



Governing Board Members

Rebecca Armendariz, City of Gilroy

Carol Marques, City of Gilroy

Vice Chair Rene Spring, City of Morgan Hill

Yvonne Martinez Beltran, City of Morgan Hill

David Cohen, City of San Jose

Vacant, City of San Jose

Vacant, County of Santa Clara

Joe Simitian, County of Santa Clara

Implementation Board Members

Carol Marques, City of Gilroy

Rebeca Armendariz, City of Gilroy

Vacant, County of Santa Clara

Don Rocha, County of Santa Clara

Ann Calnan, VTA

Vacant, City of San Jose

David Keyon, City of San Jose

Rene Spring, City of Morgan Hill

Vice Chair Jennifer Carman, City of Morgan Hill

Vacant, Santa Clara Valley Water District

Barbara F. Keegan, Santa Clara Valley Water District

SANTA CLARA VALLEY HABITAT AGENCY

THURSDAY, JANUARY 19, 2023

JOINT GOVERNING AND IMPLEMENTATION BOARD MEETING

3:00 PM

VIRTUAL MEETING

The regular meetings of both the Governing Board and the Implementation Board of the Santa Clara Valley Habitat Agency are hereby called for the above-described time and place. The agenda for the meetings is as follows:

The Boards make the following findings required by AB 361 in order to hold this meeting by teleconferencing electronically: (1) the March 4, 2020 Governor's Proclamation of a State of Emergency is still in effect, (2) over 1 million US residents have died from COVID and health officials continue to encourage social distancing, and (3) due to room capacity limitations, meeting in person could present imminent risks to the health or safety of attendees.

MEETING GUIDELINES

In accordance with AB 361 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. Physical meetings will not be in the City Council Chamber until further notice.

Those members of the community that would like to participate in the meetings remotely may do so by joining the virtual meeting at: <https://bit.ly/JointGBandIBMtg2023> or by calling in to: (669) 900-9128, then enter the webinar id: 839 6750 5294#.

Public comment may be provided in the following ways:

- Join the virtual meeting via the link above, when public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes
- Join the virtual meeting by calling in to the number above, dial *9 to raise your hand and be called upon to speak for up to 3 minutes
- Send public comments in writing to the Agency Secretary at kim.mancera@morganhill.ca.gov

CALL TO ORDER

ROLL CALL

REPORT FROM THE CHAIRS

Governing Board

Implementation Board

REPORT FROM THE PUBLIC ADVISORY COMMISSION

Julie Hutcheson, Chair

PUBLIC COMMENTS: ITEMS NOT ON THE AGENDA

Members of the public may address the Governing Board and the Implementation Board concerning any item not on this agenda and within the respective subject matter jurisdiction of each of the Boards. The length of public comments may be limited by the Chair of each Board. With limited exceptions, the Boards are prohibited from discussing or taking action on any item not appearing on the posted agenda.

JOINT GOVERNING AND IMPLEMENTATION BOARD ACTION

REGULAR BUSINESS:

1. **APPROVE THE MINUTES OF THE SEPTEMBER 16, 2022 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD** 7-10
Recommended Action: Approve minutes.
2. **FINAL REPORT, FISCAL YEAR 2021-2022 REVENUE AND BUDGET EXPENDITURES**..... 11-129
Recommended Action: Review the revenue and expenditures for Fiscal Year 2021-2022, July 1, 2021, through June 30, 2022.
3. **REPORT FROM THE EXECUTIVE OFFICER**..... 130-134
Recommended Action: Receive report.

GOVERNING BOARD ACTION

CONSENT AGENDA:

4. **PROPOSED DIVERSITY, EQUITY, AND INCLUSION POLICY FOR THE HABITAT AGENCY** 135-138
Recommended Action: Adopt resolution approving a diversity, equity, and inclusion policy to ensure the Habitat Agency is operated in a way that respects and celebrates diversity and excludes no one based on gender, ethnicity, nationality, sexual orientation, disability, neurodiversity, background, or any other facet of cultural identity.
5. **RESOLUTION ACCEPTING SECOND CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE PLANNING ASSISTANCE GRANT FOR A MAJOR AMENDMENT TO THE SANTA CLARA VALLEY HABITAT PLAN** 139-147
Recommended Action:
1. Adopt resolution accepting a second award from, and entering into a grant agreement with, the State of California Department of Fish and Wildlife (CDFW) for a Planning Assistance Grant. The Planning Assistance Grant has been awarded to fund the Habitat Plan Amendment (Project) in the amount of up to \$800,000.; and
 2. Appoint the Executive Officer or designee as agent for the Santa Clara Valley Habitat Agency to ensure all grant related tasks for the Project are completed.
6. **COOPERATIVE AGREEMENT WITH CALTRANS FOR SR-152 WILDLIFE OVERPASS** 148-169
Recommended Action: Adopt resolution authorizing the Executive Officer to execute a Cooperative Agreement with Caltrans for construction of a wildlife overpass as part of the implementation of the SR-152 Pacheco Creek Wildlife Connectivity and Corridor Enhancement Project.

REGULAR BUSINESS:

7. **SELECTION OF 2023 GOVERNING BOARD CHAIR AND VICE-CHAIR** 170
Recommended Action: Select a Governing Board Chair and Vice-Chair for 2023.

FUTURE GOVERNING BOARD INITIATED AGENDA ITEMS:

Note: In accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

GOVERNING BOARD ADJOURNMENT

IMPLEMENTATION BOARD ACTION

CONSENT AGENDA:

8. **DONATION OF 20 GPS COLLARS TO THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE** 171-177
Recommended Action: Authorize the Executive Officer to donate 20 GPS collars and 2.5 years of a pre-paid data plan to the California Department of Fish and Wildlife for use on Tule elk in the Pacheco Pass area.

- 9. **APPROVE MODIFICATIONS TO CONTRACT WITH THE EXECUTIVE OFFICER** 178-184
Recommended Action: Adopt resolution approving modifications to contract with the Executive Officer consistent with the provisions of the contract for services dated July 1, 2015 and amended July 1, 2018.

- 10. **APPOINTMENT TO THE PUBLIC ADVISORY COMMITTEE**..... 185-189
Recommended Action: Approve the recommendation of the Executive Officer to appoint Jeff Micko to complete the four-year term of Joseph Lovelace on the Public Advisory Committee (PAC) representing the public.

- 11. **AGREEMENT WITH CREEKSIDE SCIENCE FOR MONITORING ON COYOTE RIDGE OPEN SPACE PRESERVE** 190-196
Recommended Action: Authorize the Executive Officer to execute a not-to-exceed 5-year \$178,080 Professional Services Agreement with Creekside Science for monitoring Bay checkerspot butterflies and vegetation composition on Coyote Ridge Open Space Preserve.

- 12. **SAN FELIPE CREEK RESTORATION PROJECT MONITORING AGREEMENT WITH NOMAD ECOLOGY** 197-206
Recommended Action: Authorize the Executive Officer to execute a not-to-exceed \$70,316 Service Agreement with Nomad Ecology to provide biological monitoring for Years 5 and 6 (2023-2024) for the San Felipe Creek Restoration Project.

REGULAR BUSINESS:

- 13. **SELECTION OF 2023 IMPLEMENTATION BOARD CHAIR AND VICE-CHAIR**..... 207-
Recommended Action: Select an Implementation Board Chair and Vice-Chair for 2023.

- 14. **O’CONNELL RANCH PROPERTY ACQUISITION, APNS 898-21-022, 898-21-023, 898-21-021, AND 898-21-014**..... 208-220
Recommended Action: Receive presentation and adopt resolution to allocate \$2,005,000 in Santa Clara Valley Habitat Agency funding to acquire a 21.7% undivided share in the \$9.22 million 1,125-acre O’Connell Ranch purchase.

- 15. **SAN JOSÉ/SANTA CLARA REGIONAL WASTEWATER FACILITY BUFFERLANDS LAND-IN-LIEU PROPERTY ENROLLMENT**..... 221-280
Recommended Action: Adopt resolution authorizing the Chair of the Board to execute the San José/Santa Clara Regional Wastewater Facility (RWF) Bufferlands Conservation Easement to enroll 201 acres (APN 015-30-061 & 015-30-098) into the Santa Clara Valley Habitat Agency Reserve System.

FUTURE IMPLEMENTATION BOARD INITIATED AGENDA ITEMS:

Note: In accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

UPCOMING MEETINGS

All regular meetings of the Santa Clara Valley Habitat Agency's Governing Board and Implementation Board are held at the City of Morgan Hill Council Chamber at 3:00 p.m. unless otherwise noted.

Governing Board:

- March 16, 2023 Joint Governing and Implementation Board Meeting
- June 15, 2023 Governing Board Meeting
- September 21, 2023 Joint Governing and Implementation Board Meeting

Implementation Board:

- March 16, 2023 Joint Governing and Implementation Board Meeting
- May 18, 2023 Implementation Board Meeting
- July 20, 2023 Implementation Board Meeting
- September 21, 2023 Joint Governing and Implementation Board Meeting
- November 16, 2023 Implementation Board Meeting

NOTICE

Any documents produced by the Santa Clara Valley Habitat Agency and distributed to the majority of the Governing Board and/or Implementation Board less than 72 hours prior to an open meeting, will be made available for public inspection at the Santa Clara Valley Habitat Agency's public counter located at 17575 Peak Avenue, Morgan Hill, CA, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Governing Board and/or Implementation Board concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Governing Board and/or Implementation Board on any issue that is on this agenda, please complete a speaker request card and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Governing Board and/or Implementation Board, but it is very helpful. When you are called, proceed to the podium and the Chair will recognize you. If you wish to address the Governing Board and/or Implementation Board on any other item of interest to the public, you may do so by during the public comment portion of the meeting following the same procedure described above. Public comments may be limited as to time by the Board Chairperson.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the Governing Board and/or Implementation Board.

Persons interested in proposing an item for the Governing Board and/or Implementation Board agenda should contact a member of the Governing Board and/or Implementation Board who may place an item on the agenda for a future Governing Board and/or Implementation Board meeting. Should your comments require Board action, your request may be placed on the next appropriate agenda. Board discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950

The time within which judicial review must be sought of the action by the Governing Board and/or Implementation Board, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the Board Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.