



BOARD OF DIRECTORS MINUTES

Date: Thursday, March 26, 2020

Time: 9:00 AM

**Location: NRCS Service Center
 150 Chuck Yeager Way, Suite A
 Oroville CA 95965**

NOTICE OF TEMPORARY PROCEDURES FOR BOARD OF DIRECTORS MEETING:

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic, **the Butte County Resource Conservation District will be closing the March 26, 2020 Board of Directors Meeting to members of the public and nonessential District staff.** Additionally, members of the Board of Directors are allowed to attend the meeting via teleconference and to the same extent as if they were present.

Members of the public are encouraged to participate in the Board meeting in the following ways:

1. Remote Viewing

<https://zoom.us/j/321411651> (Meeting ID: 321 411 651)
 OR use One tap mobile: +16699006833, then enter 321411651#

2. Public Comment

Public Comment can also be submitted anytime via email at bcrccd@carcd.org. Every effort will be made to provide Board Members with your comments before the agenda item is heard.
 Comments received after an agenda item will be made part of the record if received prior to the end of the meeting

1) CALL TO ORDER – Dave Lee, President

2) WELCOME AND INTRODUCTIONS – Dave Lee, President, John Christofferson, Director, Colleen Hatfield, Treasurer, Allen Harthorn, Vice Chair. Staff: Wolfy Rougle, Thad Walker, Tim Keesey, Amanda Chaney; AmeriCorps member Shepard Smith; Ryan Martin from State Parks; Daniel Taverner from NRCS.

3) REVISIONS TO AGENDA (only emergency situations requiring the need to take immediate actions may be added as action items pursuant to Gov. code 549954.2(b))

4) PUBLIC COMMENT (on non-action items)

- (1) (3 min. limit per speaker/topic, 15 minutes/person/meeting total)
- (2) *Public comment is encouraged. Any member of the public may address the Board with any comment related to the Resource Conservation District's areas of concern. However, no action can be taken by the Board on such items at this current meeting. The Board may direct staff to agendize such items for consideration at a future meeting.*
- (3) **Please note that all action items will have time set aside for public comment prior to the vote occurring. After a motion is made and seconded by two BCRCD Directors, the Chair will first ask for any further discussion from the Directors and*

Associate Directors and then Chair will open up the item for brief public comment limited to 2 minutes/person. After the public comment period closes a vote will be held.

5) CONSENT AGENDA: Project Updates (see board packet).

6) ACTION ITEMS – Dave Lee, President

- a) Review and approval of the minutes of the special meeting held 2-13, 2020 – Colleen moved to approve, Allen seconded, motion passed by unanimous consent of the directors who were at that meeting
- b) Review and approval of the minutes of the regular meeting held 2-20, 2020 – John moved to approve, Allen seconded, motion passed by unanimous consent of the directors who were at that meeting
- c) Review and Approve Outstanding Bills – John moved, Allen seconded, motion to pay the bills passed unanimously.
- d) Audit Update- Colleen Hatfield – Colleen has received a 3-page list of deliverables the auditor wants to see. We will work to make these documents available to the auditor digitally as much as possible so they don't have to travel up to Butte County. COVID-19 crisis is slowing down the process but it is moving.
- e) Review and approval of Financials/ Budget- Colleen Hatfield – Colleen shared a packet of documents provided by the new bookkeeper, Heather. Transition and tax time have brought some communication delays. In other news, our SDRMA bill is going up by 13%. T-sheets: We still intend to set this up but COVID-19 has delayed the process. COVID shutdown adaptation recommendations: In general, we should work to find out if more of our funders can pay up-front or provide advances. We should continue to work on an annual budget for FY 2020-21; we do have a draft we can continue to refine over the next month. SNC advance – Board decided to not proceed with Banner Bank and instead **open a Mechanics Bank interest-bearing checking account with Dave and Colleen as the signers.**
- f) Status of EFRP outstanding invoices/ Stop Work Order- Colleen Hatfield – Colleen has sent the stop work order to the funder, and she shared it with CARCD as well. Meanwhile, Thad has heard back from CARCD's Jenn Shepard and it sounds like there is some progress being made on payment. However, payment is currently working its way through the Forest Service, which is slower than usual because of COVID-19 – and our USFS contact is especially busy because they sit on the R5 COVID-19 response panel.
- g) Cost Allocation Plan – Wolfy Rougle – Allen moved to **accept**, Colleen seconded, motion passed unanimously
- h) Archaeologist Agreement with Native-X, Inc. – Wolfy Rougle – Colleen emphasized the importance of putting a clause, when necessary, in each Task Order/Attachment saying that the contractor won't be paid until the funder makes the funds available. (Agreement allows for this) Discussion centered around how Native-X rates are higher than what we usually bill for, but Native-X' work would be billed to CAL FIRE as a lump reimbursable expense, not as hourly progress. John moved to adopt the agreement and also moved we re-examine our FFS rates with regard to the bids we're seeing from archaeologists. Allen seconded. Motion passed unanimously.
- i) Archaeology Services Agreement with Lori Harrington for Upper Park Road Project- Thad Walker – Harrington's estimate (rate \$80/hr.) fits within the project budget and she has worked with the City before. John moved to approve, Colleen seconded, motion passed unanimously
- j) Wildlife Biologist Offer Letter, Dawn Garcia – Wolfy Rougle. Board indicated they have all the information they need; item will be further addressed in closed session.
- k) Wildlife Biologist Updated Agreement with Dan Lipp- Tim Keeseey – Dan was the one who helped with the spotted owl surveys in Granite Basin. This item would renew a general services agreement with Dan in case we need his services in the future, depending on his availability. His rate has gone up from \$35 to \$40/hr. Colleen moved, and Allen seconded, to approve the agreement. Motion passed unanimously.
- l) Powellton Rd Revenue/Expense Agreements with Butte County Public Works – Thad Walker – Agreement was originally set up such that RCD could pay the County for reimbursable expenses as well as bill the County under a single agreement. We've since been informed that we need two separate agreements, and these have been put together by Radley and Sara at the County. These

agreements cover all the expenses we'll need to have covered. We have a contractor whose bid came in within the project budget (approval of that bid goes before the BOS in mid-April), so construction can proceed this season. Colleen noted the agreement stipulates that if the project goes overbudget, RCD will need to cover the overage (attachment 3 part 61); she requested the Board approve the agreement contingent on approval by a subcommittee of John, Thad and herself. Thad explained that the paragraph Colleen is referring to states that the County will not increase its cash match in the event of an overage. Mike observed that if unforeseen circumstances did raise the cost of the project, the agreement has a little extra cushion in it for contractor overage. Tim also noted that we could move up to 10% of our total budget to another line item (e.g., to construction), which would amount to up to \$37,000 if needed. If the unforeseen circumstances raised the cost beyond that cushion, we might need to readjust/redesign. Mike said it would be good to have a conversation with Radley about the County's expectations. Ultimately, the County is responsible for the road because they are the ones with a notice of violation. Any contractor change orders would need to be approved by the County. John moved to accept the agreement and allow it to be signed before the next board meeting, providing that Thad has a discussion with Radley to the effect that the County picks up any extra costs which are above our budget, which is set by the State of California. Board requested Thad take detailed notes on the conversation and forwards them to the Directors. Colleen seconded. Motion passed unanimously.

- m) NRCS MOA- Thad Walker – This is an MOA all RCDs have been asked to renew with NRCS, restating the relationship between the two organizations. Colleen said it nicely complements the MOA among regional RCDs in the Sacramento Valley region. Colleen moved to **accept the MOA** and have Dave sign it. Allen seconded. Motion passed unanimously. Dan Taverner thanked RCD for the work they do, and Dave thanked Dan for being present.
- n) Agreement with BCFSC to work on Forest Health Handbook – Wolfy Rougle. John moved to accept, Allen seconded, motion passed unanimously.
- o) Contract with American Forest Foundation to provide landowner outreach services – Wolfy Rougle – John moved to accept, Colleen seconded, motion passed unanimously.
- p) Bid Opening for Restoration of Walnut Orchard Bidwell Sacramento State Park- Review/Accept Bid- Thad Walker – We received one bid. Thad confirmed that all needed elements of the bid were present and the bid was appropriately broken down based on the bid subitems. The bid was for \$709,154 and the available funds for the 50-acre project was \$574,159, or \$134,995 less than the bid. In a cover letter, the bidder did include ideas for how to reduce the cost/scope of the project while still staying true to the spirit of the project. Thad suggested we table the item (neither accept nor reject the bid) pending further discussion with State Parks to adjust either funding or scope. Ryan Martin of State Parks agreed with Thad's suggestion. John suggested the State might be able to contract with the CCC or Cal Fire inmate crews to do some of the work. John moved and Colleen seconded that the item be tabled to next month's board meeting to allow RCD and State Parks to meet in the interim. Motion passed unanimously.
- q) Agreement with Mechoopda Cultural Resource Preservation Enterprise for Bidwell Sacramento Archaeology Monitoring – Thad Walker – This is a \$9,000 agreement to have the Mechoopda Tribe conduct monitoring on the project. It is completely contingent on construction taking place so there is something to monitor. Given that the above item was tabled until next meeting, John moved to table this item to the next meeting as well. Motion passed unanimously.
- r) Agreement with Water Quality Control Board for Dixie Road Project – Thad Walker – This is a project that's been ongoing since the Camp Fire, utilizing emergency fire funds for improvements on Dixie Rd. Total agreement: \$791,316. However, we just received notice from WB that they may only have funding authority for \$500,000. We are waiting to hear back from them for confirmation that they have identified a workaround to provide funding for the entire project. Thad recommended tabling the item until we receive that confirmation. The County has already invested funds in developing the project, budget and scope. State WB grant administrator = Andy Hofstra, who will meet in the next few days with their counsel and others to see if WB can provide the full amount. Thad requested that if Directors have questions about the RCD's potential exposure to cost and liability under this agreement, which is a standard WB agreement, that Directors discuss their concerns with him prior to next Board meeting. Colleen moved to table, Allen seconded, motion passed unanimously.

- s) Agreement with Pacific Watershed and Associates for Dixie Road Project – Because above item had to be tabled, this one also needs to be tabled. Colleen moved to table this item; Allen seconded, motion passed unanimously.
- t) Car insurance match requested for Shepard Smith – Shepard Smith – Shepard is considered essential personnel because he supports timber restoration activities. Colleen asked if Shepard could get a letter from SNAP he could carry with him explaining this. Despite some COVID-19-generated cash flow issues, as far as we know right now, the number of hours Shepard will be able to spend with BCRCD will remain unchanged.
John wondered if providing this \$ would constitute a gift of public funds to an individual not employed by BCRCD (because this \$ would benefit all of Shepard’s family, not just Shepard). Colleen agreed to follow up with AmeriCorps to see how this issue has been handled in the past. Item tabled until next meeting.
- u) Next Meeting of BCRCD BOD- Thursday April 16th @ 9 AM. At this time we expect it will also be a remote meeting.
- v) Draft Letter for Staff – Board – Colleen provided a letter all staff can carry with them to prove they are traveling on essential RCD business. Dave asked whether we should also provide this letter to our subcontractors. After some discussion, John and Colleen agreed that we should, but Thad pointed out we should have two versions, one that says “employees” and one that says “contractors”. Allen moved and John seconded to have Dave sign both letters. Motion passed unanimously.
- w) Field Protocol for Staff – Colleen provided a protocol all RCD employees must abide for when working, in order to prevent spread of COVID-19. Dave recommended (a) that we also provide this to subcontractors and (b) that RCD have all employees/contractors initial a copy of the protocol proving that they’ve read it. Colleen moved that the Board accept the protocol, add a signature line at the bottom, then distribute it to all employees and contractors. Allen seconded; motion passed unanimously.

7) RCD PROJECTS AND PROGRAMS

- a) Update – See staff updates in BOD packet

8) PARTNERS’ REPORTS (5 minute limit per group)

- a) Natural Resource Conservation Service (NRCS) – Dan advised he just sent out an email to the Board stating that an FSA employee got exposed to the virus and has been self-quarantining for a week; that staffer has since tested negative. NRCS office protocol will remain unchanged: one person in an office at a time and staff will continue to do necessary field work with social distancing as needed.
- b) Butte County departments
- c) Community groups and agencies

9) CLOSED SESSION – Directors only

- a) Continuing Personnel Discussion

10) BOARD OF DIRECTORS REPORTS

- a) Butte County RCD Directors and Associate Directors are welcome to report

11) ADJOURNMENT

NOTE: The Butte County Resources Conservation District (BCRCD) distributes its Board meeting agendas electronically at least 24 hours in advance of meetings. If you would like to be added to, or removed from, the email list, please notify the Butte County RCD at (530) 534-0112, ext. 122 or by email to: bcrcd@carcd.org. The BCRCD also publicly posts notice and agenda of meetings 72 hours in advance of meetings at the Butte County RCD office located at 150 Chuck Yeager Way, Suite A, Oroville, CA. **Reasonable Accommodations:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Butte County RCD Manager at (530) 534-0112, ext. 122.

- Please note that all action items will have time set aside for public comment prior to the vote occurring. After a motion is made and seconded by two BCRCD Directors, the Chair will first ask for any further discussion from the Directors and Associate Directors and then the Chair will open up the item for brief public comment limited to 2 minutes per person. After the public comment period closes, a vote will be held.