



SPECIAL AND REGULAR MEETING

**BOARD OF DIRECTORS
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

Wednesday, March 27, 2024

*The Board of Directors conducted this meeting in accordance with
California Government Code section 54953.*

DRAFT MINUTES

**SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA
REGIONAL OPEN SPACE DISTRICT – CLOSED SESSION**

President MacNiven called the special meeting of the Midpeninsula Regional Open Space District to order at 5:30 p.m.

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret MacNiven, Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Shaylynn Nelson, Real Property Manager Allen Ishibashi, Senior Planner Jared Hart, and Planner III Aaron Peth

President MacNiven announced this meeting is being held in person at the District's Administrative Office, and by teleconference. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: Santa Clara County APN(s): 544-03-001, 544-06-001 and 544-06-002

Agency Negotiator: Allen Ishibashi, Real Property Manager

Negotiating Party: Scott Hoffman, San Jose Water Company

Under Negotiation: Easement and Purchase Terms

Public comment opened at 5:30 p.m.

District Clerk Maria Soria reported no public comments were submitted for the closed session.

Public comment closed at 5:30 p.m.

The Board convened into closed session.

ADJOURNMENT

President MacNiven adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 6:56 p.m.

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

President MacNiven called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 p.m.

ROLL CALL

Members Present: Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret MacNiven, and Curt Riffle

Members Absent: Jed Cyr

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Assistant General Manager Brian Malone, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Shaylynn Nelson, Information Systems & Technology Manager Casey Hiatt, and GIS Program Administrator Jamie Hawk

President MacNiven announced this meeting is being held in person at the District's Administrative Office, and by teleconference. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website.

REPORT OUT OF CLOSED SESSION

President MacNiven reported the Board met in closed session, and no reportable action was taken.

ORAL COMMUNICATIONS

Public comment opened at 7:01 p.m.

District Clerk Maria Soria reported there were no public speakers for this item.

Public comment closed at 7:01 p.m.

ADOPTION OF AGENDA

Motion: Director Kishimoto moved, and Director Holman seconded the motion to adopt the agenda.

ROLL CALL VOTE: 6-0-0 (Director Cyr absent)

CONSENT CALENDAR

Director Kersteen-Tucker inquired if staff had considered leashed dog access to the loop trail on consent calendar item 5.

Planning Manager Jane Mark explained further conversations with the tenant are required for dog on leash access because there is a grazing operation onsite. The Board will have an opportunity to discuss the proposed trail uses when staff present the comprehensive use and management plan to the Board.

General Manager Ana Ruiz inquired if the decision would come before the Board as part of the project description for the California Environment Quality Act (CEQA).

Ms. Mark confirmed it would be part of the proposed project description for environmental review before the environmental review phase begins.

Director Cyr joined the meeting at 7:04 p.m.

Public comment opened at 7:06 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 7:06 p.m.

Motion: Director Riffle moved, and Director Gleason seconded the motion to approve the Consent Calendar.

ROLL CALL VOTE: 7-0-0

- 1. Approve the March 6, 2024 and March 13, 2024 Board meeting minutes**
- 2. Approve Claims Report**
- 3. Report from the Bond Oversight Committee to the Board of Directors for the review period from July 1, 2022 to June 30, 2023**

Bond Oversight Committee's Recommendation: The Bond Oversight Committee recommends that the Board of Directors accept this report.

- 4. Award of Contract for Detail Design and Engineering Services for the Highway 35 Multi-use Trail Crossing and Parking Area Project at Purisima Creek Redwoods Open Space Preserve (R-24-36)**

General Manager's Recommendations:

1. Award a contract to CSW/ST2 of Redwood City, California, to complete the design, engineering, permitting, and construction administration for the Highway 35 Multiuse Trail Crossing and Parking Area Project for a not-to-exceed base contract amount of \$331,204.
2. Authorize a 15% contingency of \$49,681 to cover unforeseen tasks beyond the current scope.
3. Authorize a separate contract allowance of \$30,000 for additional traffic design, engineering, and permitting services that may be required after reaching 35% design plans to avoid potential implementation delays, bringing the total not-to-exceed contract amount to \$410,885.

5. Award of Contract with MIG, Inc., to provide biological/cultural and permitting services and mitigation planning for the Purisima-to-the-Sea Trail Project (R-24-37)

General Manager's Recommendations:

1. Authorize the General Manager to enter into a contract with MIG, Inc., to provide consulting services in support of the Purisima-to-the-Sea Trail project for a base amount not to exceed \$78,947.
2. Authorize a 15% contingency of \$11,842 to cover unforeseen conditions, for a total contract amount not-to-exceed \$90,789.

6. Award of Contract to Complete Repairs to a Ranger Residence in Sierra Azul Open Space Preserve (R-24-38)

General Manager's Recommendations:

1. Authorize an award of contract to SAE Consulting Engineering of San Jose, CA for a not-to-exceed base contract amount of \$575,000.
2. Authorize a contingency of 15% in the amount of \$86,250 to be reserved for unanticipated issues, bringing the total not-to-exceed contract to \$661,250.

7. Award of Contract for Botanical Survey Services at Purisima Creek Redwoods Open Space Preserve (R-24-39)

General Manager's Recommendations:

1. Authorize the General Manager to execute a contract with AECOM Technical Services, Inc., of Oakland, California to provide botanical survey services to inform future actions in support of the Conservation Grazing Program for a base amount not to exceed \$90,144.
2. Authorize a 15% contingency of \$13,522 to cover unforeseen issues, for a total contract amount not-to-exceed \$103,666.

8. Award of Contract for Marbled Murrelet Habitat Assessment and Breeding Surveys for the Long Ridge Forest Health Project (R-24-40)

General Manager's Recommendations:

1. Authorize the General Manager to execute a contract with Nomad Ecology, LLC to complete a marbled murrelet habitat assessment and breeding surveys in Long Ridge Open Space Preserve, for a base contract amount not-to-exceed \$83,101.

2. Authorize a separate contract allowance of \$39,918 to complete breeding surveys, if needed, bringing the not-to-exceed contract amount to \$123,019.

BOARD BUSINESS

9. First Reading of the Board Compensation Ordinance (R-24-41)

General Counsel Hilary Stevenson provided the staff presentation on the Board Compensation Ordinance. She described the history of Board compensation and outlined the regulations and procedures required for this item.

Director Riffle inquired whether Board compensation is presented to the Board annually or every other year and noted that last year the Board adopted a two-year increase.

Ms. Stevenson explained the Board can receive a maximum 5% increase each year but the Board has discretion in how frequently the increase is enacted. Increases can be brought before the Board every two years with a maximum 10% increase or every year for a 5% increase. She welcomed Board input on how frequently they would like to consider compensation increases. She suggested the Board could discuss whether to proceed with an increase for the year at the annual January meeting under the compensable meeting agenda item.

Director Cyr suggested adopting an increase on an annual basis.

Director Gleason inquired if prior board members had considered taking the lower amount between a 5% increase and an increase based on inflation or cost of living.

Ms. Stevenson confirmed that is a policy option.

Director Gleason suggested it would be appropriate for Board compensation to increase at a lower rate if staff compensation is increasing at a lower rate.

Director Riffle shared he was sensitive to the same concern but was under the impression the Board was far behind on increases. He suggested looking at other agencies to see their compensation.

Director Gleason remarked it appeared Board pay is variable across the region, with East Bay Parks being similar to the Board's compensation and other Boards being paid more.

Ms. Stevenson explained that increasing the compensation can make it possible for a broader sector of the population to participate in an elected office. She noted distance, fuel costs, and childcare expenses can present barriers to people who may otherwise seek office. She explained that statutory requirements can vary across agencies but the District's Board is on the lower end of the compensation scale.

Public hearing opened at 7:17 p.m.

Ms. Soria reported there were no public speakers for this item.

Public hearing closed at 7:17 p.m.

Director Kishimoto agreed that the Board needs to catch up on pay but it makes sense to agree on the COLA amount and adopt an increase every year.

Director Holman appreciated the comment from Ms. Stevenson that higher Board compensation encourages the public to run for office. She concurred that the Board should determine a compensation baseline and increase compensation annually.

Director Riffle noted that there are two decisions: how often to consider increases and the guideline for how much. He agreed the Board should discuss compensation increases annually. He expressed an inclination towards increases consistent with staff COLAs but noted his travel expenses are minimal and he would be supportive if his colleagues wanted a higher increase to offset expenses.

Director Kersteen-Tucker appreciated the idea of considering increases on an annual basis. She is mindful that future coastside directors who may have young families would benefit from a higher stipend to mitigate travel costs.

Director Holman stated that directors who travel a greater distance should have higher consideration granted to them. She remarked that there are also childcare expense considerations in addition to time and commute costs.

Ms. Ruiz reminded the Board that there is a limit of 6 compensable meetings per month and there are months with meetings in excess of 6 which the Board does not receive compensation.

Director Cyr commented that the base compensation had been upgraded three years ago but the last compensation increase before that had been in the 1980s. He also noted that the Board spends significant time reading and the job does not consist solely of attending meetings. He is supportive of an annual compensation review because it gives the Board an opportunity to reflect on changes that occurred throughout the year which may influence the Board's decision.

Director Gleason expressed a preference for the Board increase being indexed to a cost-of-living adjustment. He is sensitive to the concern of getting a younger, more diverse set of directors on the Board but suggested there are more significant barriers to aspiring directors which an increased stipend would not resolve, such as balancing a day job with Board obligations.

Director Holman suggested the President appoint an ad hoc committee to review what other agencies do.

President MacNiven inquired if there is any Board interest to participate in an ad hoc committee.

Ms. Stevenson requested clarification on what the ad hoc committee would consider. She alternatively suggested staff could present the Board with more information on compensation from different agencies. She noted the complexity of State law but could provide additional data on compensation ranges for special districts.

Director Holman said she is open to receiving more information instead of forming an ad hoc committee since they do take staff time.

Ms. Ruiz noted that inflation has increased by 150 % since 2019 and inquired if the Board is considering a catch-up.

President MacNiven inquired what the cost-of-living increase is this year.

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak said the Consumer Price Index (CPI) for the area in February is 2.4%.

Ms. Stevenson noted that the Board is capped at 5%.

President MacNiven suggested moving forward with 5%. She expressed appreciation for Director Riffle's and Director Gleason's comments about not exceeding staff.

Director Riffle expressed an inclination towards a 5% increase since the Board is catching up on pay. He suggested having this type of discussion every year in January to evaluate if more data is needed before accepting a 5% increase.

Director Kersteen-Tucker is also in support of a 5% increase but suggested having comparable information (comps) presented to the Board during future discussions. She is curious what other special districts do to attract board members who have a lengthy commute from their jurisdiction to the administrative offices.

Director Riffle expressed interest in the number of compensable meetings available to other districts.

Ms. Stevenson shared that East Bay Parks is compensated for 10 meetings per month. Staff could consult with the District's lobbyist to pursue a legislative initiative to increase the number of compensable meetings and there may be opportunities in the next few years to increase the limit of compensable meetings through the enabling legislation.

Director Cyr supported considering compensation on an annual basis because circumstances change.

Director Kishimoto suggested referring this matter to a committee to consider whether the Board should consider the annual COLA, a 5% increase, or whichever is less. She is comfortable with adopting 5% this year but would like to consider the annual COLA as given to staff to be included in the staff report in the future.

Ms. Stevenson explained that staff increases are negotiated as part of multi-year labor contracts. Every few years the District does look at the CPI but what staff is receiving is negotiated ahead of time so the numbers will be different.

Director Gleason suggested focusing a broader conversation on how to diversify the Board rather than solely focusing on how much the Board should be compensated.

Ms. Stevenson said the second reading is essentially the adoption and is not an appropriate opportunity to make changes. The Board can either direct staff to bring back the ordinance with a specific number in it or not bring it back and proceed with a different course of action.

President Kishimoto moved to adopt the General Manager's recommendation as presented with the additional direction to authorize the President to adopt an Ad Hoc Board Committee to consider a more general policy to guide future discussions.

President MacNiven inquired if staff provides the Board the comps information would that suffice rather than forming an ad hoc committee.

Director Kishimoto explained there are various approaches to consider, including how to diversify the Board and whether to accept COLAs.

Director Cyr appreciated hearing the subtleties in each Director's perspective and prefers to deliberate as the full Board.

Ms. Ruiz suggested the Board wait until next year to consider the formation of an ad-hoc committee after reviewing the information staff provides for the first reading in the first report. The Board can then decide if an ad hoc committee would be helpful after receiving additional context.

Director Kishimoto withdrew her amended motion.

Director Kersteen-Tucker suggested agendaizing this item next year with the understanding there will be a broader discussion regarding barriers to office and compensation.

Motion: Director Holman moved, and Director Riffle seconded the amended motion to:

1. Waive reading and introduce an ordinance increasing Board compensation from \$115.50 to \$121.28 per meeting day, pursuant to Public Resources Code section 5536.
2. Hold a public hearing on the proposed ordinance.
3. Direct the General Manager and General Counsel to prepare the ordinance for second reading/adoption at the April 10, 2024 Board meeting.
4. Direct staff to return next January for a broader discussion on the array of considerations, including baselines and whether to adjust compensation annually.

ROLL CALL VOTE: 7-0-0

10. Informational Presentation on the Geographic Information System (GIS) Strategic Plan Project (R-24-42)

Information Systems and Technology (IST) Manager Casey Hiatt introduced the staff presentation. She explained the District is wrapping up the needs assessment and public engagement portions of the Geographic Information Systems (GIS) Strategic Plan. She shared that GIS just received two awards, a Special Achievement award in GIS from ESRI and an award from California State Parks for the trail information application. She explained while the District is automating processes and creating innovative tools, the backend infrastructure and database maintenance continues to grow.

GIS Program Administrator Jamie Hawk provided the staff presentation for the District's GIS Strategic Plan Project. The District is conducting a needs assessment and developing a three-year strategic plan for the District's GIS program to evaluate current GIS technology utilization at the District, gather needs of stakeholders, and make recommendations to improve the GIS program.

Geographic Technologies Group CEO David Holdstock explained the three phases to the strategic plan, with phase one being data collection, phase two system design, and phase three an implementation plan. There is a maturation phase and the District is in the strategic stage of maturity.

Ms. Hawk continued the presentation by reviewing the mapping resources that the District currently provides to the community, the external stakeholder engagement strategy, and initial findings.

Director Gleason shared his interest in technology and said he frequently recommends the Avenza maps.

Director Riffle advocated for more education of the technology GIS has made available so the public can take full advantage.

Director Kishimoto shared ideas such as integrating with iNaturalist, tools which explain the geology of an area, and a way to convey the carbon and water cycles and the role District preserves play in that process.

Director Holman suggested an interactive program where you can click on a particular location and learn facts about the area.

Director Cyr expressed appreciation for the GIS team's efforts, including keeping up with the changing technology with a positive attitude.

President MacNiven expressed interest in the idea of seeing different landscapes all on a map, ranging from riparian to redwood forests and grasslands.

Ms. Hiatt informed the Board that GIS would return in the summer to present results.

Public comment opened at 8:22 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 8:22 p.m.

No Board action required.

INFORMATIONAL REPORTS

A. Committee Reports

President MacNiven provided an update of the March 21 Basic Policy Ad Hoc Committee.

Director Riffle explained the ad hoc did not revise the Basic Policy but rather incorporated the Coastal Service Plan into the Basic Policy.

President MacNiven provided an update of the March 24 Hawthorns PAWG Ad Hoc Committee meeting.

B. Staff Reports

General Manager Ana Ruiz reported that she hosted Senator Becker at the Administrative office and provided a brief tour of the building. On March 19, staff went to Sacramento to meet with legislative aides of five different legislators to discuss the climate bond. Staff also meet with the California Natural Resources Agency with East Bay Regional Parks District to discuss opportunities for streamlining permits. On Wednesday, March 20, the State of the District was held. Today she participated in an advisory council with California Department of Parks and Recreation on their 2026 statewide, comprehensive outdoor recreation plan which will guide future grant priorities.

Mr. Jaskulak shared the District is gearing up to issue the third tranche for Measure AA bonds. The President, Treasurer and Secretary have already signed the signature sheets. There will be a lot of documentation coming to the Board for review in April or May. Rating presentations will also occur in May. The District received confirmation that all outstanding bonds have AAA ratings and there is no reason to suspect the District will not receive AAA ratings for the upcoming bond.

Director Riffle inquired if Mr. Jaskulak observed any notable differences from the Bond Oversight Committee this year.

Mr. Jaskulak stated that the Committee provided good feedback on how to present Measure AA information on the District website. The Committee was not able to partake on the annual tour due to weather and will be taking a tour in May. He shared the Committee gets better every year and the communication and public interaction is positive.

C. Director Reports

Director Gleason reported that he attended the State of the District. He applauded the Volunteer Coordinators and Volunteers for their efforts removing yellow star thistle at St. Joseph's Hill.

Director Kersteen-Tucker shared last Friday she and President MacNiven attended the Farm Day Half Moon Bay luncheon. She passed along compliments and gratitude to the District from the Executive Director of the Half Moon Bay Boys and Girls Club who received a micro-grant from the District, enabling the kids to visit Purisima Creek with a ranger who created a positive experience.

Director Cyr also attended the State of the District and appreciated seeing staff together.

Director Kishimoto also attended the State of the District and attended the California Council of Land Trusts in Sacramento.

Director Holman shared she and Director Kishimoto attended on Wednesday the Palo Alto Women's Club lunch. She shared the District's docent, Sabra Abraham did a wonderful job presenting.

ADJOURNMENT

President MacNiven adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 8:41 p.m.

Shaylynn Nelson
Deputy District Clerk