



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

SFCJPA.ORG

**Notice of Regular Meeting of the
BOARD OF DIRECTORS
City of Menlo Park Council Chambers
701 Laurel Street, Menlo Park, California
January 23, 2020 at 3:30 p.m.**

AGENDA

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MEETING MINUTES: December 12, 2019 Regular Board meeting
4. PUBLIC COMMENT: *Individuals may speak on any topic for up to three minutes; during any other Agenda item, individuals may speak for up to three minutes on the subject of that item.*
5. REGULAR BUSINESS: Executive Director's Report

Discuss the status of needed updates and revisions to the May 18, 1999 Joint Powers Agreement that created the SFCJPA
6. CLOSED SESSION: Conference with Real Property Negotiators pursuant to California Government Code Section 54956.8
Property: San Mateo County Assessor Parcel Number 063-451-070
Agency negotiator: Executive Director Len Materman
Negotiating party: William Reller
Under Negotiation: Price and terms of payment
7. CLOSED SESSION: Conference with Legal Counsel — Initiation of Litigation
Government Code Section 54956.9(c), One Case
8. ADJOURNMENT

PLEASE NOTE: This Board meeting Agenda and supporting documents related to items on the Agenda can be viewed online by 3:30 p.m. on January 20, 2020 at sfcjpa.org -- click on the "Meetings" tab near the top.

NEXT MEETING: Regular Board meeting, February 27, 2020 at 3:30 PM, City of East Palo Alto Council Chambers

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Director Kremen called the meeting to order at 3:31 p.m. at the City of Palo Alto Council Chambers, Palo Alto, California.

DRAFT

1) ROLL CALL

Members Present: Director Gary Kremen, Santa Clara Valley Water District
Director Drew Combs, City of Menlo Park
Director Liz Kniss, City of Palo Alto
Director Dave Pine, San Mateo County Flood Control District
Director Ruben Abrica, City of East Palo Alto (not present at roll call)

JPA Staff Present: Len Materman, Executive Director
Kevin Murray, Staff
Tess Byler, Staff
Miyko Harris-Parker, Staff

Legal Present: Greg Stepanicich

Others Present: SFCJPA Alternate Alison Cormack, City of Palo Alto; Dennis Parker; East Palo Alto resident; Jerry Hearn, Portola Valley resident; Miranda Beasley, Grant & Smith, LLP; Michele Jeremias, City of Palo Alto; Fariborz Heydair, City of Menlo Park; Mike Sartor, City of Menlo Park; Ann Stillman; San Mateo County Flood Control District

2) APPROVAL OF AGENDA

Director Pine made a motion to approve the agenda. Director Combs seconded. The agenda was approved 3-0. Director Abrica and Director Kniss were not present when the agenda was approved. Director Kniss rejoined meeting at 3:35 pm.

3) APPROVAL OF MEETING MINUTES: SEPTEMBER 26, 2019 & NOVEMBER 14, 2019 REGULAR BOARD MEETINGS

Director Kniss made a motion to approve the September 26, 2019 and November 14, 2019 Regular Board meeting minutes. Director Pine seconded. The September 26, 2019 and November 14, 2019 Regular Board meeting minutes were approved 4-0. Director Abrica was not present at the time of the approval.

4) PUBLIC COMMENT

Dennis Parker, East Palo Alto resident, spoke on behalf of Mark Dinan (not in attendance). Mr. Parker stated that Mr. Dinan took photos of the Friendship Bridge that appeared to show deterioration of the wood around some of the bolts on the bridge. Mr. Parker requested that staff take a look at the photos and the bridge and make any necessary repairs. Mr. Materman thanked Mr. Parker and said that staff will review the site and report back.

Jerry Hearn, Portola Valley resident, reflected on the Stanford presentation that was made to the Board on August 22, 2019. Mr. Hearn shared his thoughts on length of time it is taking Stanford to decide on a project. Mr. Hearn explained that Stanford has been engaging a number of agencies since the beginning of this process and that dealing with these types of dam projects takes a long time. Mr. Hearn stated that he believes Stanford is trying hard to work on a project that fits with the SFCJPA timeline.

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5) REGULAR BUSINESS: EXECUTIVE DIRECTOR'S REPORT

Discuss status of potential updates and revisions to the May 18, 1999 Joint Powers Authority Agreement that created the SFCJPA

Director Abrica arrived at 3:44 pm.

Mr. Materman presented to the Board a summary of the potential updates and revisions to the May 18, 1999 Joint Powers Agreement and feedback from staff and attorneys from member agencies. Mr. Materman stated that the Agreement is currently in the hands of the attorneys.

Director Pine commented that the purposes state protection of Bay and flooding and he questioned if the revised purposes will clearly state that we are also working to protect against sea level rise. Mr. Materman replied saying that the proposed revisions include language on protection from sea level rise. Director Pine recommended establishing a date certain of when the revisions to the agreement will be completed.

Director Kremen suggested bifurcating sections of the agreement to move the process along. Mr. Materman clarified that the first amendment could be related to changing the name of the San Mateo County Flood Control District to the San Mateo County Flood and Sea Level Rise Resiliency District, with a second amendment to update the purposes and powers.

Greg Stepanicich, SFCJPA Legal Counsel, suggested having the attorneys bifurcate the document at their next meeting. Director Kremen concurred with Mr. Stepanicich.

Director Kniss asked to clarify all of the changes brought about in regards to the Flood and Sea Level Rise Resiliency District. Director Pine explained that the name of the entity is changing and its Board members are changing from the full County Board of Supervisors to two members of the County Board of Supervisors and five city council members from cities around San Mateo County. Director Pine explained that the duties of this District's representative and alternate to the SFCJPA Board will not change and there should not be any impact to SFCJPA. Director Pine continued that the District should not appoint as its representative someone from Menlo Park or East Palo Alto so that there are not two representatives from one city on the SFCJPA Board, and that the District should have a policy that it will not appoint a member to another Board that may cause double representation. Director Abrica concurred with Director Pine.

Director Combs asked if the prohibition against having two representatives on the SFCJPA Board from the same jurisdiction should also be in our Joint Powers Agreement. Mr. Stepanicich replied that this should be included in the revised SFCJPA agreement.

Director Kniss asked how the members of the Flood and Sea Level Rise Resiliency District Board were selected. Director Pine responded that the Board of Supervisors selects the two Supervisors on the District Board and City/County Association of Governments selects the five city members of the District Board. Director Kniss stated that she sees the District as a new organization because it has a new Board. Director Pine commented that it is going through more than a name change, with a different Board and broader mission.

Ann Stillman, Public Works San Mateo County Flood Control District, shared with the Board that there has been discussion regarding the Flood and Sea Level Rise Resiliency District Board and the issue of double representation.

Upstream of Highway 101 Project Update

Mr. Materman provided an update of the project upstream of Highway 101 which included the status of environmental permit applications, current grant opportunities, and the initiation by SFCJPA Senior Project Manager Kevin Murray of meetings to coordinate construction of the Newell and Pope-Chaucer Bridges.

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Regarding needed land rights, Mr. Materman mentioned that the SFCJPA is conducting due diligence on a parcel in Menlo Park so that it may accept it, likely as a donation, to conduct creek bank restoration required of the project. Mr. Materman mentioned that – depending on the features installed at the channel widening sites and whether this project constructs small creekside parks in East Palo Alto – rights may be needed on other parcels to enable construction of the proposed project. Director Combs requested that a map of the land needed be provided for future Board discussions of this. Mr. Murray also described the results of the annual Creek maintenance walk.

Mr. Hearn expressed his support of the upstream project and of the SFCJPA pursuing land rights. Mr. Hearn said that while the design is still being drafted, he encourages looking at the most environmentally and habitat friendly approaches as we owe it to the other denizens of this watershed with whom we co-habitat.

Accept Fiscal Year 2016-17 and Fiscal Year 2017-18 Audited Financial Statements and Management Letters from Grant & Smith, LLP

Mr. Materman presented the Fiscal Year 2016-17 and Fiscal Year 2017-18 audited financial statements and management letters from Grant & Smith, LLP to the Board for acceptance. He mentioned that the Board Finance Committee discussed these documents with our auditor from Grant & Smith, Miranda Beasley, himself and SFCJPA Finance and Administration Manager Miyko Harris-Parker. Director Kniss, who serves on the Finance Committee, thanked Ms. Beasley for these documents and her excellent service to the SFCJPA.

Director Kniss made a motion to accept the Fiscal Year 2016-17 and Fiscal Year 2017-18 audited financial statements and management letters from Grant & Smith, LLP. Finance Committee member Director Pine seconded. Fiscal Year 2016-17 and Fiscal Year 2017-18 audited financial statements and letters from Grant & Smith, LLP accepted unanimously 5-0.

Approve the 2020 schedule of Regular meetings of the Board of Directors

Mr. Materman presented the 2020 schedule of Regular meetings of the Board of Directors for approval.

Director Kniss made a motion to approve the 2020 schedule of Regular meetings of the Board of Directors. Director Pine seconded. The 2020 schedule of Regular meetings of the Board of Directors approved unanimously 5-0.

6) CLOSED SESSION

Director Kremen adjourned the meeting to closed session at 4:24 pm.

Closed session adjourned at 4:47 pm. No report out.

7) ADJOURNMENT

Regular meeting of the Board adjourned at 4:47 pm.

Minutes drafted by Clerk of the Board: Miyko Harris-Parker.

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Executive Director's Report

With the help of Kevin Murray, Tess Byler, and Miyko Harris-Parker, I am pleased to submit the following:

Discuss the status of needed updates and revisions to the May 18, 1999 Joint Powers Agreement that created the SFCJPA

This agenda item is a continuation of the discussion from previous Board meetings. For additional background information, please refer to the Executive Director's report within the [December 12, 2019 Board meeting packet](#). This agenda item is informational; no action will be taken at this time.

There are three basic reasons that we have pursued updates and revisions to the May 18, 1999 Joint Powers Agreement that created the SFCJPA:

1. On January 1, 2020, the name, mission, and governing board of one of the signatory agencies to our Joint Powers Agreement, the San Mateo County Flood Control District, officially changed. At its first meeting of this year, the Board of the San Mateo County Flood and Sea Level Rise Resiliency District was sworn in and appointed Dave Pine as its representative to the SFCJPA Board and County Supervisor Don Horsley as its Alternate representative to our Board.
2. As has been discussed since 2016, the Agreement adopted by the member agencies over two decades ago needs to be updated to match current law or standards. Proposed updates include:
 - designating the Member Entity whose restrictions on the exercise of its powers apply to the SFCJPA,
 - clarifying that we may exercise all powers common to member agencies and granted by State law including financing projects, issuing bonds, and acquiring property (rather than powers including, but not limited to, the powers listed in the Agreement), and
 - designating an officer or employee to oversee SFCJPA finances.
3. The form and function of the SFCJPA are different from what was envisioned and outlined in the original Agreement. When the Agreement was drafted 21 years ago, it was envisioned that the SFCJPA would make recommendations to, and coordinate the actions of, its member agencies. That original Agreement did not discuss the SFCJPA hiring its own staff or legal counsel, nor developing capital projects. It is in all of our interests to update the listed purposes and powers of the SFCJPA to match our current and reasonably foreseeable activities.

Two months ago, SFCJPA staff met with staff leadership from our member agencies. At that meeting, legal counsel from Menlo Park, Valley Water, and Palo Alto sought to understand the rationale and discuss the ramifications of some of our proposals to conform the Agreement to current law and SFCJPA activities. Given their questions, staff from several agencies asked that we update the Agreement in two phases:

1. By mid-January, have each SFCJPA member agency governing body amend the Agreement by replacing "San Mateo County Flood Control District" with "San Mateo County Flood and Sea Level Rise Resiliency District" on the signature page and make other changes considered non-substantive. Although attorneys from the SFCJPA and member agencies met in mid-December and exchanged e-mails in early January, the goal of amending the agreement in mid-January with non-substantive changes was not met. Until that is done, votes taken by the SFCJPA Board representative from the Flood and Sea Level Rise Resiliency District in San Mateo County can be questioned unnecessarily.
2. During the Spring of 2020, have each of the five governing bodies of SFCJPA member agencies again amend the Agreement in ways that were not accomplished previously so that the Agreement matches current law and current SFCJPA activities.

At this Board meeting, I plan to update the Board and seek suggestions on how to move this forward.

Submitted by:



Len Materman
Executive Director