

Absent: None

Vote: 7-0-0

- B. Authorize the Chief Executive Officer to Enter into an Access and Permit Agreement with the City of South San Francisco for the City's Orange Memorial Park Storm Water Capture Project

Speakers: Len Materman, Chair Dave Pine, Makena Wong, Director Don Horsley, Director Diane Papan.

Public Speakers: Michael Barber, Legislative Aide to Supervisor Dave Pine; Ann Stillman, Deputy Director of Public Works, County of San Mateo; Matt Fabry, C/CAG; Bianca Liu, Senior Engineer, City of S. San Francisco.

Motion made by Vice Chair Ruddock and seconded by Director Derwin to enter into Access and Permit Agreement:

Ayes: Colson, Derwin, Gauthier, Horsley, Papan, Pine, Ruddock

Noes: None

Absent: None

Vote: 7-0-0

- C. Approve an Investment Policy for District Funds

Speakers: Len Materman, Director Donna Colson, Lucy Dong, Director Lisa Gauthier, Director Don Horsley, Director Debbie Ruddock, Director Diane Papan.

Public Speakers: None

Motion made by Chair Pine and seconded by Director Gauthier to approve and investment policy for District Funds:

Ayes: Colson, Derwin, Gauthier, Horsley, Papan, Pine, Ruddock

Noes: None

Absent: None

Vote: 7-0-0

5. Chair's Report

Chair Pine and Vice Chair Ruddock provided updates on the following topics:

1. State Legislature is back in Sacramento and there is hope that a Climate Resiliency Bond will move forward.
2. The Board's Ad Hoc Strategic Planning Committee has met three times.
3. San Francisco Airport Shoreline Protection Program has published their notice to start the CEQA process.

No written public comments.

6. CEO's Report

Len Materman provided updates on the following topics:

1. Bayfront Canal and Atherton Channel Project.
2. Princeton Project with the County along the Pacific Coast..
3. Flood Protection Objective along the shoreline to guide future development.
4. Outreach contract with San Mateo County's Office of Sustainability.

7. Board Members Reports

Vice Chair Ruddock commented on Legislation regarding Cutting Green Tape initiative for restoration projects.

8. Items for a Future Agenda

None

9. Adjournment

The meeting adjourned at 5:29 p.m.

San Mateo County Flood and Sea Level Rise Resiliency District

Agenda Report

Date: January 25, 2021
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Approve a District Equal Employment Opportunity Policy

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) approve an Equal Employment Opportunity Policy (“EEO Policy”).

Background and Discussion:

On February 10, 2020, the Board adopted an ordinance setting forth rules, regulations, standards, and procedures for appointment, suspension, and termination of employment (the “Ordinance”).

In the Ordinance, the Board “recognizes, welcomes, and appreciates a diverse and multicultural workforce, and the Board commits the District and all employees to an inclusive, results-oriented, equal employment opportunity environment aimed at a workforce free of illegal discrimination, retaliation, and harassment.” (Ordinance, §8.1.) The Ordinance then instructs the Chief Executive Officer (“CEO”), or designee, to “develop for the Board’s approval an equal employment opportunity policy consistent with all applicable laws that, without limitation, prevents illegal discrimination, retaliation, and harassment, provides reasonable accommodations to qualified individuals with disabilities, and sets forth internal reporting procedures.” (Ordinance, §8.2.)

Thus, the CEO has developed for the Board’s approval a Draft EEO Policy (attached) that:

- Welcomes language diversity in the workplace;
- Reaffirms the Board’s commitment to prohibiting all forms of illegal discrimination, harassment, and retaliation in the workplace;
- Reaffirms the Board’s commitment to providing reasonable accommodations to qualified individuals with disabilities in the workplace;
- Sets forth employee and supervisor responsibilities regarding the EEO Policy; and
- Provides reporting procedures and guidelines.

Impact on District Resources:

There is no direct impact on District resources associated with approval of the EEO Policy.

Attachment: Draft EEO Policy

San Mateo County Flood and Sea Level Rise Resiliency District

Draft Equal Employment Opportunity Policy

BOARD OF DIRECTORS' COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY

The Board of Directors (“Board”) of the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) takes this opportunity to express its commitment to diversity in the workplace. Our diversity allows us to respond to the needs of our constituents in a more effective and culturally sensitive manner, and provides a reflection of the community we serve.

Through adoption and dissemination of this Equal Employment Opportunity (“EEO”) policy to employees, the Board commits the District and all employees to an inclusive, results-oriented, equal employment opportunity environment aimed at a diverse workforce free of illegal discrimination and harassment.

I. Language Diversity

While the District recognizes English as the primary language of the workplace and encourages its mastery, it also acknowledges the fact that other languages are both necessary and welcome in providing the best service possible. For employees for whom English is a second language, the District affirms the right to speak another language freely without threat of discrimination or reprisal. It is important, however, that the right to speak a language other than English is not used as a tool to exclude or demean co-workers.

II. Discrimination

The Board hereby restates its commitment to ensuring that no employee or applicant shall be discriminated against based on sex, pregnancy, childbirth or related medical conditions, race, veteran status, religion, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, gender (including gender identity and gender expression), sexual orientation, use of family medical leave, genetic testing, or any other basis protected by federal or state law. This policy shall apply to all employment practices.

The District will take proactive measures toward eliminating artificial barriers to employment and achieving equal opportunity through its continued implementation and coordination of the District’s EEO plan, and through its review and evaluation of hiring and recruitment policies and procedures.

It is the policy of the Board that equal employment opportunity is consistent with the basic merit system principle that all persons are afforded equal access to positions based on their knowledge, skills, and ability to do the job. Hiring will be made solely on the basis of job-related criteria, and all employment decisions will be made on the basis of merit, in conformity with these principles of equal opportunity.

The District considers violation of this policy, on the basis of any of these legally-protected categories, to constitute misconduct that undermines the integrity of the employment relationship. Corrective action up to and including dismissal shall be taken against individuals who violate any provision of this policy.

III. Harassment

It is the policy the District to maintain an environment free from illegal harassment in the workplace. The District will not tolerate any action that illegally harasses, disrupts, or interferes with another’s work performance, or creates an intimidating, offensive, or hostile work environment. The District encourages its employees and contractors to respect the differences of others. All are expected to act in a responsible, professional manner and to contribute to a productive work environment that is free from harassing or disruptive activity. All can expect to work in an environment free from harassing behaviors.

This policy unequivocally extends to all forms of harassment based on the criteria set forth in ‘Section II. Discrimination’. The District considers harassment on the basis of any of these categories to constitute misconduct that undermines the integrity of the employment relationship. Protection against harassment

covers all employees, applicants and independent contractors (as defined by California law). Corrective action, up to and including dismissal, shall be taken against individuals who violate this policy.

Harassment is severe or pervasive conduct that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment based on any of the foregoing legally-protected categories.

Harassing behavior includes, but is not limited to:

- Verbal conduct, such as epithets, derogatory or insulting comments, taunting, heckling, slurs, jokes, stories, disparaging terms, or unwanted sexual advances or comments;
- Physical conduct, such as impeding or blocking movement, gestures, physical interference with normal work movement, unwelcome touching, or assault;
- Visual conduct, such as derogatory or sexually oriented posters, photographs, letters or other writings, e-mail, cartoons, graffiti, or drawings; or
- Nonverbal conduct, such as staring, leering, winks, or other gestures.

In **addition to the above**, sexual harassment shall include unwelcome, unwanted, sexual advances or overtures, requests for sexual favors, and other verbal, physical or body language of a sexual nature. The actions above will be considered sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment

IV. Retaliation

Retaliation is defined as unlawful punishment or adverse action against an employee because that employee reported unlawful discriminatory or harassing conduct, participated in an investigation of discrimination/harassment, or engaged in other protected conduct. The most obvious types of retaliation include denial of promotion, refusal to hire, denial of job benefits, demotion, suspension and discharge. Other types of retaliation may include threats, reprimands, or negative evaluations. The source of retaliation may be from a manager or supervisor toward an employee, or from one employee or group of employees toward another employee.

The District does not tolerate any acts of retaliation. District employees are forbidden to retaliate against the efforts of any employee or applicant in reporting any violation of this EEO policy. Corrective action, up to and including dismissal, shall be taken against individuals in violation of any provision of this policy.

V. Reasonable Accommodations

The Americans with Disabilities Act (ADA) and California's Fair Employment and Housing Act (FEHA) prohibit employment discrimination on the basis of a disability. It is the policy of the District that no qualified applicant or employee with a disability shall be excluded from participation, be denied the benefits, or be subjected to discrimination because of their disability.

The District is committed to provide reasonable accommodations to qualified individuals with disabilities if it does not result in an undue hardship on the operations of the District.

VI. Employee Responsibilities

All District employees (including managers and supervisors) have the responsibility to:

- Understand and abide by the District’s EEO policy, and comply with its terms;
- Respect the differences of others;
- Contribute to a harassment-free environment by acting and behaving in an appropriate, respectful, and professional manner;
- Immediately report any violations of this policy that they personally observe, or have knowledge of; and
- Cooperate completely in any investigation of violations of this policy.

VII. Manager and Supervisor Responsibilities

All Managers and Supervisors have additional responsibility to be proactive and

- Foster a work environment free of discrimination and harassment;
- Eliminate personal biases based on protected classifications from employment decisions and practices;
- Ensure employment, performance, or conduct decisions and practices are based on a consistent set of criteria that is applied equally to all employees and not based on non-job-related factors;
- Ensure that tradition and stereotypes do not create barriers to advancement of persons historically excluded from management positions;
- Set a positive example;
- Keep consistent documentation on all employees;
- Take each complaint concerning violations of this EEO policy seriously (failure to report an incident of harassing or discriminatory conduct is itself a violation of this policy);
- Ensure that all employees are aware of this EEO policy and the procedures for communicating a complaint;
- Collaborate with the District in assisting in or conducting investigations of potential violations of this policy;
- Take corrective action whenever an investigation results in a finding that this EEO policy has been violated;
- Prohibit retaliation against an employee or applicant who has complained of a violation of this policy, or who has participated in an investigation of complaint;
- Maintain a record of both informal and formal complaints and resolutions; and
- Respect confidentiality to the greatest extent possible by only sharing information regarding complaints and investigations with those who have a “need to know”.

VIII. Complaint Resolution Procedures

Internal Complaint Procedures.

Employees and applicants are encouraged to attempt resolution of complaints as quickly as possible at the lowest and least formal level. However, if deemed inappropriate in the judgment of the individual, then the individual is encouraged to pursue resolution at a higher level. The most important consideration should be resolution of the issue in a prompt and fair manner.

Any employee or applicant for employment (“Complainant”) may file an internal complaint with the District’s Equal Employment Opportunity Manager (“EEO Manager”). To be timely, a Complainant must submit or report the complaint no later than one year after the alleged act/violation took place or the Complainant should have first become aware of the alleged act/violation.

The EEO Manager, or designee, shall take all timely complaints seriously and investigate with due diligence. Confidentiality shall be maintained to the greatest extent possible, recognizing the rights of the complainant, the accused, and all third party witnesses. No Complainant shall be subjected to intimidation, coercion, or retaliation of any kind as a result of filing a complaint pursuant to this EEO policy or as a result of being a witness in an investigation.

External Agencies.

In addition to the above, or in place of the above internal procedure, employees and applicants have the option of filing a complaint with either, or both, the state and federal external compliance agencies. The address and phone numbers for each agency are listed below:

- **California Department of Fair Employment and Housing**
 - **Bay Area Regional Office**
39141 Civic Center Drive, Suite 250
Fremont, CA 94538
(800) 884-1684
www.dfeh.ca.gov
 - **State Headquarters**
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
(800) 884-1684 or (916) 478-7251
www.dfeh.ca.gov
- **United States Equal Employment Opportunity Commission**
350 Embarcadero, Suite 500
San Francisco, CA 94105
(415) 625-5600 or (800) 669-4000
www.eeoc.gov

Guidelines for Resolution of Discrimination or Harassment Issues.

Guidelines and complaint resolution procedures have been developed for the purpose of providing assistance to employees, applicants for employment or services, and supervisors/managers, to help successfully resolve problems or concerns regarding possible discrimination and/or harassment, or otherwise related to the District's EEO policy. Any party may contact the District's EEO Manager for assistance and/or advice.

- A. **Employees.** Employees seeking resolution of any alleged act of discrimination or harassment using District complaint procedures should:
 - Notify your supervisor, manager, human resources, or the EEO Manager immediately after the alleged incident(s) of discrimination/harassment occurs;
 - Ask your supervisor, manager, human resources, or the EEO Manager to explain the different options available to you;
 - Provide documentation and names of witnesses;
 - Clearly state the alleged act(s) in question and any remedy sought.
- B. **Supervisors or Managers.** Supervisors and managers are held to a higher level of responsibility, and have a duty to be aware of the day-to-day functioning of the unit, and the conduct of staff members. Supervisors and managers must take proactive measures to prevent or stop all forms of harassing behavior. When an employee chooses to approach a supervisor or manager with a concern of discrimination or harassment, the supervisor or manager should:
 - Listen objectively to the concerns and to the remedy being sought by the employee, allowing the employee to fully express these concerns;

- Determine what the specific issues are, and gather factual information about the date, time, place, potential witnesses, and documentation or written records related to the concern;
- Advise the employee of any limitations on confidentiality (do not guarantee total confidentiality, as such confidentiality may not be appropriate or possible based on the particulars of the concern);
- Assure employees that retaliation is prohibited;
- Document the allegation, investigation conducted, and actions taken;
- Contact the EEO Manager for guidance and advice, including the options that might be available to resolve the incident; and
- Handle all allegations in a confidential manner and share information only on a “need-to-know” basis.

C. **Applicants for Employment.** Any applicant(s) for employment who believe that they may have been discriminated against should contact the District Chief Executive Officer.

D. **Respondents.** Once an allegation of discrimination or harassment has been filed, and an investigation is initiated with the potential for adverse findings, the respondent has the right to:

- An investigation that is thorough, objective and timely;
- Notification of the nature of the allegations;
- Respond to and rebut the allegations;
- Provide documents and witnesses to support the respondent’s perspective;
- Be advised that information will be handled as confidentially as possible, but complete confidentiality is not promised or guaranteed;

Further, once an allegation of discrimination or harassment has been filed, the respondent has a duty to:

- Meet and cooperate with the investigator and answer all questions honestly and fully;
- Be forthcoming with information and not be deceitful in any way;
- Keep information confidential during the pendency of the investigation as needed to protect the integrity of the investigation or for other reasons necessary to conduct a fair and thorough review; and
- Not retaliate against individuals who participated in, or that are suspected of participating in, the investigation.

Adopted by the Board on January 25, 2021

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

Date: January 25, 2021
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Approve a District Incompatible Activities Policy

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) approve an Incompatible Activities Policy.

Background and Discussion:

On February 10, 2020, the Board adopted an ordinance setting forth rules, regulations, standards, and procedures for appointment, suspension, and termination of employment (the “Ordinance”). The Ordinance provides that “[n]o District employee shall engage in activities that are inconsistent with, incompatible to, or in conflict with, or inimical to, the duties of such employee,” and instructs the Chief Executive Officer (“CEO”) to develop for the Board’s approval rules governing such activities. (Ordinance, § 7.)

Thus, the CEO has developed for the Board’s approval an Incompatible Activities Policy that prohibits:

- Use of District time, facilities, equipment or supplies, or the influence or prestige of the employee’s position for personal profit or advantage;
- Outside employment involving the performance of acts otherwise required of the employee as part of his/her regular District duties;
- Outside employment with time demands that would result in less proficient performance of the employee’s District duties;
- Outside part-time employment in a similar profession or line of work the employee performs for the District, without the written approval of the CEO;
- Outside employment involving performance of an act which is (or may in the future be) subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by the employee or any other District officer or employee, without the written approval of the CEO;
- Outside employment with any person, agency, or organization that is under contract to provide services to the District, if the employee has a direct or indirect role in awarding the contract, without the written approval of the CEO;
- Outside employment involving the use of any confidential or client-specific information obtained from the District (though client-specific information may be released with the written consent of the client);
- An ownership interest in any enterprise which is under contract to provide services to the District, if the employee has a direct or indirect role in awarding the contract, without the written approval of the CEO; and
- Serving on any board, committee, or similar body of any agency or organization which contracts with the District, receives funding from the District, or receives referrals or any other benefit from the District, without the written approval of the CEO.

Impact on District Resources:

There is no direct impact on District resources associated with approval of the Incompatible Activities Policy.

Attachment: Draft Incompatible Activities Policy

San Mateo County Flood and Sea Level Rise Resiliency District

Draft Incompatible Activities Policy

The purpose of this Incompatible Activities Policy (“Policy”) is to prohibit San Mateo County Flood and Sea Level Rise Resiliency District (“District”) employees from engaging in any employment, activity, or enterprise which is inconsistent, incompatible, in conflict with, or inimical to the duties imposed on such employees by virtue of their employment with the District.¹

The following rules have been developed by the District Chief Executive Officer (“CEO”) at the direction of the District Board of Directors (“Board”), and shall take effect upon approval by the Board. Violation of these rules may be cause for disciplinary actions up to and including dismissal. A copy of this Policy, signed by each employee, will be kept in the employee’s personnel file.

- A. No employee shall use District time, facilities, equipment or supplies, or the influence or prestige of the employee’s position for personal profit or advantage.
- B. No outside employment, activity, or enterprise shall involve the receipt or acceptance of money or other consideration from any person or agency other than the District for the performance of an act which is otherwise required of the employee as part of his/her regular District duties. This does not preclude an employee from engaging in part-time employment, an activity or enterprise in a similar profession or line of work as he/she performs for the District, with the approval of the CEO. Such approval is subject to review and change if the needs of the District change or if the employee’s classification and/or responsibilities change.
- C. No outside employment, activity or enterprise shall require such time demands as would result in less proficient performance of his/her District duties.
- D. No employee shall engage in any outside employment, activity, or enterprise, if it involves the performance of an act which is currently, or if the employee has reason to believe that in the future may be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by the employee or any other District officer or employee. Exceptions to this rule may be granted with the written approval of the CEO.
- E. No employee shall engage in any outside employment, activity or enterprise with any person, agency or organization that is under contract to provide services to the District, if the employee has a direct or indirect role in awarding a contract. Exceptions to this rule may be granted with the written approval of the CEO.
- F. No employee shall hold ownership interest in any enterprise which is under contract to provide services to the District if the employee has a direct or indirect role in awarding the contract. Any employee holding such ownership interests at the time of the adoption of this Policy shall report such ownership to the CEO within 10 calendar days of the adoption and shall take immediate action to divest himself/herself of such ownership. Exceptions to this rule may be granted with the written approval of the CEO.
- G. Employees shall not serve on any board, committee, or similar body of any agency or organization which contracts with the District, receives funding from the District, or receives referrals or any other benefit from the District. Exceptions to this rule may be granted with the approval of the CEO. Persons serving in such capacity when this Policy is adopted shall report that fact and request an exception, in writing, to the CEO within 10 calendar days of the adoption of this Policy. Exceptions may be granted with the written approval of the CEO.
- H. Employees shall not engage in any outside employment which involves the use of any confidential or client-specific information obtained from the District. Client-specific information may, however, be released with the written consent of the client. This shall not include information which is accessible pursuant to the Public Records Act and other applicable statutes.

¹ These rules are promulgated in addition to the Conflict of Interest Code that applies to designated employees, who must submit annual statements of economic interests as required by law.

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

Date: January 25, 2021
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Authorize the CEO to Execute Documents to Select US Bank as Custodian and Appoint PFM as Investment Advisor

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors (“Board”) authorize the CEO or their designee to execute all required documents to select US Bank N.A. (“US Bank”) as Custodian and Appoint PFM Asset Management LLC (“PFM”) as an Investment Advisor to invest District funds.

Background and Discussion:

After July 1, 2020, the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) separated its financial operations and accounting from the County of San Mateo (“County”), and on September 15, 2020, the County transferred all District cash balances held within the County pool to a District bank account.

As this account earns a very low rate of return, it is financially prudent for the District to invest these funds in financial instruments that earn a higher rate of return, preserve fund principal and liquidity, and enable the District to pursue investment objectives that factor in environmental, social, and governance (“ESG”) goals.

Last Fall, District Finance Manager Lucy Dong reviewed the State of California’s Local Agency Investment Guidelines and the investment policies of several agencies within San Mateo County. At the November 19, 2020 meeting of the Board Finance Committee, District staff discussed an Investment Policy, and at its December 14, 2020 meeting, the full Board approved that Policy. At that meeting, Finance Committee Chair Donna Colson and District staff discussed meetings they had over the previous month with Peninsula Clean Energy (PCE) senior staff, and its custodian bank, US Bank, and investment advisor, PFM, and the Board expressed interest in considering moving forward with utilizing the services of both US Bank and PFM. Based on subsequent discussions with US Bank and PFM related to their investment experience, approach, and fees, staff recommends moving forward with this team to manage a portion of District funds.

In addition to PCE, PFM provides portfolio management and investment advice for non-profits, charitable institutions, and public sector clients, including the cities of Burlingame, Millbrae and Redwood City, and County of San Mateo. Formed in 1975, the firm has almost 3,000 local government clients nationwide and \$160 billion in assets under management; in California, PFM manages \$50 billion in public agency assets. PFM’s team is capable of implementing the District’s Investment Policy goals of safety, liquidity, and return, and its ESG objectives, as well as provide accounting, compliance, and comprehensive reporting services. US Bank would work with PFM and act as custodian of the District’s financial assets that are invested under the advice of PFM.

Impact on District Resources:

The action would result in the District receiving a higher rate of return on its investments as compared to its current return at a bank, and there is no negative impact on District resources.

Attachment: None

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

Date: January 25, 2021
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Adopt a Resolution Authorizing the CEO and Finance Manager to Invest District Funds in the State of California's Local Agency Investment Fund

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors ("Board") adopt Resolution 2021-1-25 authorizing the CEO and Finance Manager to invest District funds in the State's Local Agency Investment Fund (LAIF).

Background and Discussion:

LAIF is a voluntary investment alternative for California's local governments administered by the State Treasurer under Government Code 16429.1 et seq. of the California Government Code. As of December 31, 2020, the amount invested in LAIF totaled almost \$34 billion from 2,380 local agencies, 60% of which are special districts like ours. The funds are managed by the State Treasurer's Office under the guidance of the Pooled Money Investment Board consisting of the State Treasurer, Director of Finance, and State Controller.

Investing District funds in LAIF is consistent with the Investment Policy approved by the Board on December 14, 2020. LAIF is a large, well-established investment pool in high-quality securities focused on the safety of the portfolio and is managed so that any agency can withdraw up to all of its deposits within one business day. Thus, while District funds will also be invested in other vehicles – potentially including the method described in Agenda item 3.D. of this Board meeting – due to the nature of operating and project cash inflows and outflows, the District will need to place a portion of its funds in accounts that can be deposited into and withdrawn from easily and quickly, and the District desires to diversify its investments beyond a single investment advisor.

In order to invest in LAIF, the State Treasurer's Office requires a resolution from each participating agency as well as a list of the officers allowed to conduct business with LAIF.

Fiscal Impact on District Resources:

Investing in LAIF will secure a higher rate of return than the current District accounts.

Attachment: Draft Resolution 2021-1-25



DRAFT RESOLUTION NO. 2021-1-25

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT
AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND**

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

On December 14, 2020 the Board approved Resolution 2020-12-14, which established an Investment Policy effective January 1, 2021 that outlines the authorities, standard of care, objectives, procedures, authorized vehicles, internal controls, and other issues related to District investments, and applies to all funds under the control of the District’s Finance Manager, unless specifically exempted by statute or ordinance; and

The Local Agency Investment Fund is established in the State Treasury under Government Code section 16429.1 et. seq. for the deposit of money of a local agency for investment by the State Treasurer; and

The Board hereby finds that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein is in the best interests of the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes the deposit and withdrawal of District monies in the Local Agency Investment Fund in the State Treasury in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein, and that this resolution shall remain in full force and effect until it is rescinded by the Board by resolution and that the rescinding resolution is filed with the State Treasurer’s Office.

BE IT FURTHER RESOLVED that the following District officials holding the titles specified below or their successors are each hereby authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund and may execute and deliver any and all documents necessary or advisable in order to effectuate the purposes of this resolution and the transactions contemplated hereby:

Len Materman, Chief Executive Officer

Lucy Dong, Finance Manager

PASSED, APPROVED, AND ADOPTED this 25th day of January, 2021, 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: January 25, 2021
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Authorize the District to support the passage of State Senate Bill 45, the proposed Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) to Authorize the CEO to support the passage of State Senate Bill 45, the proposed Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.

Background and Discussion:

On December 7, 2020, the first day of the current legislative session, Senator Anthony Portantino (D-La Cañada Flintridge) and three other Senators introduced Senate Bill 45 (SB45), the “Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.” If approved by a 2/3 vote of each house of the Legislature and then a majority of the voters at the November 8, 2022 statewide general election, this ballot measure would authorize the issuance of State General Obligation bonds in the amount of \$5,510,000,000 to finance projects related to wildfire prevention, safe drinking water, drought preparation, and flood protection.

While the details of SB45 will very likely be modified as it moves through the legislative process, these changes would not be so substantial as to reduce the District’s interest in its success. Currently, the proposed bond starts with: “The people of California find and declare (that) California’s changing climate creates increased risks of catastrophic wildfire, drought, floods, severe heat events, intense rain events, and sea level rise that will impact California’s residents, agriculture, water supply, water quality, and the health of forests, watersheds, fish and wildlife, our biodiversity, and our economy.” It continues: “In the...expenditure of funding...priority shall be given to projects that leverage private, federal, and local funding or produce the greatest public benefit. An administering state agency may pool funding for these projects. [¶] To the extent practicable, when disbursing funds available pursuant to this division, an administering state agency shall prioritize projects that...[¶] [r]educe near-term risks of climate impacts while promoting long-term resilience.”

For Board consideration at this meeting, attached is draft letter from Board Chair Dave Pine to the State Senators who introduced SB45 expressing the District’s support for the measure based on the need for climate resiliency work throughout San Mateo County.

There are a great many interested parties following this issue, and several coalitions of agencies working in support of it. We are looking at these coalitions and which ones the District may want to join in the near future, a topic that staff plans to discuss at an upcoming Board meeting.

Fiscal Impact on District Resources:

Supporting Senate Bill 45 has no short-term impact on District resources; if it is passed and approved by the voters, it may result in revenue for District projects.

Attachment:

Draft Letter of Support for Senate Bill 45



DRAFT

January 27, 2021

The Honorable Anthony Portantino
State Capitol, Room 5046
Sacramento, CA 95814

The Honorable Melissa Hurtado
State Capitol, Room 3070
Sacramento, CA 95814

The Honorable Ben Allen
State Capitol, Room 5080
Sacramento, CA 95814

The Honorable Henry Stern
State Capitol, Room 5080
Sacramento, CA 95814

RE: SB 45 (Portantino) - SUPPORT

Dear Senators:

On behalf of the San Mateo County Flood and Sea Level Rise Resiliency District, created through legislation as the first independent regional government agency in California focused on these climate change impacts, I would like to express our support for Senate Bill 45 (Portantino), the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022. Through SB 45, we believe that California can begin to take steps towards making local communities more climate resilient by directly investing in programs that help reduce the impacts of climate change.

Over the past few years, our State has seen more – and more damaging – natural disasters than ever before. Devastating wildfires, drought, flooding, and sea-level rise impacts have caused great harm and the looming threats – and associated human and financial costs – will increase substantially. Greater financial support from the State is critical to our ability to prepare local communities for the climate related threats that lie ahead, protecting livelihoods and vital natural resources, and saving Californians billions of dollars in avoided damages.

Locally, San Mateo County has more people and property value threatened by sea level rise than any other county in the state. Sea level rise will profoundly affect San Mateo County's Pacific Coast and San Francisco Bay shoreline communities as over \$34 billion in property, 100,000 people and 7,000 acres of wetlands are at risk. That is why, in 2019, the County and all twenty cities within it committed to supporting the launch on January 1, 2020 of the Flood and Sea Level Rise Resiliency District ("District") to develop and implement adaptation strategies towards a resilient shoreline. With numerous projects now in the planning and design stages, funding generated under SB 45 could be quickly and effectively put to use in San Mateo County.

For these reasons, the Board of the new District would like to express our strong support for the array of activities that SB 45 would fund. Delaying action will come at considerable cost to the communities throughout the state. Thank you for your continued leadership on this critical issue.

Sincerely,

Dave Pine
Chair, Board of Directors

cc: District Board of Directors and CEO

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

Date: January 25, 2021
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Discuss *Bay Adapt: Regional Strategy for a Rising Bay*, an effort of the Bay Conservation and Development Commission (BCDC)

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors (“Board”) receive a brief presentation from and provide feedback to staff of the Bay Conservation and Development Commission (“BCDC”) who are leading a regional effort to develop a set of guiding principles and priority actions for coordinated Bay Area sea level rise adaptation.

Background and Discussion:

Bay Adapt is an initiative lead by BCDC to establish regional agreement on the actions necessary to protect people and the natural and built environment from rising sea levels. Begun in 2020, BCDC staff have worked with a Leadership Advisory Group from various agencies and stakeholders to identify and discuss a set of shared actions that will allow the Bay Area to adapt better and adapt faster to a rising Bay. At this stage in its process, they seek feedback on the initiative’s draft principles and actions, and view the District’s Board as a great sounding board of elected officials with shared objectives.

Attached is a document produced by BCDC staff leading this effort to provide background on the initiative in advance of this Board meeting.

Fiscal Impact on District Resources:

There is no impact on District Resources to receive this presentation.

Attachment:

Bay Adapt Draft Joint Platform

Bay Adapt creates regional, consensus-driven agreement on the actions necessary to protect people and the natural and built environment from rising sea level.

The Bay Adapt Joint Platform is comprised of a set of guiding principles and priority actions for coordinated Bay Area sea level rise adaptation. The Joint Platform is collaboratively developed by hundreds of volunteers who care deeply about this issue. Our Leadership Advisory Group, executive leaders from the public, non-profit and private sectors, provides direction and will ultimately commit to implementing the Joint Platform. Joint Platform actions are based on a strong foundation of climate science, a commitment to the critical roles that frontline communities and local jurisdictions play, and the proactive Bay Area adaptation efforts already proposed and underway. Once implemented, the actions that make up the Joint Platform will guide the region towards common goals, identify how to pay for adaptation, empower communities, cities and counties to become more resilient, and reduce the risk of flooding for residents, ecosystems, the economy, and neighborhoods.

DRAFT Joint Platform Actions



Regional Vision & Consistency

Actions 1 - 2



Local-Regional Alignment

Actions 5 - 9



Environmental Justice

Actions 3 - 4



Funding, Legislation & Support

Actions 10 - 15



Regional Vision & Consistency

Action 1: Establish a Regional Adaptation Vision and Consistency Framework

- Develop a Regional Vision for adaptation activities around the Bay based on best available science and through a transparent, inclusive, community-driven process.
- Outline how local and regional plans and projects can be incentivized to align with the Regional Vision through a Consistency Framework, or guidelines and criteria (see Actions 5 and 10).

Outcome: Agreement on a vision for a coordinated regional response. Active participation and use of Consistency Framework by all jurisdictions affected by sea level rise in the Bay Area.

Action 2: Identify a Collaborative Management Structure for Administering Adaptation Activities around the Bay

- Evaluate existing local, regional, and state authorities, capacities, and skill sets required to implement the Joint Platform, or identify gaps where they exist.
- Form a working collaborative of agencies jointly responsible for implementing the Bay Adapt Joint Platform.

Outcome: An organizational arrangement and structure for coordinating the agencies responsible for administering the actions identified in the Joint Platform.



Environmental Justice

Action 3: Provide Leadership Opportunities for Communities in Climate Adaptation Planning

- Form a consortium of community-based organizations (CBOs) to collaborate in the adaptation planning process.

- Establish a program to secure ongoing regional and state funding that will allow CBOs to lead planning for future shoreline adaptation efforts.
- Utilize the consortium to develop standards for community-driven, equity-focused decision-making, including how to identify and prioritize frontline communities.

Outcome: Sustained community leadership and an equitable partnership between communities and government in adaptation planning.

Action 4: Cultivate Current and Future Climate Leaders through Information Sharing, Education, and Two-Way Learning

- Enlist or convene a frontline community-led working group to spearhead a multi-level education and capacity-building program that trains communities, government officials, and next generation leaders to prepare for and adapt to climate change impacts.
- Engage in two-way learning and listening at every level of the program and provide opportunities for government and communities to exchange and build cultural, place-based, and technical expertise.
- Launch a mass listening and storytelling campaign to raise climate awareness based on resident’s direct experiences. Elevate youth climate literacy and readiness via partnerships with public schools.

Outcome: Cultural competency and climate literacy of agencies, communities, and youth.



Local-Regional Alignment

Action 5: Incentivize Local Planning to Meet Both Local and Regional Goals

- Incentivize the development of local or county plans consistent with regional goals by accelerating funding for planning and projects and by providing technical assistance and other incentives.
- Develop innovative planning incentives based on effective models such as Priority Development Areas, the Regional Transportation Plans, Local Hazard Mitigation Plans, Priority Adaptation Areas or Local Coastal Plans.

Outcome: More local plans that advance both local and regional goals.

Action 6: Survey Cities and Measure Region-Wide Adaptation Progress

- Identify and utilize performance metrics to track progress on implementation of the Regional Vision through local and region-wide adaptation planning, equity, and project implementation.
- Develop a “progress report” and action plan that identifies how to advance progress towards the Regional Vision based on city and county needs, capacity, and challenges to adaptation and update on a regular basis.

Outcome: A regularly updated report, with metrics, on local and region-wide adaptation progress.

Action 7: Align State Planning Requirements for Local Jurisdictions to Reduce Duplication and Improve Adaptation Outcomes

- Review state planning requirements and provide recommendations on how to align adaptation planning more closely with other local planning requirements and advance collaborative, comprehensive planning that engages multiple jurisdictions and stakeholders, and achieves multiple benefits.

Outcome: Updated California legislative mandates, reducing duplicative or contradictory planning requirements and making funding available for comprehensive local climate change planning.

Action 8: Improve Coordination in Permitting for Adaptation Projects

- Utilize permitting incentives to accelerate and advance multi-benefit shoreline adaptation projects. Provide best practices and checklists to educate permittees on incentivized project types.

- Continue to facilitate and coordinate streamlined permitting for incentivized projects, building on existing models like the San Francisco Bay Restoration Regulatory Integration Team (BRRIT), via regulatory staff working groups, or other interagency coordination forums.
- Create more transparency and education between shoreline stakeholders to problem-solve conflicts that may arise with adaptation projects.

Outcome: Permitting accomplished in less time and using fewer resources, but achieves multi-benefit, well-designed projects without detrimental impacts.

Action 9: Update Environmental Regulations and Policies to Allow for More Innovation in Sea Level Rise Adaptation

- Form a regional working group or team to review regional, state, and federal environmental regulations and identify unnecessary regulatory hurdles for climate adaptation projects and suggest legislative and policy updates if necessary.

Outcome: A more logical and efficient approach to permitting the types of projects not necessarily contemplated when most laws were adopted (i.e., habitat restoration and SLR adaptation).



Funding, Legislation & Technical Assistance

Action 10: Develop a Regional Adaptation Funding Plan

- Develop a plan for paying for adaptation that establish region-wide estimates of SLR costs and benefits and identifies possible options for identifying funding sources and evaluating and prioritizing projects for funding.

Outcome: A long-term funding plan, financing tools, and a mechanism for distributing funding.

Action 11: Establish a Regional Adaptation Legislative Working Group

- Convene a region-wide group of adaptation leaders to shape and champion legislative initiatives supporting Bay Area adaptation activities, including identifying shared priorities, reviewing proposed legislation, and building support for state and federal adaptation legislation that helps advance the region's adaptation goals.
- Build relationships with Bay Area legislators to advocate for the region's needs and work with them to refine proposed legislation that supports regional sea level rise adaptation.

Outcome: State and federal policy, informed by the Bay Area's needs and conditions, that incentivizes multi-agency, multi-jurisdiction collaboration and alignment of regional and state policy priorities.

Action 12: Create a Bay Area Climate Science Services Consortium

- Create a Bay Area Climate Science Services Consortium to provide a robust science-based technical assistance program for practitioners, planners, and the public and prioritize, fund, coordinate, translate, and curate the full range of sea level rise adaptation science so that it is more accessible and useful to the region.
- Partner on research and monitoring activities to increase climate-related data for the Bay Area.
- Develop community-science initiatives to that center on local adaptation knowledge and the needs of disadvantaged communities

Outcome: Collaborative prioritization, coordinated synthesis, and communication of research, science, and monitoring information. Coproduction, by scientists, adaptation practitioners and community members, of research priorities and products.

Action 13: Establish an Adaptation Resource Hub to Support Local Planning

- Develop a one-stop-shop Adaptation Resource Hub that acts a “storefront” to provide assistance for local adaptation planning.
- Provide direct support services such as a community of practice, adaptation facilitators, assessment and creation of guidance documents, financial assistance, and a consultant bench.

Outcome: A well-staffed, responsive, easily navigable Resource Hub that also provides targeted assistance for all phases of adaptation planning through implementation.

Action 14: Establish Place-Based Stakeholder Groups to Plan and Implement Projects Across Larger Landscapes

- Establish and hire facilitators for place-based groups to convene stakeholders and communities together to address adaptation challenges across jurisdictional boundaries and large landscapes with shared physical characteristics.

Outcome: Better conceived and coordinated large-scale multi-jurisdictional projects, including more equitable projects resulting from productive community engagement.

Action 15: Improve Construction Contracting and Logistics for Adaptation Projects

- Develop training programs to increase the pool of qualified contractors for nature-based shoreline projects, a centralized database of construction bids, and best practices for reducing construction impacts on local communities.
- Use working groups to discuss construction barriers, develop best practices for contacting and contract management, encourage regional coordination of fill, and build more flexibility into funding for adaptation projects.

Outcome: More efficient construction process for critical adaptation projects.