

Notice of Regular Meeting of the Board of Directors Thursday, April 27, 2023

3:30 P.M.

East Palo Alto City Hall

2415 University Ave, East Palo, CA 94303

Members of the Public may speak on any agenda item for up to three minutes

Hybrid Registration:

You are invited to a Zoom meeting.

When: Apr 27, 2023, 03:30 PM Pacific Time (US and Canada)

Register in advance for this meeting:

https://us02web.zoom.us/meeting/register/tZ0qfuuvpzwuGdU7B02PctzXOmuspNlsH21W

After registering, you will receive a confirmation email containing information about joining the meeting.

- 1. CALL TO ORDER AND ROLL CALL
- 2. APPROVAL OF AGENDA
- 3. APPROVAL OF MEETING MINUTES March 23, 2023, Regular Board Meeting
- 4. PUBLIC COMMENT: Individuals may speak on a non-agendized topic for up to three minutes.
- 5. ACTION ITEMS
 - A. Review and consider updates to the SFCJPA's Mission and Vision Statements, provide direction to staff and, if applicable, adopt resolution 23-04-27-A.
- 6. INFORMATION ITEMS
 - A. Conflict of Interest Code Update Notice that the 45-day public comment period on the SFCJPA updated Conflict of Interest code, as reviewed and amended by SFCJPA legal and as reviewed and amended by the FPPC, is



- B. Executive Director's Report
- 7. Board Member Announcements, Information Items, and Requests (Information only)
- 8. ADJOURNMENT

PLEASE NOTE: Board meeting Agenda and supporting documents can be viewed online no later than 3:30 p.m. on Monday, April 24, 2023, at sfcipa.org -- click on the "Meetings" tab near the top. The Board Meeting package will be emailed to those on our Board Meeting distribution list prior to the Board meeting date. Contact SFCJPA Board Clerk, Miyko Harris-Parker at MHParker@sfcipa.org if you are not on this list and would like to be added.

San Francisquito Creek Joint Powers Authority April 27, 2023, Regular Meeting of the Board Agenda Item 3

March 23, 2023, Regular Board Meeting Minutes DRAFT

Director Combs called the meeting to order at 3:44 p.m., at the City of Menlo Park Council Chambers, Menlo Park, CA. This meeting was conducted as a hybrid meeting with all members of the Board and SFCJPA staff in person and other meeting attendees participating in person and via streaming video and teleconference call.

Public input was solicited on each item and all public comments received are noted herein.

1) ROLL CALL

Members Present: Director Ruben Abrica, City of East Palo Alto

Director Drew Combs, City of Menlo Park

Director Rebecca Eisenberg, Santa Clara Valley Water District (Valley Water) Director Dave Pine, San Mateo County Flood and Sea Level Rise Resiliency

District (OneShoreline)

Members Absent: Director Greer Stone, City of Palo Alto

Alternates Present: Director Lydia Kou, City of Palo Alto

SFCJPA Staff Present: Margaret Bruce, Executive Director

Miyko Harris-Parker, Staff Kevin Murray, Staff Tess Byler, Staff

Legal Present: Lori Liu

2) APPROVAL OF AGENDA

ACTION: Motion and second (Abrica/Eisenberg) to approve the agenda, passed 5-0.

Roll call vote:

Director Abrica Aye

Director Combs Ave

Director Eisenberg Aye

Director Kou Aye

Director Pine Aye

Director Stone not present.

3) APPROVAL OF MEETING MINUTES: March 9, 2023, Special Meeting minutes

ACTION: Motion and second (Combs/Pine) to approve the March 9, 2023, Special Meeting minutes, passed 5-0.

Roll call vote:

Director Abrica Ave

Director Combs Aye

Director Eisenberg Aye

Director Kou Aye

Director Pine Aye

Director Stone not present.

San Francisquito Creek Joint Powers Authority April 27, 2023, Regular Meeting of the Board Agenda Item 3

March 23, 2023, Regular Board Meeting Minutes

DRAFT

4) PUBLIC COMMENT

None.

5) ACTION ITEMS

Agenda Item 5.A. Review and consider accepting the updated Master Service Agreement with HDR, Inc. for services related to the SAFER Bay project and adopt resolution 23-03-23-A.

ACTION: Motion and second (Fisenberg/Abrica) to move consideration of accepting the updated

ACTION: Motion and second (Eisenberg/Abrica) to move consideration of accepting the updated Master Service Agreement with HDR, Inc. for services related to the SAFER Bay project and adopt resolution 23-03-23A to the April 27, 2023, Regular meeting agenda with direction to staff to have the full agreement brought to the Board for review approved 5-0.

Roll call vote:

Director Abrica Aye

Director Combs Aye

Director Eisenberg Aye

Director Kou Aye

Director Pine Aye

Director Stone not present.

Agenda Item 5.B. Review and consider recommending approval of the updates to the San Francisquito Creek Joint Powers Authority Members Agreement, the "Second Amended and Restated Agreement", and adopt resolution 23-03-23-B.

ACTION: Motion and second (Eisenberg/Abrica) to approve the updates to the San Francisquito Creek Joint Powers Authority Members Agreement, the "Second Amended and Re-stated Agreement", and adopt resolution 23-03-23-B. approved 5-0.

Roll call vote:

Director Abrica Aye

Director Combs Aye

Director Eisenberg Aye

Director Kou Aye

Director Pine Ave

Director Stone not present.

6) INFORMATION ITEMS

Agenda Item 6.A. Board Handbook Update

Executive Director Margaret Bruce provided the updated Board Handbook.

Agenda Item 6.B. Executive Director's Report

Ms. Bruce presented the Executive Director's report.

7) BOARD MEMBER ANNOUNCEMENTS, INFORMATION ITEMS, AND REQUESTS (INFORMATION ONLY)

Director Combs commented on the latest rain flow and thanked the operators who were working on the backhoe equipment.

Director Combs gave congratulations and thanks to Senior Project Manager Tess Byler for her continued outstanding and dedicated service and wished her a happy work anniversary.

San Francisquito Creek Joint Powers Authority April 27, 2023, Regular Meeting of the Board Agenda Item 3

March 23, 2023, Regular Board Meeting Minutes DRAFT

8) CLOSED SESSION

Public Employee Performance Evaluation Title: Executive Director
Jerry Hearn voiced his support of Executive Director Margaret Bruce.

Adjourned to closed session at 4:47 pm. Re-adjourned to open session at 5:06 pm. No reportable action.

9) ADJOURNMENT

Adjourned at 5:06 pm.

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

Agenda Item 5.A.

The Vision and Mission Statements of the San Francisquito Creek Joint Powers Authority

Background:

These Vision and Mission statements date back to 2014 and have not been updated since then. With the recent review and approval of the SFCJPA Member's Agreement, it is timely for the Board to review and discuss the Vision and Mission statements of the SFCJPA.

These are the existing Vision and Mission Statements of the SFCJPA -

San Francisquito Creek Joint Powers Authority VISION FOR SAN FRANCISQUITO CREEK

Vision-foresight and image for the watershed

The San Francisquito Creek, its tributaries and contributing land areas, are cooperatively managed to support and maintain a sensitive and healthy natural resource system that conveys flood waters, sustains healthy natural habitats, and offers opportunity for human respite and recreation.

San Francisquito Creek Joint Powers Authority PURPOSE STATEMENT

Purpose-aim, goal, or assignment of the JPA

The JPA's Mission is to plan, manage and coordinate flood management measures and contributions of common services of member agencies by establishing policy direction and central communications for all Creek activities.

The JPA's objectives are to provide relief from flooding, preserve and enhance the environment, and create public amenities for enjoyment while promoting community awareness and participation in these processes.

Discussion

After the SFCJPA's founding after the flood of 1998, the organization rapidly transitioned from one operated through the direct staff contributions of its members, to one staffed by SFCJPA employees. The formation of the SFCJPA was significantly influenced by the Watershed Council and others, who viewed watershed stewardship as integral to the long-term success of the SFCJPA's mission. Through the long course of the Army Corps of Engineer's General Investigation, the SFCJPA decided to fund the Reach 1 Project without the Corps. The SFCJPA's first major component of its overall flood risk reduction strategy was completed with funding from Valley Water, additional member contributions and grants from the California Department of Water Resources. Out of necessity, the SFCJPA focused attention and resources on capital projects, with little bandwidth remaining for watershed stewardship.

When the SFCJPA's was founded, the concept of climate change was just beginning to enter public awareness. The consequences of climate change, specifically the implications of sea level rise and the potential impacts to the SFCJPA member agencies, have become clearer and more pressing over time. The Reach 1 and Reach 2 projects incorporated rising seas into project designs. Reach 2 will incorporate increased precipitation variability into project design. With Board approval, the SFCJPA has taken on a range of related shoreline collaborative and grant-funded work, including feasibility studies of sea level rise adaptation and flood risk mitigation for our Palo Alto, East Palo Alto and Menlo Park shoreline communities, and securing multiple grants to support preliminary planning, design and CEQA work. Additionally, as our shoreline, creek and upper watershed projects come to fruition, the need for long-term operations, maintenance and monitoring of restoration components will need to be addressed.

The Board has an opportunity to consider these two themes: the once prominent theme of longer-term watershed stewardship, and the emerging urgent theme of climate change as manifested by sea level rise and increasingly variable precipitation, as they consider any potential updates or changes to the Vision and Mission statements of the SFCJPA. Additionally, the Board may wish to consider the following language from member agency Valley Water regarding how they express their commitment to addressing the risk of flooding: "Provide equitable, timely, and achievable flood protection for health and safety."

The following suggested updates to Vision and Mission statements (shown in tracked-changes) are consistent with the Second Amended and Restated Members' Agreement recently approved by the Board, incorporate previous feedback from Board members, aligns with current nomenclature, and with agency practice. The Board may wish to refine further.

San Francisquito Creek Joint Powers Authority
VISION FOR SAN FRANCISQUITO CREEK

Vision-foresight and image for the watershed

The San Francisquito Creek, its tributaries and contributing land areas, flood plain, and shoreline are cooperatively managed to protect people and property, support and maintain a healthy natural resource system that reduces the risk of flooding, sustains healthy natural habitats, and offers opportunity for human respite and recreation.

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The JPA's objectives are to reduce the risk of flooding to protect people and property, preserve and enhance the environment, and create public amenities for enjoyment while promoting community awareness and participation in these processes.

Recommendation

Discuss, concur on updates to the Vision and Mission Statements, and formalize concurrence by a vote on Resolution 23-04-27-A.

Once finalized, these statements will be posted to the SFCJPA website and used in various publications and communications.

RESOLUTION NUMBER 23-04-27-A

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY APPROVING UPDATED MISSION AND VISION STATEMENTS

BE IT RESOLVED by the Board of Directors of the San Francisquito Creek Joint Powers Authority that the Board of Directors has agreed to updates to the organization's Mission and Vision Statements, in the form attached hereto as Exhibit A. These Statements will be used in communications and publications to reflect the purpose of the organization and its priorities.

Approved and adopted on April 27, 2023, the undersigned hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the San Francisquito Creek Joint Powers Authority.

INTRODUCED AND PA	SSED:		
AYES:			
NOES:			
ABSENT:			
ABSTAIN:			
ATTEST:		APPROVED:	
\(\frac{1}{2} \cdot \frac{1}{2} \cdot \frac{1}{2	Date: 04/27/2023	Oh eine ander	Date: 04/27/2023
Vice Chairperson		Chairperson	
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APPROVED AS TO FOI	≺IVI:		
Legal Counsel	Date: 04/27/2023		

Exhibit A: Updated Mission and Vision Statement of the San Francisquito Creek Joint Powers Authority

Agenda Item 6.A. – Conflict of Interest (COI) Code Update, Information Item

Background

Public agencies must maintain a Conflict-of-Interest code that reflects both current state law and regulation and the agency's affected staff and leadership. Together with counsel we have reviewed the applicable code and proposed updates for the Fair Political Practices Commission's (FPPC) consideration, who reviews and approves or makes recommendations to proposed updates.

Discussion

Tentative Approval of Revised COI Code – The FPPC revised our proposed COI code by removing "Board of Directors and Alternates" from the code. Because board positions have the authority to invest public monies, they are already required to file under Government Code Section 87200. Changes are shown in tracked-changes in the enclosed draft document. Our counsel sees no issues with the FPPC changes. The 45-day comment period begins with this board meeting.

Notice Period of 45 days – The agenda item and any discussion initiates this 45-day public comment period. The final Conflict-of-Interest code will be presented and the comment period closed on the Board's regular June agenda (allowing for more than the required minimum of 45 days).

Board Handbook – The updated COI will be integrated into the Board Handbook, which will be re-distributed electronically to board members after the June meeting.

SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions (Appendix A) and establishing disclosure categories (Appendix B), shall constitute the conflict of interest code of the San Francisquito Creek Joint Powers Authority (Authority).

Individuals holding designated positions shall file their statements of economic interests with the **Authority**, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the **Authority**.

SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY CONFLICT OF INTEREST CODE

APPENDIX A DESIGNATED POSITIONS

Designated Position

Assigned Disclosure Category

Board of Directors and Alternates	1, 2, 3, 4
Associate Members	1, 2, 3, 4
Executive Director	1, 2, 3, 4
General Counsel	1, 2, 3, 4
Senior Project Manager	1, 2, 4
Finance and Administration Manager & Clerk of the Board-	1
Consultants/New Positions a, b	(see below)*

Note: The position of General Counsel is filled by an outside consultants, but acts in a staff capacity.

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code (Gov. Code Sec. 81008).

The following positions are not covered by the code because the positions manage public investments. Individuals holding such positions must file under Government Code Section 87200 and are listed for informational purposes only. Section 87200 requires disclosure of all investments and business positions in business entities, all income, including gifts, loans and travel payments, and real property.

Board of Directors and Alternates

- a) For consultants who serve in a staff capacity with the Authority, the consultant shall disclose based on the disclosure categories assigned elsewhere in this code for that staff position. For example, the General Counsel position is filled by an outside consultant, but acts in a staff capacity.
- b) For consultants who do not serve in a staff capacity or new positions, such persons must disclose pursuant to Disclosure Categories 1, 2, 3 and 4 unless the Executive Director determines in writing that a particular consultant or new position is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in Categories 1, 2, 3 or 4. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and must be retained for public inspection in the same manner and at the same location as this conflict of interest code.

SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY CONFLICT OF INTEREST CODE

APPENDIX B DISCLOSURE CATEGORIES

Designated positions must report financial interests in accordance with the assigned disclosure categories.

Category 1: Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources, that provide services (e.g. engineering and environmental consulting firms), supplies, materials, machinery, or equipment of the type utilized by the Authority.

Category 2: Interests in real property located within one-half mile of the San Francisquito Creek, its floodplain, its watershed, and the tidal floodplain of the cities of Menlo Park, East Palo Alto and Palo Alto.

Category 3: Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources, that filed a claim, or have a claim pending, against the Authority during the previous two years.

Category 4: Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources, that provide real estate services (e.g. consulting, appraisal, development, construction).

San Francisquito Creek Joint Powers Authority April 27, 2023, Regular Board Meeting, Executive Director's Report

Agenda Item 6.B. Executive Director's Report

Project Updates -

Reach 1 –

- Signs and benches We expect to send the final proofs of the interpretive signs for fabrication in May, with plans to install them, along with a park bench and memorial for Tommie Roberts this summer. We originally partnered with Palo Alto Junior Museum on a similar signage project they have underway to share fabrication and installation expenses, but due to delays in their grant funding, we decided to move ahead on our own and install our signs this year.
- The wet winter is likely having a beneficial effect on the native plantings in our marsh mitigation sites and is also likely beneficial for the weeds that invade the sites. Early this summer we will conduct field investigations for recommendations for late summer/fall maintenance. Watering will take place periodically, but not likely as much as last season.

Reach 2 -

- Top-of-Bank Supplemental EIR Work is on a brief pause as we await the technical report on hydraulic modeling analyses from Valley Water.
- Channel Widening/CAP205 with USACE The USACE team will be taking on regulatory permitting for the channel widening component of the Reach 2 project. We have met with the USACE team to provide documentation the SFCJPA has to help further their progress.
- Newell Road Bridge The City of Palo Alto's Newell Road Bridge remains on schedule. The SFCJPA will be assisting with the associated regulatory permit applications for this project element. Permits are anticipated to be in hand by September.
- The large eucalyptus tree near the Newell Bridge on the East Palo Alto side that
 was the source of concern has been trimmed back. This tree is slated for
 removal as part of the planned Newell Road Bridge replacement.

Reach 3 -

Stanford recently released a Notice of Intent/Notice of Preparation for the
required environmental documents for the Searsville Lake Restoration Project.
The SFCJPA and each of our member agencies provided comment letters to the
California Department of Water Resources, who is the CEQA lead for the project.
The significant release of sediment from the reservoir to the downstream
environment is a significant concern.

San Francisquito Creek Joint Powers Authority April 27, 2023, Regular Board Meeting, Executive Director's Report

- Our approach to off-line detention will be adjusted based on results of the hydraulic analysis of the New Year's Eve flood. We may – if viable - choose a more aggressive approach to upstream detention if options for Reach 2 modifications are limited.
- Depending on potential design changes to the Reach 2 and Reach 3 projects, we may begin a process to identify riparian and tree restoration opportunities in open space areas upstream of Highway 280.

SAFER Bay -

 SFCJPA staff and counsel are updating contract terms and Task Order 4 for our contractor HDR to implement the SFBRA grant award. We had anticipated bringing this to you at this month's board meeting but are taking the opportunity to integrate additional updates from HDR and will bring both the updated Master Service Agreement and the updated Task Order 4 for your consideration on the May regular board meeting agenda.

Community Engagement -

Project Tour – On April 4, SFCJPA staff and Board Chair Combs hosted Senator Josh Becker and his staff member Helen Wolter for a tour and discussion of the Reach 2 project.

Newsletter – Our newsletter distribution list now contains over 550 points of contact, representing local residents, and other interested stakeholders.

Community Events – SFCJPA staff and member colleagues hosted a community project update event on April 20, at the Duveneck school in Palo Alto. Approximately 40 community members attended. The presentation was the same update provided to the board on March 9, and was intended to provide a wider range of community members with the opportunity to hear the same information and to ask their questions.

Operations/Administration

Committees of the Board -

Finance Committee - The Finance Committee was unable to meet as scheduled. This meeting and the finance committee's review of the Draft Operational Budget are being rescheduled. We intend to present a final draft budget for the Board's consideration in May.

Website -

San Francisquito Creek Joint Powers Authority April 27, 2023, Regular Board Meeting, Executive Director's Report

Domain change - Because the SFCJPA is a local government, the current best practice is to have a .gov rather than a .org domain. Use of the .gov domain prevents spoofing or other potential mischief. We have begun the process of changing domains. This process is not costly, but it does take a while. We will keep the board updated on our progress.

Banking -

We have evaluated our accounts held at First Republic Bank (FRB). We are appreciative of FRB's outstanding customer service and have also decided to put a significant amount of our capital resources into the Local Agency Investment Fund (LAIF) which diversifies our deposit locations and gains us a little bit more interest. These assets remain liquid, with only a few days (at most) necessary to wire funds back from LAIF to FRB as those resources are needed.

<u>SFCJPA Members Agreement –</u>

Ratification status by SFCJPA member -

Date	Member	Outcome
4/18/23	City of East Palo Alto	Approved on consent
Agendized 4/24/23	OneShoreline	Pending
Agendized 5/9/23	Valley Water	Pending
TBD	City of Palo Alto	
TBD	City of Menlo Park	

Forward view of upcoming agendas

May 25 – Hosted by Palo Alto	Final SFCJPA operations budget for FY2023-2024 HDR Master Service Agreement Update HDR/SAFER Bay project Task Order 4 Update Detention basins study session (tentative)
June 22 – Hosted by Menlo	Tbd
Park	
July – no meeting	Board Recess – no planned regular board meeting
August 24 – Hosted by East	Tbd
Palo Alto	
September 28 – Hosted by	Tbd
Palo Alto	



AGENDA

Members of the Public may speak on any agenda item for up to three minutes

- 1. ROLL CALL
- 2. APPROVAL OF AGENDA: Changes or additions to the agenda.
- 3. Approval of Special Board Meeting Minutes: March 23, 2022.
- 4. PUBLIC COMMENT: Individuals may speak on a non-agendized topic for up to three minutes on a topic within the SFCJPA's jurisdiction.

Members of the public speaking in person should submit a speaker card to the Clerk of the Board, indicating which agenda item or items they wish to speak about, in order to be recognized. When the agenda item is called, please stand at the podium and speak clearly.

Members of the public speaking via video conference should raise their hand, indicating their desire to ask a question or comment. They will be recognized by the Clerk of the Board and once unmuted and recognized, please speak clearly.

AGENDA ITEM 5 – ACTION ITEMS

- 5.A. Review and consider updates to the SFCJPA's Mission and Vision Statements and adopt updated statements via resolution 23-04-27-A.
 - 1. Staff Report
 - 2. Clarifying questions on agenda item.
 - 3. Public Comment: Board may choose to limit each speaker to a certain time limit (e.g., 2-3 minutes)
 - 4. Board Discussion: Directors can request answers to questions raised by the public.
 - 5. Motion to approve, second, and vote





Existing and Updated Draft Vision Statement

San Francisquito Creek Joint Powers Authority

VISION FOR SAN FRANCISQUITO CREEK

Vision-foresight and image for the watershed

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San Francisquito Creek Joint Powers Authority

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Los Trancos Creek subwatershed

Existing and Updated Draft Mission Statement

San Francisquito Creek Joint Powers Authority

PURPOSE STATEMENT

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San Francisquito Creek Joint Powers Authority PURPOSE STATEMENT Purpose-aim, goal, or assignment of the JPA

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AGENDA ITEM 6 - Information Items

6.A. Conflict of Interest Code Update

- 1. Staff Report
- 2. Clarifying questions on agenda item.
- 3. Public Comment: Board may choose to limit each speaker to a certain time limit (e.g., 2-3 minutes).
- 4. Board discussion (Directors can request answers to questions raised by the public.) and any further direction to staff.





AGENDA ITEM 6 – Information Items

6.B. Executive Director's Report

- 1. Staff Report
- 2. Clarifying questions on agenda item.
- 3. Public Comment: Board may choose to limit each speaker to a certain time limit (e.g., 2-3 minutes).
- 4. Board discussion (Directors can request answers to questions raised by the public.) and any further direction to staff.



MILWAL LEVEL





