

SANTA CLARA VALLEY HABITAT AGENCY

GOVERNING AND IMPLEMENTATION BOARD

VIRTUAL MEETING MINUTES

THURSDAY, JANUARY 21, 2021

3:00 PM

CALL TO ORDER

Chair Wasserman called the Joint Governing and Implementation Board meeting to order at 3:02 pm

GOVERNING BOARD ATTENDANCE:

PRESENT: Blankley, Cohen, Foley, Marques, Simitian, Spring, Wasserman

ABSENT: Martinez Beltran

IMPLEMENTATION BOARD ATTENDANCE

PRESENT: Calnan, Keegan, LeZotte, Marques, Rocha, Spring, Wasserman, Armendariz (arrived at 3:10 pm)

ABSENT: Carman, Mahan

STAFF/OUTSIDE AGENCIES:

PRESENT: Edmund Sullivan, Valerie Armento, Gerry Haas, David Fransworth, and Angie Gonzalez

REPORT FROM THE CHAIRS

None.

REPORT FROM THE PUBLIC ADVISORY COMMISSION

None.

PUBLIC COMMENTS: ITEMS NOT ON THE AGENDA

Chair Wasserman opened the public comment at 3:04 pm

There being no requests to speak, the public comment was closed.

JOINT GOVERNING AND IMPLEMENTATION BOARD ACTION

CONSENT AGENDA:

Action: On a motion by Board Member Wasserman and seconded by Board Member Foley approving the Consent Agenda. The motion passed by the following vote: Ayes 10 (Calnan, Cohen, Foley, Keegan, LeZotte, Marques, Rocha, Simitian, Spring, Wasserman); Noes 0; Absent 5 (Martinez Beltran, Carman, Mahan, Armendariz, [Blankley- abstain])

1. **APPROVE THE MINUTES OF THE SEPTEMBER 17, 2020 REGULAR JOINT MEETING OF THE GOVERNING AND IMPLEMENTATION BOARD**

Recommended Action: Approve minutes.

REGULAR BUSINESS:

2. **RECOMMENDATION ON POSSIBLE CHANGES TO THE PRIVATE DEVELOPMENT AREAS MAP**

Recommended Action: Receive staff report in response to public comment regarding possible errors in the Private Development Areas Map and direct staff to consider any necessary revisions of the Map when the Habitat Plan is first amended.

02 PRESENTATION

02 PRESENTATION FROM THE PUBLIC

Program Manager Gerry Haas gave a presentation and answered questions.

Chair LeZotte opened the public comment at 3:22 pm

Margaret Belska gave a presentation.

There being no further requests to speak, the public comment was closed.

Action: On a motion by Board Member Simitian and seconded by Board Member Keegan continuing the matter to the next meeting and directing legal counsel to provide confidential direction on legal liability, if any, and recommendations on how to proceed with respect to any particular legal liability on a particular piece of property while simultaneously forwarding the larger set of issues to staff for their comment on policy direction and to identify the means by which such policy steps might be taken. The motion passed by the following vote: Ayes 12 (Armendariz, Blankley, Calnan, Cohen, Foley, Keegan, LeZotte, Marques, Rocha, Simitian, Spring, Wasserman); Noes 0; Absent 3 (Martinez Beltran, Carman, Mahan)

3. FY 2019 – 2020 FISCAL AUDIT PRESENTATION

Recommended Action: Receive presentation.

03 PRESENTATION

David Fransworth gave a presentation and answered questions.

No Action Taken

4. REPORT FROM THE EXECUTIVE OFFICER

Recommended Action: Receive verbal report.

Executive Officer Edmund Sullivan gave a verbal report.

No Action Taken

GOVERNING BOARD ACTION

CONSENT AGENDA:

Chair Wasserman opened the public comment at 4:22 pm

There being no requests to speak, the public comment was closed.

Action: On a motion by Board Member Spring and seconded by Board Member Foley approving the Consent Agenda. The motion passed by the following vote: Ayes 7 (Blankley, Cohen, Foley, Marques, Simitian, Spring, Wasserman); Noes 0; Abstain: 0; Absent 1 (Martinez Beltran)

5. AB 1600 DEVELOPMENT IMPACT FEE REPORT – FISCAL YEAR 2019-20

Recommended Action: Review and Accept the AB 1600 Development Impact Fee Report for FY 2019-20.

6. FISCAL YEAR 2019-20 AUDIT REPORT

Recommended Action: Accept the Santa Clara Valley Habitat Agency Audit Report for the fiscal year ended June 30, 2020.

7. FINAL REPORT, FISCAL YEAR 2019-2020 REVENUE AND BUDGET EXPENDITURES

Recommended Action: Review the revenue and expenditures for Fiscal Year 2019-2020, July 1, 2019 through June 30, 2020.

8. RESOLUTION ACCEPTING CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LOCAL ASSISTANCE GRANT FUNDS TO CONTRIBUTE TO THE NAME THAT JEWELFLOWER: USING GENETICS AND FIELD SURVEYS TO DETERMINE TAXONOMIC BOUNDARIES AND DEFINE OCCURRENCES FOR THE MOST BEAUTIFUL JEWELFLOWER AND METCALF CANYON JEWELFLOWER ON COYOTE RIDGE PROJECT

Recommended Action: Adopt resolution G-2021-001 accepting the grant award from, and entering into a grant agreement with, the State of California Department of Fish and Wildlife (DFW) for a local assistance grant (LAG) for the Name that Jewelflower: Using Genetics and Field Surveys to Determine Taxonomic Boundaries and Define Occurrences for the Most Beautiful Jewelflower and Metcalf Canyon Jewelflower on Coyote Ridge Project (project) in the amount of \$90,929, and appoint the Executive Officer or designee as agent for the Santa Clara Valley Habitat Agency to ensure all grant related tasks for the aforementioned project are completed. The Habitat Agency was awarded the CDFW grant on November 30, 2020.

9. RESOLUTION ACCEPTING WILDLIFE CONSERVATION BOARD PROPOSITION 68 WILDLIFE CORRIDOR AND FISH PASSAGE PROGRAM FUNDS TO CONDUCT A SR-152 PACHECO CREEK WILDLIFE CONNECTIVITY AND CORRIDOR ENHANCEMENT PROJECT

Recommended Action: Adopt resolution G-2021-002 accepting the grant award from, and entering into a grant agreement with, the Wildlife Conservation Board (WCB) for a Wildlife Corridor and Fish Passage Program grant for a SR-152 Pacheco Creek Wildlife Connectivity and Corridor Enhancement Project in the amount of \$802,000 and appoint the Executive Officer or designee as agent for the Santa Clara Valley Habitat Agency to ensure all grant related tasks for the aforementioned project are completed. The Habitat Agency was notified of the pending award from WCB on September 25, 2020.

10. RESOLUTION ACCEPTING CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LOCAL ASSISTANCE GRANT FUNDS TO CONDUCT A SR-152 PACHECO PASS AND COYOTE VALLEY REGIONAL WILDLIFE CONNECTIVITY STUDY R 2019-20..... 259-270

Recommended Action: Adopt resolution G-2021-003 accepting the grant award from, and entering into a grant agreement with, the State of California Department of Fish and Wildlife (DFW) for a local assistance grant (LAG) for the SR-152 Pacheco Pass and Coyote Valley Regional Wildlife Connectivity Study in the amount of \$90,000, and appoint the Executive Officer or designee as agent for the Santa Clara Valley Habitat Agency to ensure all grant related tasks for the aforementioned project are completed. The Habitat Agency was awarded the CDFW grant on November 30, 2020.

REGULAR BUSINESS:

11. SELECTION OF 2021 GOVERNING BOARD CHAIR AND VICE-CHAIR

Recommended Action: Select a Governing Board Chair and Vice-Chair for 2021.

Action: On a motion by Board Member Simitian and seconded by Board Member Foley selecting Mike Wasserman as Chair of the Governing Board for 2021. The motion passed by the following vote: Ayes 7 (Blankley, Cohen, Foley, Marques, Simitian, Spring, Wasserman); Noes 0; Abstain: 0; Absent 1 (Martinez Beltran)

Action: On a motion by Board Member Spring and seconded by Board Member Wasserman selecting Rene Spring as Vice Chair of the Governing Board for 2021. The motion passed by the following vote: Ayes 7 (Blankley, Cohen, Foley, Marques, Simitian, Spring, Wasserman); Noes 0; Abstain: 0; Absent 1 (Martinez Beltran)

FUTURE GOVERNING BOARD INITIATED AGENDA ITEMS:

None.

GOVERNING BOARD ADJOURNMENT

There being no further business, Chair Wasserman adjourned the Governing Board meeting at 4:24 pm

IMPLEMENTATION BOARD ACTION

REGULAR BUSINESS:

12. APPROVE THE MINUTES OF THE NOVEMBER 19, 2020 REGULAR MEETING OF THE IMPLEMENTATION BOARD

Recommended Action: Approve minutes.

Action: On a motion by Board Member Spring and seconded by Board Member Wasserman Approving the November 19, 2020 Regular Implementation Board Meeting Minutes. The motion passed by the following vote: Ayes 8 (Armendariz, Calnan, Keegan, LeZotte, Marques, Rocha, Spring, Wasserman); Noes 0; Abstain: 0; Absent 2 (Carman, Mahan).

13. SELECTION OF 2021 IMPLEMENTATION BOARD CHAIR AND VICE-CHAIR

Recommended Action: Select an Implementation Board Chair and Vice-Chair for 2021.

Action: On a motion by Board Member Spring and seconded by Board Member Keegan selecting Linda J. LeZotte as Chair of the Implementation Board for 2021. The motion passed by the following vote: Ayes 8 (Armendariz, Calnan, Keegan, LeZotte, Marques, Rocha, Spring, Wasserman); Noes 0; Abstain: 0; Absent 2 (Carman, Mahan).

Action: On a motion by Board Member Spring and seconded by Board Member Wasserman selecting Jennifer Carman as Vice Chair of the Implementation Board for 2021. The motion passed by the following vote: Ayes 8 (Armendariz, Calnan, Keegan, LeZotte, Marques, Rocha, Spring, Wasserman); Noes 0; Abstain: 0; Absent 2 (Carman, Mahan).

14. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A 7-YEAR AGREEMENT WITH TALON ECOLOGICAL RESEARCH GROUP FOR TIER 3 BURROWING OWL CONSERVATION IMPLEMENTATION

Recommended Action: Authorize the Executive Officer to execute a not to exceed \$703,600 7-year sole-source Professional Services Agreement with Talon Ecological Research Group for Tier 3 Burrowing Owl Conservation Implementation.

Executive Officer Edmund Sullivan presented the staff report and answered questions.

Chair LeZotte opened the public comment at 4:32 pm

There being no requests to speak, the public comment was closed.

Action: On a motion by Board Member Wasserman and seconded by Board Member Spring Authorizing the Executive Officer to execute a not to exceed \$703,600 7-year sole-source Professional Services Agreement with Talon Ecological Research Group for Tier 3 Burrowing Owl Conservation Implementation. The motion passed by the following vote: Ayes 8 (Armendariz, Calnan, Keegan, LeZotte, Marques, Rocha, Spring, Wasserman); Noes 0; Abstain: 0; Absent 2 (Carman, Mahan).

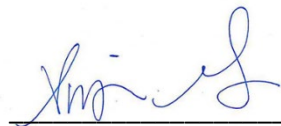
FUTURE IMPLEMENTATION BOARD INITIATED AGENDA ITEMS:

None

IMPLEMENTATION BOARD ADJOURNMENT

There being no further business, Chair LeZotte adjourned the Implementation Board meeting at 4:32 pm.

MINUTES PREPARED BY:



Angie Gonzalez, Deputy Board Secretary