

Alameda County Resource Conservation District
... Making Conservation Happen

RCD BOARD MEETING ANNOUNCEMENT AND AGENDA

Location: District Office, 3585 Greenville Rd., Livermore, CA **Monday, February 9, 2009**

Start Time: 6:30 p.m.

A light supper will be served at 6:00 pm. Guests are encouraged to RSVP by 9am on Monday if attending supper.
(925) 371-0154 ext 111

Materials provided to the Board will be available at the RCD office Monday morning.

CALL TO ORDER and PRELIMINARY ITEMS

ROLL CALL OF THE BOARD OF DIRECTORS

Becky Dennis, Paul Banke, Tim Koopmann, Rod Tripp, Brenda Vieux

INTRODUCTION OF GUESTS & STAFF

Darrel Sweet

Bob Nuzum, Terry Huff, Karen Sweet, Marilyn Harvey, Leslie Koenig, Pete Van Hoorn

PUBLIC NOTICE: Rod Tripp and Becky Dennis have been appointed by the Board of Supervisors to serve as Directors for four years.

CORRESPONDENCE

APPROVAL OF AGENDA

Motion	The Board approves / revises Agenda.
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PUBLIC COMMENTS

BUSINESS BEFORE THE BOARD

CLOSED SESSION –

Conference with Real Property Negotiators (Government Code Section 54956.8)

Real Property: Mitigation property including portions of APN's 099A-1830-001-10 and 099A-1830-002; 3064 Cross Road, Livermore

District Negotiator: Bob Nuzum

Other Negotiating Party: State of CA, Caltrans; David Yam, Sean Malloy, Ron Kiaaina

Negotiation: Cooperative Agreement Funding and Terms

RE-OPEN MEETING AND REPORT FROM CLOSED SESSION

CONSENT CALENDAR – Items for action without discussion

1. Approval of the prior month’s meeting minutes
2. Authorization to develop grants and contracts
 - a. NRCS AWEF – ag water enhancement projects
 - b. Alameda County Flood Control and Water Conservation District: Alameda County Watershed Forum program assessment subcontractor, as an element of the existing County Watershed Adventures contract. See Project Report.
3. Authorization to execute contracts
 - a. Update and extend MOU with Alameda and Contra Costa County Weed Management Area
 - b. Renew MOA with Dept. of Fish & Game to oversee grazing lease at Byron reserve. Same terms as expired MOA.
 - c. Renew annual lease with grazing tenant at Byron reserve. Same tenant as previous years.
4. Appointment of Karen Sweet or Becky Dennis (whoever attends) to be delegated to vote at the February 27 Alameda County Special District Association for Alternate Special District seat on LAFCo.

Motion	The Board accepts the recommendations and reports contained in the Consent Calendar.
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REGULAR CALENDAR

EDUCATION and OUTREACH (Goal)

5. Education Program (Workshops & Youth Education Activities). Report
6. Men in Agriculture calendar report
7. WEBSITE – Password Training
8. GLCI National Conference participation

STEWARDSHIP & PRESERVATION OF PRIVATELY OWNED & MANAGED LANDS (Goal)

9. Use easements – **PARTNERSHIP FOR LAND CONSERVATION AND STEWARDSHIP**
 - a. PLCS project reports

STEWARDSHIP OF PUBLIC LANDS, LINKED TO PRIVATE AGRICULTURE (Goal)

WILDLIFE HABITAT ENHANCEMENT & STEWARDSHIP (Goal)

10. Reduce barriers, provide incentives
 - a. Pond Forum planning is progressing. Staff presentation.
 - b. LARPD pond agreement approval

Motion	The Board authorizes execution of agreement with Livermore Area Recreation Department to administer the repair and restoration of the livestock pond in Sycamore Grove Park, with the assistance of NRCS.
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11. Use Mitigation
 - a. Caltrans Pigeon Pass – Cross Road Project
 - i. Bob Nuzum: Co-op amendment and easement status report
 - ii. Discussion of management plan and planting plan
 - b. Caltrans Pigeon Pass – LARPD Project
 - i. Bob Nuzum: Co-op status report

WATERSHED PLANNING & WATER QUALITY PROTECTION & ENHANCEMENT (Goal)

12. Provide planning & leadership
 - a. SFPUC watershed and mitigation projects status report
 - b. Tri-Valley Conservancy’s *North Livermore Resource Conservation Draft Plan Presentation, February 5*

PARTNERSHIP OPERATIONS (Goal)

13. FINANCE COMMITTEE Report

- a. November Financial Reports. See reports

Motion	The Board accepts recommendation of the Finance Committee to accept the financial reports.
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- b. State's budget and financial impact on state-related contracts. There is no change.
c. Other

14. CONSERVATION PARTNERSHIP TEAM - MONTHLY REPORT

Motion	The Board accepts the Conservation Partnership Team Report.
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15. CONSERVATION COMMITTEE. Recommendations. January 6, 2009 meeting.

- a. Present contract status report
b. Recommendation (continued from October meeting): Mitigation Project Guidelines

Motion	The Board accepts the Conservation Committee's recommendation and adopts the Guidelines for the Role of the District in Development and Mitigation-related Projects.
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- c. Recommendation to accept the February 5 Conservation Committee's report and recommendations.

Motion	The Board accepts the Conservation Committee's February report and recommendations.
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16. PERSONNEL COMMITTEE. no meeting and no report

17. ELECTION OF OFFICERS: President, Vice President, Treasurer

Motion	The Board of Directors elects _____ to serve as President; _____ as Vice President; and _____ as Treasurer.
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18. BOARD COMMITTEE APPOINTMENTS. See report

19. BANKING

Motion	The Board of Directors adopts Resolution #09-02-01 and appoints _____ and _____ to be signors on financial accounts.
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20. BOARD ETHICS TRAINING and FORM 700. Status report

LEADERSHIP REPORTS

21. Vice President, Rod Tripp

- a. Miscellaneous

22. NRCS District Conservationist, Terry Huff

- b. Miscellaneous

- 23. Executive Officer, Karen Sweet
 - a. Alameda County Special Districts Association Dinner – participation is encouraged.
 - b. Report on Brown Act and its affect on new board member orientation
 - c. Orientation for new board member and associates – request for staff direction
 - d. Miscellaneous. Written report

BOARD MEMBER COMMENTS, REPORTS AND FUTURE AGENDA ITEM SUGGESTIONS

ANNOUNCEMENTS for Director Participation

March 16	Next Board Meeting, 6:30p.m.
February 24	CA Council of Land Trusts Conference, Sacramento
February 27	Special District Assoc. meeting and election to LAFCo
March 4	Personnel Committee, 7:30 a.m. at Sunol
March 5	Conservation Committee, 4:00 p.m. at the RCD Office
March 26	Special District Assoc. Dinner, Pleasanton Marriott, 6:00.
February 24	PLCS Advisory Board, Martinelli Center, Livermore, 9:30 a.m.
December 13-16	Grazing Lands Conservation Initiative National Conference, Nevada

ADJOURNMENT Time:

Alameda County Resource Conservation District

... Making Conservation Happen

RCD BOARD MEETING MINUTES

Location:

District Office, 3585 Greenville Rd., Livermore, CA

Monday, February 9, 2009

Start Time: 6:30 p.m.

CALL TO ORDER and PRELIMINARY ITEMS

6:30 p.m. ROLL CALL OF THE BOARD OF DIRECTORS

Becky Dennis, Paul Banke (arrived at 7:30 p.m.), Tim Koopmann, Rod Tripp, Brenda Vieux

INTRODUCTION OF GUESTS & STAFF

Darrel Sweet, Sylvia Sweet - Chatagnier, Charles Sweet, Michelle Sweet
Bob Nuzum, Terry Huff, Karen Sweet, Leslie Koenig, Pete Van Hoorn, Jackie Charbonneau,
Ling He, Andrea Weddle

PUBLIC NOTICE: Rod Tripp and Becky Dennis have been appointed by the Board of Supervisors to serve as Directors for four years.

CORRESPONDENCE. None

APPROVAL OF AGENDA

Motion	The Board revised the Agenda to delete items 10a and 10b, move 11b before 11a, and postpone Closed Session and Item 11a until Paul's arrival. Passed: Koopmann/Vieux.
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PUBLIC COMMENTS

Darrel Sweet presented his comments on the recently received Caltrans letter of February 4 concerning the high, estimated costs for construction on the Sweet Ranch project, and how he would like to see acceptance of Ling He's submitted planting plan. Darrel stressed that the Sweet Family has invested well over \$100,000 into this project and doesn't want to see the project fail. Darrel also noted that the Sweet Family would be willing to install some of the plants and perform maintenance to reduce the planting costs. Vice President, Rod Tripp stated that it was premature to discuss this as the Board and staff have not reviewed the letter together. A meeting is being scheduled with Caltrans to discuss this and other issues.

BUSINESS BEFORE THE BOARD

CLOSED SESSION –

Conference with Real Property Negotiators (Government Code Section 54956.8)
Real Property: Mitigation property including portions of APN's 099A-1830-001-10 and 099A-1830-002; 3064 Cross Road, Livermore
District Negotiator: Bob Nuzum
Other Negotiating Party: State of CA, Caltrans; David Yam, Sean Malloy, Ron Kiaaina
Negotiation: Cooperative Agreement Funding and Terms

RE-OPEN MEETING AND REPORT FROM CLOSED SESSION

Vice President Rod Tripp reported that a meeting with Caltrans will be requested for 2/18/09 in the morning or 2/20/09. Darrel and Charles Sweet are invited to participate.

CONSENT CALENDAR – Items for action without discussion

1. Approval of the prior month's meeting minutes
2. Authorization to develop grants and contracts
 - a. NRCS AWEF – ag water enhancement projects
 - b. Alameda County Flood Control and Water Conservation District: Alameda County Watershed Forum program assessment subcontractor, as an element of the existing County Watershed Adventures contract. See Project Report.
3. Authorization to execute contracts
 - a. Update and extend MOU with Alameda and Contra Costa County Weed Management Area
 - b. Renew MOA with Dept. of Fish & Game to oversee grazing lease at Byron reserve. Same terms as the expired MOA.
 - c. Renew annual lease with grazing tenant at Byron reserve. Same tenant as previous years.
4. Appointment of Becky Dennis to be delegated to vote at the February 27 Alameda County Special District Association for Alternate Special District seat on LAFCo.

Motion	The Board accepts the recommendations and reports contained in the Consent Calendar. Passed: Koopmann/Dennis
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REGULAR CALENDAR

EDUCATION and OUTREACH (Goal)

5. Education Program (Workshops & Youth Education Activities). Report
Leslie Koenig presented the education and outreach calendar that will be provided monthly to update the Board on our education and outreach events. She reported on the successful planting day at the Sunol AgPark on 2/7/09.
6. Men in Agriculture calendar report
Numbers are still being compiled; a final report will be presented next month.
7. WEBSITE – Password Training for Board Members
Leslie presented the new password protected portion of the website for Board member access to review Board meeting materials.
8. GLCI National Conference participation
The Conference will be held in December in Reno, NV. Tim Koopmann, Director, encourages everyone to attend and that the Partnership should volunteer to participate as much as possible through talks, presentations, and other events. Staff will report back to the Board next month with a proposal for attendance.

STEWARDSHIP & PRESERVATION OF PRIVATELY OWNED & MANAGED LANDS (Goal)

9. Use easements – **PARTNERSHIP FOR LAND CONSERVATION AND STEWARDSHIP**
 - a. See PLCS project reports
PLCS Board meetings have been moved to the last Tuesday of the month, the next being February 24 at 9:30 a.m. The County has approved the contract to continue PLCS and we are awaiting payment.

STEWARDSHIP OF PUBLIC LANDS, LINKED TO PRIVATE AGRICULTURE (Goal)

WILDLIFE HABITAT ENHANCEMENT & STEWARDSHIP (Goal)

10. Reduce barriers, provide incentives
11. Use Mitigation
 - a. Caltrans Pigeon Pass – Cross Road Project
 - i. Bob Nuzum: Co-op amendment and easement status report
The amended management plan and easement were submitted to Caltrans in late January with minimal changes. Responses are needed from the agencies as well before the upcoming stakeholder meeting. We are awaiting Caltrans comments on it. The Board expressed the need to stay on top of Caltrans to get feedback on the easement. Further, Bob listed the tasks yet to be completed: modify the endowment and construction estimates, get the biological monitoring cost estimates, and amend the Co-op.

- ii. Discussion of management plan and planting plan
NRCS staff submitted the revised planting plan to Caltrans with recommendations from Sheila Barry and the landowner and based on what the site can accommodate. Caltrans is asking for changes to a portion of the document including the success criteria based on the Habitat Mitigation and Monitoring Plan (HMMP). Terry Huff indicated that the document in total is a technical decision by NRCS based on the Permit and has therefore directed staff not to change any of the technical recommendations of the document. Caltrans may advocate changing the success criteria with the agencies and, therefore change the document as they wish as long as references to ACRCO or NRCS are removed prior to submission to the agencies. Currently, Allison Graff, Caltrans is unwilling to comment on the plan without David Yam's participation. There are issues with the success criteria percentages that are being used due to the different numbers in the permit, the HMMP and the revised planting plan.

Vice President Rod Tripp expressed several concerns about the plan. 1. One is submitting a plan that isn't consistent with the regulatory agency requirements and the risk of changing the planting plan to address different success criteria than the site you are mitigating for; and 2. Our plan must be sound, be reasonable to succeed in the Cross Road site, and be approvable by the agencies. He asked if Caltrans wants to restore the Cross Road site, not the impact site, and all agreed that is the case and Caltrans is negotiating that strategy with the agencies. Staff let the board know that this concern has been expressed to the landowner and Caltrans. Staff and the landowner noted that Caltrans and the Sweet Family do not believe that this issue is a concern. Terry noted that he, too is talking to the agencies and that Staff is submitting a plan it is confident with. Rod noted the RCD is comfortable with the new plan and strategy, and the Board will discuss this further in Closed Session in preparation for the February meeting with Caltrans and the Sweet Family.

- b. Caltrans Pigeon Pass – LARPD Project - Pete Van Hoorn

Coop status report The primary issue to be resolved is the financial risk to the District that Caltrans is requesting. Caltrans wants us to agree to a not to exceed rate and have the District be responsible for meeting success criteria requirements under that rate. Caltrans has insisted we remove provisions that would limit our risk to a level acceptable to the RWQCB. Pete and Andrea Weddle have an alternative approach to address the contract: developing a Contract Management version of the contract where Caltrans hires us to administer the project, conduct bidding, etc. and Caltrans would agree to pay for the construction costs based on the bids through additional task orders, and we oversee the implementation. The RCD Board directed that staff continue to negotiate via 'meet and confer process' and demand the contract include the original provisions to limit our risk. The Board needs some mechanism from Caltrans to cover any costs we incur before the Coop is signed.

A second issue is the stewardship of the plants being propagated by The Watershed Nursery. Staff was directed to estimate cost to re-pot or plant the material and to seek a way to pay the nursery for its work.

WATERSHED PLANNING & WATER QUALITY PROTECTION & ENHANCEMENT (Goal)

12. Provide planning & leadership

- a. SFPUC watershed and mitigation projects status report
Ling He reported that Staff is still awaiting the notice to proceed from SFPUC. Three task orders have been submitted to SFPUC in anticipation of the notice to proceed and are awaiting approval. The Board reminded staff to keep pressure on SFPUC to get the contract approvals in place. Ling also reported on outreach activities being completed through NRCS match. See status report.
- b. Tri-Valley Conservancy's *North Livermore Resource Conservation Draft Plan Presentation, February 5.*
Karen forwarded the document to the board members for their information and commented that comments are welcome to TVC.

PARTNERSHIP OPERATIONS (Goal)

13. FINANCE COMMITTEE Report

- a. November Financial Reports. See reports
The Board requested at the next meeting to look at the budget in depth to better understand the differences from the original budget to the actual and to anticipate the remainder of the year. The Board would also like to see individual project budgets at next months meeting.

Motion	The Board accepts recommendation of the Finance Committee to accept the financial reports. Passed: Banke/Koopmann
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- b. State's budget and financial impact on state-related contracts. There is no change.

14. CONSERVATION PARTNERSHIP TEAM - MONTHLY REPORT

Motion	The Board accepts the Conservation Partnership Team Report. Passed: Koopmann/Dennis.
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15. CONSERVATION COMMITTEE. Recommendations. January 6, 2009 meeting.

- a. Present contract status report
- b. Recommendation (continued from October meeting): Mitigation Project Guidelines
This item was continued at the Conservation Committee's suggestion to separate the policy language about not facilitating mitigation and to establish separate implementation guidelines.
- c. Recommendation to accept the February 5 Conservation Committee's report and recommendations. See Report.
Paul Banke, Director, noted that the recent meeting was excellent due to staff participation.

Motion	The Board accepts the Conservation Committee's February report and recommendations. Passed: Koopmann/Dennis.
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16. PERSONNEL COMMITTEE. no meeting and no report

17. ELECTION OF OFFICERS: Continued to March meeting.

18. BOARD COMMITTEE APPOINTMENTS. See report. Continued to March meeting.
Members are asked to review the report in the interim.

19. BANKING. Continued to March meeting

20. BOARD ETHICS TRAINING and FORM 700.

Forms 700 are due to Karen by March meeting. She will send email with website to visit to complete the training or a CD with the training on it this month.

LEADERSHIP REPORTS

21. Vice President, Rod Tripp
No report

22. NRCS District Conservationist, Terry Huff
No report

23. Executive Officer, Karen Sweet. See Report

- a. Alameda County Special Districts Association Dinner – participation is encouraged.
Dinner is on March 26th, cost is \$40. Karen needs confirmation by March board meeting.
Rod encouraged director attendance in force.

- b. Report on Brown Act and its affect on new board member orientation. Karen briefly reviewed the Act and its application to Standing Committee participation by more than a Board quorum. Members that are not on the Committee may observe only.
- c. Orientation for new board member and associates – request for staff direction
- d. Miscellaneous. Written report

BOARD MEMBER COMMENTS, REPORTS AND FUTURE AGENDA ITEM SUGGESTIONS

ANNOUNCEMENTS for Director Participation

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February 24	PLCS Advisory Board, Martinelli Center, Livermore, 9:30 a.m.
December 13-16	Grazing Lands Conservation Initiative National Conference, Nevada

ADJOURNMENT Time: 10:30 p.m.