



This meeting will be held remotely, with no physical meeting location, pursuant to Government Code Section 54953(e).

Members of the public may join the meeting by clicking on the following link:

<https://smcgov.zoom.us/j/98339048119>

or by calling 669-900-6833, Meeting ID# 98339048119

**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

November 15, 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. Adopt Resolution 2021-11-15-A to continue conducting meetings of the Board of Directors remotely due to public health concerns caused by the COVID-19 pandemic

4. Regular Business

A. Adopt Resolution 2021-11-15-B to adopt the 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan

5. Chair's Report *

6. CEO's Report *

Updates regarding the Bayfront Canal and Atherton Channel Project, State Budget appropriation to the District, and the City of Burlingame's proposed Zoning Ordinance that includes requirements related to sea level rise

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 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. To receive these documents electronically, please email board@OneShoreline.org.

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

Date: November 15, 2021
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

Recommendation

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) adopt Resolution 2021-11-15-A 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

Assembly Bill 361 (“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.

If the state of emergency remains in place, the Board must make similar findings by majority vote *every 30 days* in order to continue holding remote meetings.

Once the Board complies with AB 361, the following Brown Act rules for remote meetings are suspended: that the Board make 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. In addition, the following procedures apply to the remote meetings:

- AB 361 forbids agencies from requiring public comment to be submitted in advance (for example via email) and requires an opportunity to address the public/Board in real-time.
- AB 361 regulates, for the first time, the rules and procedures for opening and closing a public comment period for agenda items. Specifically, a reasonable time for indicating a desire to comment (i.e., to use the “raise hand” feature in Zoom) must be provided.
- AB 361 prohibits agencies from taking action on agenda items when there is a disruption or technical failure on the agency’s end which prevents the public from making comments during the meeting until public access is restored, and creates a cause of action to challenge actions taken while access is unavailable.
- Notwithstanding Brown Act prohibitions on requiring attendees to register their names as a condition of meeting attendance, AB 361 expressly authorizes agencies to use third-party teleconference platforms that require registration (i.e., Zoom requiring an attendee to include their email).

At its meeting on October 25, 2021, the Board adopted, by unanimous vote, a resolution 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 directed staff to return to the Board at a public meeting in no later than 30 days for it to reconsider whether to make the findings required by AB 361 to continue meeting remotely under its provisions. Current circumstances remain materially similar to those in existence last month.

Both the California Department of Public Health and the United States Centers for Disease Control and Prevention continue to caution that the Delta variant of COVID-19 is more transmissible than prior variants, may cause more severe illness, and even fully-vaccinated individuals can spread the virus to others. Thus, reducing the circumstances under which individuals come into close contact with each other indoors remains a vital component of the strategy to reduce the spread of COVID-19.

The Board found last month, 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.

Therefore, it is recommended that the Board adopt 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. A resolution to that effect, which also directs staff to return within 30 days to afford the Board the opportunity to reconsider such findings, is included with this Report.

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

Attachment: Draft Resolution 2021-11-15-A

DRAFT



RESOLUTION NO. 2021-11-15-A

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT
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 provided that the legislative body makes similar findings at least every 30 days during the term of the proclaimed state of emergency; and

WHEREAS, the California Department of Public Health and U.S. Centers for Disease Control and Prevention continue to caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible and may cause more severe illness than prior variants of the virus, and that fully vaccinated individuals can spread the virus to others, resulting in alarming rates of COVID-19 cases and hospitalizations; and

WHEREAS, the District Board has an important interest in protecting the health and safety of those who participate in its meetings; 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 its meeting on October 25, 2021, the Board adopted, by unanimous vote, a resolution 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 directed staff to return to the Board at a public meeting in no later than 30 days for it to reconsider whether to make the findings required by AB 361 in order to continue meeting remotely under its provisions; 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 Board and its committees (collectively, “Legislative Bodies”) pose risks to the health or safety of participants through person-to-person contact and make it difficult for those who are immuno-compromised 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 continue to 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 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.
5. Staff is directed to return to the Board in a public meeting no later than 30 days after the date of adoption of this resolution with an item for the Board to reconsider whether to make the findings required by AB 361 to continue meeting remotely under its provisions.

PASSED AND ADOPTED this 15th day of November 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: November 15, 2021
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Adopt Resolution 2021-11-15-B to adopt the 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan, including Volume 1 – Planning-Area-Wide Elements and Volume 2 – San Mateo County Flood and Sea Level Rise Resiliency District Annex

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) adopt Resolution 2021-11-15-B to adopt the 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan, which includes:

- Volume 1 – Planning Area Wide Elements (Attachment A link), and
- Volume 2 – San Mateo County Flood and Sea Level Rise Resiliency District Annex (Attachment B link).

Background and Discussion:

In January 2021, the County of San Mateo (“County”) Office of Emergency Services embarked on the effort to update the San Mateo County Multijurisdictional Local Hazard Mitigation Plan (“Local Hazard Mitigation Plan”) in coordination with County departments, all 20 cities, and regional/countywide special districts (“Planning Partners”). The Local Hazard Mitigation Plan systematically assesses the County’s vulnerabilities to natural and human-caused hazards and identifies mitigation actions that Planning Partners will pursue over the next 5 years to reduce the impacts of these hazards. Hazards assessed include flooding, sea level rise, drought, wildfire, landslides, severe weather, earthquake, cyber threats, and pandemic, among others. All Planning Partners developed mitigation actions for their jurisdictions and each documented these in an Annex for their agency. The Local Hazard Mitigation Plan is subject to review and approval by the California Governor’s Office of Emergency Services (“Cal OES”) and Federal Emergency Management Agency (“FEMA”).

Given that the Local Hazard Mitigation Plan is the County’s most comprehensive cross-jurisdictional effort to plan for and mitigate disaster risks, the participation of the District was integral to the process. In its first Annex, the District invested staff time to develop a robust set of mitigation actions that identified its own current and future priorities and lead several cross-jurisdictional mitigation actions, particularly for flooding, sea level rise, and coastal erosion. By participating in the Local Hazard Mitigation Plan, the District will become eligible to apply directly for FEMA mitigation grants once the Plan has been adopted by the Planning Partners and approved by FEMA.

The District’s mitigation actions (Table 31-11, starting on page 44 of Attachment B) fall into five categories:

1. Actions required and/or recommended for all Planning Partners for consistent implementation and maintenance of the Local Hazard Mitigation Plan;
2. Actions inherited from the County’s 2016 mitigation actions, which various County departments (including the former San Mateo County Flood Control District) were responsible for before the District was established;
3. Actions that correspond to multi-jurisdictional projects where the District is a lead or partner;
4. Actions that correspond to future opportunities for collaboration within areas/jurisdictions where the District is looking to increase its engagement; and
5. Actions that build District capacity and coordination with regional entities with shared objectives throughout the San Francisco Bay Area.

These actions were designed to be broad enough to be flexible as District priorities, projects, and partnerships evolve, but detailed enough to be connected to specific geographies and needs to enable successful grant applications. Across District actions, 19 cities in the County are referenced at least once. In addition, the process to develop actions was collaborative; for any action that listed another Planning Partner as a supporting or lead agency (e.g. City of Burlingame, San Mateo Resource Conservation District, etc.), the District reached out to that Planning Partner so that proposed action and both entities’ roles would be included in both annexes.

Participating in the Local Hazard Mitigation Plan also gave the District the opportunity to obtain clarification from the State on its status as an independent special district, which is an eligibility criterion to be a Planning Partner. The independent status of the District and its eligibility to participate was called into question by Cal OES throughout the Local Hazard Mitigation Plan development process. As a result, the District worked closely with staff of Assembly Speaker Pro Tem Kevin Mullin, who authored the legislation that created the District (Assembly Bill 825, 2019), to obtain a legal opinion from the California Legislative Counsel which confirmed that: 1) the District is a special district that operates independently from the County of San Mateo, and 2) that the District is specifically eligible to participate in a Local Hazard Mitigation Plan. A copy of the legal opinion letter is included as Attachment C (link) to this Agenda Report. This letter was forwarded to Cal OES by Mr. Mullin's office, and records with State Controller's Office were updated and will be reflected on the State website later this year.

The Local Hazard Mitigation Plan is considered a living document and is required to be updated every five years, so the 2021 update will remain active until 2026. In addition, this Local Hazard Mitigation Plan will be evaluated and revised on an annual basis, which allows the District to update its mitigation actions as new information is gathered, District projects progress, and partnerships are created.

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

Attachments (as links):

- [Attachment A](#) – Draft of 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan Volume 1, Planning-Area-Wide Elements
- [Attachment B](#) – Draft of 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan Volume 2, San Mateo County Flood and Sea Level Rise Resiliency District Annex
- [Attachment C](#) – State of California Office of Legislative Counsel Opinion regarding the District's status as an independent agency

DRAFT



RESOLUTION NO. 2021-11-15-B

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT
TO ADOPT THE 2021 SAN MATEO COUNTY MULTIJURISDICTIONAL
LOCAL HAZARD MITIGATION PLAN**

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

WHEREAS, San Mateo County has exposure to hazards that increase the risk to life, property, the economy, and environment; and

WHEREAS, in 2020, the CZU Lightning Complex fire destroyed 1,490 structures in San Mateo County, and is listed as the 12th most destructive wildfire in California’s history; and

WHEREAS, according to California’s Fourth Climate Assessment, the data on climate change impacts in San Mateo County project an increase in flooding and erosion due to sea level rise, high heat days, increased frequency and size of wildfires, and increase in and changes in precipitation patterns, impacting all communities, particularly the most vulnerable, public health, and critical infrastructure; and

WHEREAS, San Mateo County is the most vulnerable county in California to the first three feet of sea level rise with respect to population, property value, and number of contaminated sites and, because of this fact, the District was established to build long-term resilience across jurisdictions throughout the County; and

WHEREAS, pro-active mitigation actions to protect people and property from current and future risks will avoid the more challenging and costly work of retrofitting property and infrastructure for protection later; and

WHEREAS, a coalition of planning partners and stakeholders, including the District (“Planning Partnership”), was formed to pool resources and create consistent mitigation strategies to be implemented within each partner’s identified capabilities within the County of San Mateo Planning Area; and

WHEREAS, the Planning Partnership has completed a Multijurisdictional Local Hazard Mitigation Plan (“Local Hazard Mitigation Plan”) process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating, and revising this strategy; and

WHEREAS, given that the Local Hazard Mitigation Plan is the County’s most comprehensive cross-jurisdictional effort to plan for mitigating disaster risk, the input and participation of the District was integral to the planning process, as the District not only identified its own existing and future priorities, it also is leading several cross-jurisdictional mitigation actions, particularly for flooding, sea level rise, and coastal erosion; and

WHEREAS, the Local Hazard Mitigation Plan is subject to review and approval by the Federal Emergency Management Agency (FEMA) and the California Governor’s Office of Emergency Services (Cal OES); and

WHEREAS, by participating in the Planning Partnership, the District will become eligible to apply directly for FEMA mitigation grants once the Local Hazard Mitigation Plan has been adopted by the entities in the Planning Partnership and approved by FEMA; and

WHEREAS, the Local Hazard Mitigation Plan is considered a living document and, as such, is required to be updated every five years and will also be evaluated and revised on an annual basis during the five-year plan timeframe, which allows the District to update its mitigation actions as new information is gathered, partnerships are created, and District projects progress.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED, that the Board adopts the 2021 San Mateo County Multi-Jurisdictional Local Hazard Mitigation Plan, including Volume 1 - Planning-Area-Wide Elements and Volume 2 – San Mateo County Flood and Sea Level Rise Resiliency District Annex Plan.

IT IS FURTHER RESOLVED that staff is directed to continue the District’s support of the ongoing countywide mitigation efforts and continue to participate in the Planning Partnership as described by the Local Hazard Mitigation Plan.

PASSED AND ADOPTED this 15th day of November 2021, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

Clerk of the Board of Directors

Chair of the Board of Directors