

RICHARDSON BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of: November 16, 2023

To: RBRA Board of Directors

From: Brad Gross, Executive Director

Subject: Draft Richardson Bay Regional Agency Civil Rights Policy

STAFF RECOMMENDATION: Staff recommends that this Board receive the staff report, and, after discussion and public comment, adopt Resolution 23-14, approving the RBRA Civil Rights Policy and direct staff to post the materials to the RBRA website as described in this report, as may be amended.

MOTION: Adopt Resolution 23-14 establishing the Richardson Bay Regional Agency Civil Rights Policy, effective November 16, 2023.

BACKGROUND/DISCUSSION:

RBRA's 2020 Transition Plan calls on the RBRA to "seek grant funding and other support to conduct proposed eelgrass research, protection, and restoration work in Richardson Bay." That direction is consistent with the 2021 agreement between the Bay Conservation and Development Commission (BCDC) and RBRA, which states that RBRA will, "develop a ten-year adaptive management plan for eelgrass restoration in Richardson Bay."

Accordingly, RBRA applied for and was awarded grant funding from the US Environmental Protection Agency (EPA) San Francisco Bay Water Quality Improvement Fund (SFBWQIF) for the project "Collaboratively Restoring Eelgrass in Richardson Bay to Improve Water Quality and Climate Resilience," with the goal of restoring at least 15 acres of eelgrass in Richardson Bay over four years. The project, designed as an innovative public-private partnership, includes funds for contractors to conduct on-the-ground restoration, adaptive management, and monitoring of eelgrass habitat, as well as funds to provide training for early career conservationists from severely disadvantaged communities, develop shareable, scalable best-practices for eelgrass restoration in areas of anchor scour, and support RBRA staff time on the project.

One of the requirements established by US EPA to fully comply with all components of the SFBWQIF grant is that all grantees must have a Civil Rights Policy in accordance with local, state, and federal guidelines that ensure the following:

- Recipient (i.e., RBRA) must provide initial and continuing notice that it does not

discriminate on the basis of race, color, national origin, sex, age, or disability in its program or activities. (40 C.F.R 5.140 and 7.95)

- The methods of notice must accommodate those with impaired vision or hearing.
- The notice must be posted in a prominent place in the recipient's website, in the offices or facilities.
- The notice must identify a designated civil rights coordinator.
- The recipient must maintain demographic data on the race, color, national origin, sex, age, or disability status of the population it serves. (40 C.F.R. 7.85(a))
- The recipient must have a policy/procedure for providing meaningful access to services for persons with limited English proficiency. (Title VI, 40 C.F.R. Part 7, Lau v Nichols 414 U.S. (1974))

RBRA did not, at the date of the grant award, have the necessary RBRA Board approved Civil Rights Policy. Through discussions with EPA grant administrators, RBRA entered into a six-month Agreement with the US EPA to address these deficiencies, which was further extended to November 23, 2023. The proposed RBRA Civil Rights Policy includes the following:

1. RBRA Non-Discrimination Statement
2. Discrimination Complaint and Compliance Review/Grievance Procedure
3. TITLE VI/504/ADA and Related Federal and State Statutes Discrimination Complaint Form
4. Access for Members of the Public with Disabilities

This Policy would address the topics required by the US EPA, and would bring RBRA into compliance with grant requirements.

The proposed RBRA Civil Rights Policy is included with attachments to this report. If approved, this policy may be amended as mandates, laws, and policies are periodically updated with notification to this Board.

FISCAL IMPACT:

None

NEXT STEPS:

If the proposed RBRA Civil Rights Policy is approved by this Board, the Policy will be posted and made available to the public via the RBRA website.

Attachments:

- Attachment 1: Draft RBRA Civil Rights Policy
- Attachment 2: Draft Resolution No. 23-14
- Attachment 3: Discrimination Complaint Procedure
- Attachment 4: Title VI/504/ADA Complaint Form