



County of San Mateo

Inter-Departmental Correspondence

Department: PUBLIC WORKS

File #: 21-200

Board Meeting Date: 3/9/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: James C. Porter, Director of Public Works

Subject: Memorandum of Understanding with the San Mateo Resource Conservation District for Watershed Protection and Enhancement Services

RECOMMENDATION:

Adopt a resolution authorizing:

- A) Memorandum of Understanding (MOU) with the San Mateo Resource Conservation District to provide Watershed Protection and Enhancement Services, for the term of March 9, 2021 through March 8, 2026, in an amount not to exceed \$1,000,000; and
- B) A Waiver of the Request for Proposal (RFP) process to select the San Mateo Resource Conservation District, a public entity; and
- C) The Director of Public Works to execute amendments to the Memorandum of Understanding to modify the County's maximum fiscal obligation by no more than \$25,000 (in aggregate) and the terms or services provided the amendments are within the current or revised fiscal provisions.

BACKGROUND:

San Mateo County's Coastside watersheds are home to an abundance of natural resources, diverse ecosystems, and special status species such as steelhead, Coho salmon, and the California red-legged frog; however, several creeks and waterbodies are listed as impaired by pollutants. Pollutants such as sediment and bacteria are, in part, the result of past land use activities (e.g., logging and grazing practices) as well as current human actions (e.g., improper handling of pet waste). As such, the San Francisco Bay Regional Water Quality Control Board (Water Board) must develop watershed specific regulations called Total Maximum Daily Loads (TMDLs) to address water quality conditions that require municipalities to take a more holistic, watershed-based approach to maintenance, repair, and construction of public infrastructure.

The County is currently required by the Water Board to comply with the San Pedro Creek and

Pacifica State Beach Bacteria TMDL, the San Vicente Creek Bacteria Water Quality Improvement Plan, and the Pescadero and Butano Creek Watershed Sediment TMDL. Several additional TMDLs for coastside watersheds are in development including the Pillar Point Harbor and Venice Beach Bacteria TMDL (expected in 2021) and the San Gregorio Creek sediment TMDL (expected in 2022). Each TMDL requires water quality monitoring, studies, reporting, and a range of planning and implementation activities to reduce stormwater pollutants including specific sediment reduction and habitat improvement projects, detailed roadway and watershed inventories, and closely interfacing with the community and regulatory agencies.

DISCUSSION:

Complying with watershed protection requirements require enhanced planning, implementation, and coordination with multiple stakeholders that can extend beyond the Department's current in-house capacity or expertise and beyond the County maintained roadways or County owned properties. The County and the San Mateo Resource Conservation District (RCD) have successfully partnered on previous watershed and natural resource protection projects including sediment reduction and water quality improvement projects. The Department proposes to continue the partnership with the RCD, as appropriate and beneficial, to comply with watershed protection requirements, TMDL planning and implementation, and endangered species recovery actions specific to the Department's infrastructure and operational activities.

The RCD has a long history of helping communities protect, conserve, and restore natural resources through partnerships and collaboration with landowners and managers, technical advisors, area jurisdictions, government agencies, and others. The RCD is a non-regulatory, public entity that can provide landowners and land managers with technical support during the planning and implementation of restoration projects that achieve watershed protection goals. The RCD has been successful in completing complex, high priority, and multi-stakeholder watershed restoration and grant-funded projects.

A Memorandum of Understanding (MOU) between the Department and the RCD for as-needed watershed protection and enhancement services will allow the Department and the RCD to coordinate on specific projects that would be mutually beneficial to the missions and purposes of the Department and RCD. Services to be provided by the RCD include, but are not limited to: technical services, applications for grant funding, private landowner coordination and technical assistance, public engagement, environmental permitting, biological monitoring, civil engineering design, project administration and management, mitigation and watershed enhancement project construction or capital improvements, and other various professional services. The MOU specifies that work performed by the RCD will be through specific detailed Task Orders issued by the Department.

The Department recommends that the Board approve the Department's waiver of the competitive solicitation for this MOU under County Administrative Memorandum B-1 (September 1, 2020). Section IV(B)(2) states that the competitive procurement requirement may be waived for "agreements with other public entities, including governments, universities, schools, or other organizations acting as governmental agencies." The RCD is a special district, a form of local government created by the community to meet a specific need and established under California law to be locally governed with independent board of directors that are accountable to our local communities. The RCD is subject to transparency and accountability laws requiring public meetings, open records, annual audits, and financial reporting, which makes them a trusted County partner.

The term of the MOU will be for five (5) years from March 9, 2021 through March 8, 2026 with the option to extend the MOU for two (2) additional years to March 8, 2028, if needed.

County Counsel has reviewed and approved the resolution and MOU as to form.

FISCAL IMPACT:

Work performed by the RCD pursuant to the MOU will be funded by specific Department projects and associated budgets.

There is no impact to the General Fund.