



Midpeninsula Regional
Open Space District

R-24-20
Meeting 24-04
February 14, 2024

AGENDA ITEM 7

AGENDA ITEM

Ombudspersons Summary Report for Activities from January through December 2023

GENERAL MANAGER'S RECOMMENDATIONS *den*

1. Review and accept a report from the Midpeninsula Regional Open Space District Ombudspersons regarding Ombudsperson inquiries received in 2023.
2. Extend the terms of all three Ombudspersons through December 2024.

SUMMARY

Per the Midpeninsula Regional Open Space District (District) Ombudsperson Program procedures, this report summarizes Ombudsperson contacts received between January 1 and December 31, 2023. Three inquiries were received through the Ombudsperson contact form on [openspace.org](https://www.openspace.org) during this period, two were successfully resolved by staff without assistance from an Ombudsperson and the third inquiry was related to an issue outside the purview of the Ombudsperson Program and therefore was not referred to an Ombudsperson.

DISCUSSION

The District established a volunteer Ombudsperson Program (Program) to facilitate interactions with citizens as required by the Local Agency Formation Commission (LAFCo) during the 2004 annexation of coastal San Mateo County. The role and duties of the Ombudsperson were established by the Board in 2004 (see [R-04-74](#) and Attachment 1), which include: to listen to resident concerns; open avenues of communication between residents and neighbors with the District; gather information and educate residents on District policies or procedures and their purpose or effect; facilitate conflict resolution; find other resources to meet resident needs, if applicable; and provide a written summary of citizen concerns as requested by the Board of Directors. Members of the public may request contact with an Ombudsperson via a form on the District website (<https://www.openspace.org/who-we-are/ombudsperson>), after first attempting to resolve their concerns with staff.

On January 11, 2017, the Board expanded the Ombudsperson Program by appointing a pool of three qualified volunteers to serve as Ombudspersons: Lisa Zadek of Half Moon Bay, Kristen Yawitz of Belmont, and Bob Rosenberg of San Jose. When an inquiry is received, all three Ombudspersons are notified of the concern by email. Staff then make the first attempt to resolve the concern. If staff is unable to resolve the concern, an Ombudsperson is selected for involvement based on geography, availability or familiarity with the subject of the concern. The selected Ombudsperson then reaches out to the constituent to assist with the concern. More

specifically, the Ombudsperson contact form explains, “Emails sent to the Ombudsperson will also be forwarded to the appropriate staff and General Manager. They will attempt to resolve the concern and notify the Ombudsperson of the status. If District staff is not able to resolve the concern, the Ombudsperson will then contact the citizen and attempt to resolve the issue.”

For the five-year period 2019-2023, the District received 14 Ombudsperson contact form submissions (inquiries). Of the inquiries, 12 were successfully resolved at the staff level without Ombudsperson involvement. One required Ombudsperson engagement (related to the District’s vegetation management practices) and another was determined to be an inquiry about an issue of concern that was outside the purview of the Ombudsperson Program (regarding termination of a Boarder Agreement with a third-party concessionaire).

Per the Ombudsperson Program procedures, the appointed Ombudspersons provide an annual summary of activities and a statement of whether they are willing to continue their service. This report, prepared by staff with review from the Ombudspersons, summarizes the Ombudspersons activities for January 1, 2023 through December 31, 2023 (Attachment 2). Ombudspersons Lisa Zadek and Kristen Yawitz have reviewed and endorse the report. Ombudsperson Bob Rosenberg abstained from endorsing this report because the Ombudsperson inquiries in 2023 were summarily closed by staff with satisfactory resolution but without notifying the Ombudspersons of the resolution and closure. He has submitted commentary to the Board requesting a change in the procedures to require Ombudsperson involvement to close a constituent concern. Staff have since made corrections to internal procedures to ensure that Ombudspersons receive follow up communication from staff with a status update of all inquiries, including inquiries that were resolved satisfactorily by staff as part of the Ombudsperson inquiry close-out process. In addition, the General Manager has scheduled a future Study Session in late 2024 or early 2025 to have a fresh review of the Ombudsperson Program and identify potential changes and improvements to better serve District constituents. All three Ombudspersons will be invited to be part of this review and their feedback will be presented to the Board at that time.

Each Ombudsperson has indicated their willingness to continue in the role of appointed Ombudsperson.

For this period, three inquiries were received. Staff responded promptly to resolve two issues satisfactorily. As noted earlier, the third inquiry was deemed to fall outside the purview of the Ombudspersons Program.

FISCAL IMPACT

None

PRIOR BOARD AND COMMITTEE REVIEW

None

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. Notices were also issued to each Ombudsperson.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

The General Manager will bring forward to the Board a review of the Ombudsperson Program in late 2024/early 2025 to identify potential changes that improve the Program and better serve District constituents.

Attachment

1. Ombudsperson Role and Duties
2. 2023 Ombudsperson Summary Report

Responsible Department Head:

Stefan Jaskulak, CFO/Director of Administrative Services/Acting Public Affairs Manager,
Office of the General Manager

Prepared by:

Korrine Skinner, Former Public Affairs Manager

Contact person:

Stefan Jaskulak, CFO/Director of Administrative Services/Acting Public Affairs Manager

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT Ombudsperson Program

Role of Ombudsperson

The Ombudsperson is an appointee of the Board of Directors who follows up on resident and neighbor inquiries or complaints for the purpose of attempting to resolve misunderstandings or conflicts which have not been resolved satisfactorily by District staff. The Ombudsperson works independently and objectively to assist in maintaining positive relations with District residents and neighbors.

Duties of Ombudsperson

- ❖ Listens to resident concerns
- ❖ Opens avenues of communication between residents and neighbors and the District
- ❖ Gathers information and educates residents on District policies or procedures and their purpose or effect
- ❖ Facilitates conflict resolution
- ❖ Finds other resources to meet resident needs, if applicable
- ❖ Provides a written summary of citizen concerns as requested by the Board of Directors

Scope of Duties

The Ombudsperson would assist residents in their interactions with the District and facilitate conflict resolution when needed. The Ombudsperson would not handle issues which are privileged or confidential, or which involve personnel, labor relations, legal matters, or Board decisions. The

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT Ombudsperson Program

Ombudsperson would present facts that may lead the Board or staff to improve operations or better address citizen needs, as opposed to advocating either for or against a resident, staff or Board policy. The Ombudsperson would not establish or recommend District policy, or affect or make fiscal or budgetary decisions.

Assignment and Reporting Responsibilities

If the initial contact from a citizen is the Ombudsperson, the Ombudsperson will contact the General Manager before taking further action. If the General Manager is not able to resolve the concern/complaint to the citizen's satisfaction, the Ombudsperson will follow-up with the citizen for further resolution efforts. If the initial contact from a citizen is a Board Member, the Board Member would immediately contact the General Manager. If the General Manager is not able to resolve the concern/complaint to the citizen's satisfaction, the General Manager shall inform the citizen of the District's Ombudsperson process and shall request the Ombudsperson contact the complainant to offer further assistance.

After completing inquiry and resolution efforts the Ombudsperson would then report back to the General Manager and provide a written summary report for the Board at least quarterly.



Midpeninsula Regional
Open Space District

Memorandum

DATE: January 12, 2024

MEMO TO: Board of Directors

THROUGH: Ana Ruiz, General Manager

FROM: Kristen Yawitz and Lisa Zadek, Appointed Ombudspersons*

SUBJECT: Ombudsperson Report for the Time Period of January through December 2023

As appointed Ombudspersons for the Midpeninsula Regional Open Space District (District), we submit this report of program activities for the time period of January 1, 2023 through December 31, 2023. Over that period, three inquiries were received through the Ombudsperson contact form on *openspace.org*, and two inquiries were successfully resolved through staff discussion and did not warrant Ombudsperson assistance.

The third inquiry was deemed to fall outside the purview of the Ombudsperson Program since it was regarding an equestrian Boarder Agreement termination with a third-party concessionaire at Bear Creek Stables – an action taken by an outside service provider versus an action taken by the District and one that followed the requirements and parameters of the legally binding Concessionaire Lease Agreement. The Concessionaire Lease Agreement provides the operator discretion in conducting day-to-day operational decisions. The District’s review of these activities is limited to ensuring that their actions are compliance with the agreement.

The two pertinent inquiries are described below.

Inquiry 1:

On June 26, 2023, Ms. Johana Smith used the Ombudsperson contact form to reach out regarding access to an undeveloped parcel owned by her family in the Redwood Park Subdivision located adjacent to Purisima Creek Redwoods Open Space Preserve. The Redwood Park Subdivision is a paper subdivision that was never developed, the roads shown on the subdivision map do not exist physically. None of the parcels are of a legal lot size to allow future development. Ms. Smith stated that Manzanita Road had a cable barrier with two padlocks that blocked access to their undeveloped property. She spoke with Skyline Maintenance Supervisor Brendan Dolan and Skyline Area Superintendent Chris Barresi and was told that the Smiths do not own an easement on Manzanita Road or the other road past the cable gate. The inquiry was then forwarded to Assistant General Manager Brian Malone who reached out to Ms. Smith by phone. Arrangements were made for staff to meet onsite

with Ms. Smith at her earliest convenience. On July 21, Area Superintendent Barresi met with the Smiths and confirmed that the road, which is blocked by a cable gate, only leads to District property and there is no way for the Smiths to access their property via that road. There is no road or trail access that leads to their undeveloped parcel from the gate on either Manzanita Road or the connecting Ridge Road. Area Superintendent Barresi was unaware of another way to access their parcel without traveling cross country across District property or other privately owned parcels. If there is a legal route to access their property, it is not through a District controlled gate. The District provided them with as much information as is known to the District; the Smiths would need to conduct further land rights and access investigations through other sources to better understand their situation.

Inquiry 2:

On June 29, 2023, Mr. Max Asgar used the Ombudsperson contact form to inquire about the parking area along the Overlook Trail in El Sereno Open Space Preserve. Mr. Asgar was requesting that the gate be open for the public to park in the available parking spaces in order to visit the preserve. Staff responded explaining that free parking permits are available to visit the preserve from this parking area and that the neighboring property owners allowed the parking area to be built under the condition that access be limited by permit only to six cars per day, or 30 cars per month total. A link to the District's permit page was provided.

In addition, we would like to report to the Board that each of us is willing to continue our services as volunteer Ombudspersons.

Respectfully submitted,

Kristen Yawitz
Ombudsperson, Midpeninsula Regional Open Space District

Lisa Zadek
Ombudsperson, Midpeninsula Regional Open Space District

*Note: Ombudsperson Bob Rosenberg abstained from endorsing this report because both Ombudspersons inquiries in 2023 were summarily closed by staff without notifying the Ombudspersons of the satisfactory resolution and inquiry closure. He has submitted commentary to the Board requesting a change in the procedures and has indicated his willingness to continue in the role of appointed Ombudsperson.