



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://oneshoreline-org.zoom.us/j/91099198689>

or by calling 669-900-9128, Meeting ID# 910 9919 8689

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

County Supervisors:

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

City Representatives:

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

AGENDA

January 24, 2022

4:00 PM

1. Roll Call

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

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

A. Adopt Resolution 2022-01-24-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 2022-01-24-B approving the filing of an application for, and all requirements related to, an \$8 million grant from the State Coastal Conservancy, and authorizing the CEO to execute all documents necessary to receive and administer that grant

B. Discuss and take action to elect Board officers; confirm, establish, and appoint members to Board committees; and appoint Board members to outside agencies

5. Chair's Report *

6. CEO's Report *

Update regarding Bayfront Canal and Atherton Channel Project construction

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: January 24, 2022
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Continued remote meetings due to public health concerns caused by the COVID-19 pandemic

Recommendation

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District”) Board of Directors (“Board”) adopt Resolution 2022-01-24-A reinvoking the provisions of Assembly Bill 361 (“AB 361”), finding that the COVID-19 pandemic state of emergency continues to present imminent risks to the health or safety of attendees and continues to directly impact the ability of the Board to meet safely in person.

Background and Discussion

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

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

Once the Board complies with AB 361, the following Brown Act rules for remote meetings are suspended: that the Board makes available a physical location to observe the meeting or to make a public comment, and each teleconference location has posted notices or agendas, is accessible to the public, and is identified by address on the agenda. 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 meetings on October 25, 2021, November 15, 2021, and December 13, 2021, the Board adopted, by unanimous vote, resolutions finding that, as a result of the continuing COVID-19 state of emergency, meeting in person would present imminent risks to the health or safety of attendees.

Current circumstances are more concerning than those in existence last month. The Centers for Disease Control and Prevention (“CDC”) has reported, as of December 20, 2021, that the Omicron variant will likely spread more easily than the original virus. While vaccination rates in San Mateo County are high, the emergence of the Omicron variant of COVID-19 has contributed to a recent surge of cases and hospitalizations.

In summary, despite sustained efforts to impede its transmission, COVID-19 remains a significant public health hazard among both vaccinated and unvaccinated individuals and continues to spread. 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 a resolution reinvoking the provisions of AB 361 with findings to confirm that the Board has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19; that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of the Legislative Bodies to meet safely in person; and that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. 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 2022-01-24-A



DRAFT RESOLUTION NO. 2022-01-24-A

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

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

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

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

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

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

WHEREAS, on November 30, 2021, the Omicron variant of COVID-19 was classified as a Variant of Concern in the United States; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has reported, as of December 20, 2021, that the Omicron variant will likely spread more easily than the original virus, and, while vaccination rates in San Mateo County are high, the emergence of the Omicron variant of COVID-19 has contributed to a recent surge of 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 meetings on October 25, 2021, November 15, 2021, and December 13, 2021, the Board adopted, by unanimous vote, resolutions finding that, as a result of the continuing COVID-19 state of emergency, meeting in person would present imminent risks to the health or safety of attendees; and

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 reinvoke the provisions of AB 361 related to teleconferencing for meetings of the Legislative Bodies.

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

1. The above recitals are true and correct.
2. The Board has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19.
3. The Board reinvoles the provisions of AB 361 and finds that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of the Legislative Bodies to meet safely in person.
4. The Board further finds that meeting in person would continue to present imminent risks to the health or safety of meeting attendees and directs staff to continue to agendize public meetings of the Legislative Bodies only as online teleconference/remote meetings.
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 24th day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

Clerk of the Board of Directors

Chair of the Board of Directors

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

Date: January 24, 2022
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Adopt Resolution 2022-01-24-B approving the filing of an application for, and all requirements related to, an \$8 million grant from the State Coastal Conservancy, and authorizing the CEO to execute all documents necessary to receive and administer that grant

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District (“District” or “OneShoreline”) Board of Directors (“Board”) adopt Resolution 2022-01-24-B approving the filing of an application for \$8 million in funding from the State Coastal Conservancy (“Conservancy”) for OneShoreline’s Regional Bay Shoreline Project (“Project”), and authorizing the CEO to execute all documents necessary to receive and administer that grant.

Background and Discussion:

As discussed at previous Board meetings, in September 2021 Governor Gavin Newsom signed into law Senate Bill 170, which included billions of dollars for efforts to build climate resilience and an \$8 million appropriation to the Conservancy to be allocated to the District. We will receive this funding through a grant administered by the Conservancy and based on District invoices that must be submitted by March 2026.

To maximize the grant term, District and Conservancy staff have worked to complete the documentation required to obtain approval from the Conservancy Board at its first meeting of the year on February 3, 2022. For that to happen, the District Board must pass a resolution approving the filing of an application for this grant funding, and authorizing the CEO to execute all documents necessary to receive and administer the grant. The following District activities will be supported by this \$8 million grant through February 2026.

For the project in the Bay shoreline area of Millbrae and Burlingame, \$4 million for the following specific tasks:

- Project management by District staff and its consultants;
- Collect data on hydrology, hydraulics, listed species, geotechnical conditions, land elevations and rights, etc.;
- Outreach to the general public and key stakeholders, including property owners and regulatory agencies;
- Analyze project alternatives and develop all documentation needed to comply with environmental regulatory permits, the California Environmental Quality Act (CEQA), and potentially CEQA’s federal counterpart, the National Environmental Policy Act (NEPA); and
- Develop 100% design plans, specifications, and cost estimates for the preferred project alternative.

For regional planning and coordination in the Bay shoreline area throughout the county, \$3 million for:

- District staff costs to manage new and existing regional projects and partnerships with cities, including to protect and enhance their Bay shoreline areas; to incorporate future climate-driven conditions into General Plans, Specific Plans, and zoning ordinances; to expand outreach; to work with Bay Area regional entities; and to manage District finances and operations.
- District consultant costs to support the regional work described immediately above.

For District indirect costs, \$1 million for legal, audit, IT, and financial services, as well as for office lease and supplies, computers, software, etc.

Impact on District Resources:

The costs associated with District staff time, consultants, and contractors for the above tasks will be reimbursed by the Conservancy, and no local match is required as part of this grant. By accepting the Conservancy grant, the District agrees to provide any additional funds needed to complete the above tasks -- if this is required, it would most likely be for the Millbrae and Burlingame project and additional funding would come from those cities.

Attachment: Draft Resolution 2022-01-24-B



DRAFT RESOLUTION NO. 2022-01-24-B

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT
APPROVING THE FILING OF AN APPLICATION FOR, AND ALL REQUIREMENTS RELATED TO,
AN \$8 MILLION GRANT FROM THE STATE COASTAL CONSERVANCY
FOR THE ONSHORELINE REGIONAL BAY SHORELINE PROJECT,
AND AUTHORIZING THE CEO TO EXECUTE ALL DOCUMENTS NECESSARY
TO RECEIVE AND ADMINISTER THAT GRANT**

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

WHEREAS, in September 2021, Governor Gavin Newsom signed into law Senate Bill 170, which included billions of dollars for efforts to build climate resilience and an \$8 million appropriation to the State Coastal Conservancy (“Conservancy”) to be allocated to the District for the OneShoreline project; and

WHEREAS, the \$8 million allocation to the District is to be administered by the State Coastal Conservancy which issues grants to public agencies and nonprofit organizations for projects that restore and protect California’s shoreline, improve public access to it, and increase resilience to climate change; and

WHEREAS, the District intends to accept this allocation as grant funding from the Conservancy for the OneShoreline Regional Bay Shoreline Project (“Project”), which includes planning, design, and environmental review of a sea level rise and flood resilience project in the shoreline area of Millbrae and Burlingame, and regional planning and coordination activities throughout the Bay shoreline area of San Mateo County; and

WHEREAS, the District has the legal authority and is authorized to enter into a funding agreement with the Conservancy; and

WHEREAS, the Conservancy encourages applicants for grant funding to pass a resolution approving the filing of an application for grant funding.

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

1. The above recitals are true and correct.
2. The District Board hereby approves the filing of an application for \$8 million in grant funding from the Conservancy.
3. The District agrees to provide any funds beyond the Conservancy grant funds necessary to complete the Project.
4. The District Chief Executive Officer, or their designee(s), is hereby authorized to negotiate and execute on behalf of the District all agreements and instruments necessary to comply with the Conservancy’s grant requirements for the Project, including any future grant agreement(s) with the Conservancy for the Project and any amendments thereto.
5. The District Chief Executive Officer, or their designee(s), is hereby authorized to take the necessary actions, including submitting any documents, to obtain and administer grant funding from the Conservancy for the Project.

PASSED AND ADOPTED this 24th day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

Clerk of the Board of Directors

Chair of the Board of Directors

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

Date: January 24, 2022
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Discuss and take action to elect Board officers; confirm, establish, and appoint members to Board committees; and appoint Board members to outside agencies

Recommendation:

That the Board of Directors (Board) of the San Mateo County Flood and Sea Level Rise Resiliency District (District) discuss and take action regarding the:

- selection of Board officers;
- number of Board committees and ensuring that there are three Board members on each committee; and
- appointment of a Board member to serve as a director of the Association of California Water Agencies Joint Powers Insurance Authority (ACWA JPIA) and a District staff member to serve as alternate ACWA JPIA director.

Background and Discussion:

The District’s Board Member Guidelines calls for the Board to annually appoint members to fill Board officer positions. Since January 2020, the position of Chair of the Board has been filled by San Mateo County Supervisor Dave Pine, and the position of Vice Chair has been filled by Half Moon Bay Mayor Debbie Ruddock. There is no term limit for an individual Board member to serve as a Board officer.

Additionally, the Board is tasked to fill open positions on its committees, and currently two committees – Finance and Personnel – have a vacancy due to the fact that Board member Maryann Derwin’s term expired on December 31, 2021. As of January 1, 2022, she was replaced by City Councilmember Marie Chuang from Hillsborough following a selection process run by the City/County Association of Governments of San Mateo County.

The Board has three committees – Finance, Personnel, and Strategic Planning – that are supposed to have three members each. The Finance Committee reviews the District’s investment portfolio and annual Budget and Audit; the Personnel Committee evaluates the performance of the CEO; and the Strategic Planning Committee is focused on the long-term funding of the District. The following is a list of each committee, whether it is a standing or *ad hoc* committee, and its current membership:

Finance (standing)	Donna Colson and Lisa Gauthier
Strategic Planning (<i>ad hoc</i>)	Dave Pine, Don Horsley, Diane Papan
Personnel (<i>ad hoc</i>)	Dave Pine and Donna Colson

Board members have expressed an interest in creating a committee to follow issues and to lead on opportunities regarding District interests before the state and federal governments. If created, this committee could meet as needed to discuss these matters and bring items related to a District position on legislation to the full Board. Given the many funding and policy-related opportunities right now, and the Board’s expertise and connections in this realm, I recommend that an *ad hoc* Government Affairs Committee be created for this purpose at this time.

On September 14, 2020, the Board approved a resolution to participate in the ACWA JPIA to enable District employees to participate in its benefits program. As required by the ACWA JPIA, the Board also designated a District Director (Lisa Gauthier) to serve as a director of the ACWA JPIA and a District staff member (Finance Manager Lucy Dong) to serve as alternate ACWA JPIA director. At this meeting, the Board should confirm or change these decisions.

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

Attachments: None