



SPECIAL MEETING

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

Monday, September 25, 2023

*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**

Vice-President MacNiven called the special meeting of the Midpeninsula Regional Open Space District to order at 4:30 p.m.

ROLL CALL

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

Members Absent: Jed Cyr and Yoriko Kishimoto

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Loana Lumina-Hsu, Real Property Manager Mike Williams

Director Kersteen-Tucker stated she is participating in the meeting remotely pursuant to AB 2449 using the “the just cause” exemption due to illness, she disclosed that one person over the age of 18 is present with her at her location, which is her spouse.

Vice-President MacNiven called the special meeting of the Midpeninsula Regional Open Space District to order at 4:30 p.m.

SPECIAL ORDERS OF THE DAY

- Proclamation Recognizing the Retirement of Real Property Manager Michael Williams

Vice-President MacNiven read a proclamation recognizing Real Property Manager Mike Williams’ accomplishments with the District after 29 years of service.

Directors Gleason, Holman, Kersteen-Tucker, MacNiven, and Riffle spoke in appreciation of Mike Williams' excellent career at the District.

ADOPTION OF AGENDA

Motion: Director Riffle moved, and Director Gleason seconded the motion to adopt the agenda.

ROLL CALL VOTE: 5-0-0 (Directors Cyr and Kishimoto absent)

CONSENT CALENDAR

Vice-President MacNiven stated there are three items listed on the consent calendar, and she is pulling Item #2 and the Board will vote on it separately because she wishes to recuse herself from voting on Item #2.

Public comment opened at 4:44 p.m.

Sima Salem spoke on behalf of Hooshang and Gigi Salem, who are the other owners of the property that is the subject of Item #1 on the agenda. Ms. Salem believes that her parents were not consulted or that there was no attempt to have a meaningful consultation regarding the lease and believes it would be appropriate for some engagement, given that the property is in joint ownership with POST.

Public comment closed at 4:46 p.m.

Real Property Mike Williams stated he will contact POST to obtain the contact information of the Salem family in order to provide information to the Salems.

Public comment closed at 4:44 p.m.

Motion: Director Gleason moved, and Director Riffle seconded the motion to approve the Consent Calendar Items 1 and 3.

ROLL CALL VOTE: 5-0-0 (Directors Cyr and Kishimoto absent)

1. Extension of a Lease and Management Agreement with Peninsula Open Space Trust (POST) for POST's 50% interest in the Behroozi Property located near Sierra Azul Open Space Preserve (Santa Clara County Assessor Parcel Numbers: 537-09-007 and 537-09-008) (R-23-106)

General Manager's Recommendations: Authorize the General Manager to execute a five-year Lease and Management Agreement with four optional five-year terms (for a total of 25 years) with Peninsula Open Space Trust (POST) to continue utilizing and managing POST's 50% interest in the Behroozi property.

2. Extension of a Lease and Management Agreement with Peninsula Open Space Trust (POST) for the POST (Gottsleben/Sonntag) Property near Long Ridge Open Space Preserve (San Mateo County Assessor Parcel Number: 085-120-210) (R-23-107)

General Manager’s Recommendations: Authorize the General Manager to execute a five-year Lease and Management Agreement with four optional five-year terms (for a total of 25 years) with Peninsula Open Space Trust (POST) to continue utilizing and managing POST’s Gottsleben/Sonntag property.

Vice-President MacNiven recused herself from Agenda Item #2 to avoid the appearance of conflict or bias, because she owns property adjacent to the property.

Secretary Gleason asked if there were any public comments on Agenda Item #2.

Public comment opened at 4:48 p.m.

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

Public comment closed at 4:48 p.m.

Motion: Director Kersteen-Tucker moved, and Director Holman seconded the motion to approve the Consent Calendar Item #2.

ROLL CALL VOTE: 4-0-0 (Directors Cyr and Kishimoto absent and Director MacNiven absent due to recusal)

3. Amend a Legal Services Agreement with Jarvis Fay, LLP (R-23-108)

General Manager’s Recommendations: Authorize an amendment in the amount of \$35,000 to an existing agreement with the firm of Jarvis Fay, LLP to provide specialized local government legal advice and litigation services, for a not-to-exceed total contract amount of \$130,000.

ADJOURNMENT

Vice-President MacNiven adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 4:49 p.m. and into closed session at 4:49 p.m.

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

ROLL CALL

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

Members Absent: Jed Cyr and Yoriko Kishimoto

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Controller Mike Foster, District Clerk/Assistant to the General Manager Maria Soria

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957(b)(1)

Title of Employee: Controller

General Counsel
General Manager

Public comment opened at 4:49 p.m.

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

Public comment closed at 4:49 p.m.

The Board convened into closed session at 5:00 p.m.

ADJOURNMENT

Vice-President MacNiven adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:00 p.m.

Maria Soria, MMC
District Clerk