



**SPECIAL AND REGULAR MEETING**

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

**Wednesday, June 14, 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 – CLOSED SESSION**

President Kishimoto called the special meeting of the Midpeninsula Regional Open Space District to order at 6:01 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Craig Gleason, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret McNiven, and Curt Riffle

Members Absent: Karen Holman

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

President Kishimoto announced this meeting is being held in accordance with Government Code section 54953. The public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. 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 LEGAL COUNSEL - EXISTING LITIGATION –  
Government Code 54956.9(d)(1) (2 case)**

*San Mateo County Farm Bureau v. California Coastal Commission, et al., Sacramento County Superior Court Case No. 34-2021-80003604-CU-WM-GDS*

*San Mateo County Farm Bureau v. San Mateo County et al., San Mateo County Superior Court Case No. 22-CIV-04510*

Public comment opened at 6:01 p.m.

District Clerk/Assistant to the General Manager Maria Soria reported there were no public speakers for this item.

Public comment closed at 6:02 p.m.

The Board convened into closed session.

**ADJOURNMENT**

President Kishimoto adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:57 p.m.

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

President Kishimoto called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:01 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Craig Gleason, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret McNiven, and Curt Riffle

Members Absent: Karen Holman

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, Controller Mike Foster, DEI Specialist Katie Gilmur, Procurement Program Manager Sarah Araya, Human Resources Supervisor Rebecca Wolfe, Natural Resources Manager Kirk Lenington, Management Analyst I Sophie Christel

President Kishimoto announced this meeting is being held in accordance with Government Code section 54953. The public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. This information can be found on the meeting agenda, which was physically posted at the District’s Administrative Office, and on the District website.

**ANNOUNCEMENT OF CLOSED SESSION**

General Counsel Hilary Stevenson reported the Board met in closed session, and no reportable action was taken. Ms. Stevenson did report pursuant to Government Code Section 54957.1(a)(3) that the Board had approved a settlement agreement, which has now been fully executed. Therefore, she can now report that on May 10, 2023, the Board voted 6 to 0 (Director Holman absent) to authorize a settlement agreement with BHM Construction, Inc. The substance of the agreement was to resolve pending litigation regarding a construction claim from the

Administrative Office remodel contract. The agreement specifies payment of a settlement to resolve the claim. A copy of the agreement is available by request in the General Counsel’s office.

**ORAL COMMUNICATIONS**

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

**SPECIAL ORDERS OF THE DAY**

**Introduction of Staff**

- Sarah Araya - Procurement Program Manager
- Katie Gilmur – DEI Specialist

**ADOPTION OF AGENDA**

**Motion:** Director Cyr moved, and Director MacNiven seconded the motion to adopt the agenda.

**ROLL CALL VOTE: 6-0-0 (Director Holman absent)**

**CONSENT CALENDAR**

Public comment opened at 7:09 p.m.

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

Public comment closed at 7:09 p.m.

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

**ROLL CALL VOTE: 6-0-0 (Director Holman absent)**

- 1. Approve the March 22, 2023 and April 12, 2023 Board meeting minutes**
- 2. Approve Claims Report**
- 3. Award of Contract for Custodial Services at Five Staff Facility Offices, Daniels Nature Center and Rancho San Antonio County Park Restrooms (R-23-61)**

**General Manager’s Recommendations:**

1. Authorize the General Manager to execute an initial one-year term contract with Del Rey Building Maintenance in the amount of \$160,810 to provide custodial services for the Administrative Office, Skyline Field Office, South Area Office, Coastal Area Outpost, Foothills Field Office, Daniels Nature Center, and Rancho San Antonio County Park Restrooms.
2. Authorize the General Manager to extend the contract with Del Rey Building Maintenance for up to three additional one-year terms for a cost reflecting the original base price with a

5% maximum annual inflationary adjustment, for a not-to-exceed four-year contract amount of \$693,111.

3. Authorize a contingency in the amount of \$5,000 per year to address unforeseen cleaning services, for a total not-to-exceed contingency amount of \$20,000 over four years, and a grand total not-to-exceed contract amount of \$713,111 over the four-year term.

**4. Award of Contract to Complete the White Barn Structural Stabilization Project in La Honda Creek Open Space Preserve (R-23-62)**

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 \$341,780.
2. Authorize to award of a Bid Alternate in the amount of \$23,950 for the replacement of the existing metal roofing, bringing the base contract amount to \$365,730.
3. Authorize a contingency of 10% in the amount of \$36,573 to be reserved for unanticipated issues, bringing the total not-to-exceed contract to \$402,303.

**5. Authorization to Contribute a \$1.5 Million Payment from Fiscal Year 2022-2023 Budget Savings to the Section 115 Trust Administered by Public Agency Retirement Services (PARS) (R-23-63)**

General Manager's Recommendation: Authorize the General Manager to deposit \$1.5 Million into the Midpeninsula Regional Open Space District's PARS account established under a Section 115 Trust to pre-fund pension obligations.

**6. Contract Amendment for Temporary Administrative Staffing Services in the Budget and Finance Department to address Vacancies (R-23-64)**

General Manager's Recommendation: Authorize the General Manager to amend a professional services contract with Robert Half International Inc., increasing the contract amount by \$150,000 and extending the contract to December 31, 2024, for a total amount not to exceed \$200,000, for temporary administrative staffing services in the Budget and Finance Department to address vacancies while new recruitments are underway.

**BOARD BUSINESS**

**7. Controller's Report on the Proposed Fiscal Year 2023-24 Budget (R-23-65)**

Controller Mike Foster provided the presentation and compared the current forecast of fiscal 2022-23 revenues and expenditures to the projections for the proposed FY23-24 budget. Mr. Foster stated that total 2022-23 estimated general fund tax revenue is 8.8% above that of the prior year. The general fund ran below budget, with operating expenses (Opex) and non-facilities general fund capital spending (Capex) estimated at 90% and 34% of the original budgets, respectively. The projection assumes that the District will utilize \$1.0 million of this under-spending to make another pension pre-payment to the PARS account. Non-land Measure AA (MAA) Capex is running below 50% of budget due to permitting delays, staff vacancies, and the fact that storm damage repair has taken priority in the second half of the year. Mr. Foster reported that his calculations indicate that there is \$10 to \$11M to spend on MAA projects and expects that the FOSM will address the staffing issue in order to expedite work on the Measure

AA projects. The Cloverdale and South Cowell acquisitions will drive 2022-2023 MAA land purchases to over \$17 million, \$9.9 million of which is covered by grant income. Mr. Foster then continued to provide his FY2023-24 cash projection and 30-year cash flow projection.

Director Riffle commented that the only concerning item he heard from the Controller is the underspending of available funds; and while he supports making sure that taxpayer money is spent wisely, the District should consider what barriers to addressed in order to accomplish more.

General Manager Ana Ruiz stated that the District is addressing this issue in a variety of ways, but the most effective way is through the staffing projections that the FOSM consultants will have, early recommendations of which are anticipated in the September timeframe. Master and programmatic permits as well as efforts to streamline procedures are additional ways that staff are addressing this issue. Nevertheless, the District will require additional staffing in order to complete more projects. Ms. Ruiz stated that the FOSM consultants are looking at the Measure AA progress and projecting what the District can do with the existing staff and how many more staff we need to meet all the commitments that were set out.

Director Cyr thanked Mr. Foster for the thorough analysis and for his 30-year cash flow projections.

Director Kersteen-Tucker inquired if there are funds available for the possibility of an unforeseen event, such as the storm damage from this year.

Mr. Foster stated that the District does have reserves for unexpected events and in the case of the storm damage, staff is expecting to receive 50 to 70% funding from FEMA.

Director Kishimoto expressed her appreciation to Mr. Foster for the Controller's Report and that it is a model of clarity.

Public comment opened at 7:40 p.m.

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

Public comment closed at 7:40 p.m.

Director Riffle inquired and received information on how closely the Capital Improvement Action Plan (CIAP) budget and projections tie into the Controller's numbers and how the District can use the financial leeway the Controller seems to provide to avoid being too conservative in planning the three-year workplan.

Director Kersteen-Tucker suggested that it would be beneficial to reassess the FOSM after 5 years to confirm the projections or whether greater flexibility is required.

**Motion:** Director Cyr moved, and Director Riffle seconded the motion to accept the Controller's Report on the Fiscal Year 2023-24 Budget.

**ROLL CALL VOTE: 6-0-0 (Director Holman absent)**

**8. Fiscal Year 2023-24 Budget and Capital Improvement and Action Plan (R-23-66)**

Chief Financial Officer and Director of Administrative Services Stefan Jaskulak provided the staff presentation and reviewed the proposed FY24 budget across the five funds. Mr. Jaskulak stated that the Board has two resolutions for consideration: one is to adopt the proposed budget and the proposed 3-year CIAP for FY24-26, with the total budget for the five funds at \$82.8M, and the second for the adoption of the Classification and Compensation Plan, which includes a 3% salary adjustment for classifications that pertain to the Field Employees Association and the Office Supervisory and Management employees.

Public comment opened at 7:52 p.m.

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

Public comment closed at 7:52 p.m.

**Motion:** Director Riffle moved, and Director Gleason seconded the motion to adopt a Resolution approving the Fiscal Year 2023-24 Budget and Capital Improvement and Action Plan and to adopt a Resolution approving the Classification and Compensation Plan for Fiscal Year 2023-24.

**ROLL CALL VOTE: 6-0-0 (Director Holman absent)**

#### **9. 2022 Greenhouse Gas Inventory Report and Next Steps for the Climate Change Program (R-23-68)**

Management Analyst I Sophie Christel presented the staff presentation and reported first on the Climate Action Plan (CAP) that was approved by the Board in 2018, which defines the scope of the District's greenhouse gas inventory and provides a list of emissions reduction actions. The CAP also enunciates the goals for reducing administrative emissions set by the Climate Change Policy, and the CAP is the tool that helps reach those goals, which are set in relation to a 2016 baseline. The CAP calls for a 20% reduction by 2022, 40% by 2020, 80% by 2050 compared to baseline levels and staff measures the progress against these goals using a biannual greenhouse gas inventory. Ms. Christel stated that the inventory looks at four different sectors and the administrative emissions and the sectors common to local government inventories are fleet, employee commutes, facilities, and residences. The District also has non-administrative emissions that are measured but are not held to those percentage reduction goals. The District nonetheless aims to reduce these non-administrative emissions, which relate to visitor transportation and livestock emissions.

Ms. Christel continued to go over the 2022 Greenhouse Gas Inventory, giving an overview of the inventory and progress. She indicated that the 2022 objective of 20% was exceeded, and the District achieved a 30% reduction below the baseline by the end of 2022. Ms. Christel provided an emissions summary of each of the four sectors within the administrative admissions, reviewed the CAP for FY24, noting that the majority of the action items are fleet-related because the fleet accounts for half of the District's administrative emissions, and reducing a significant portion of those emissions will help the District meet its goals. She then highlighted the non-administrative emissions.

Ms. Christel then presented an overview of the Climate Program Outlook, contextualizing the District's emissions. Overall, the District's emissions are fairly low; however, this is not to say that the District should not strive to reduce them further because every bit helps. She provided

an overview of the adaptation and resilience projects and carbon sequestration and storage projects already going underway. Finally, she highlighted the next steps for creating a broader strategy similar to the CAP, where staff would identify and prioritize existing work and describe its potential nexus with climate change across the District.

Director Riffle thanked Ms. Christel for the excellent report and appreciates her passion and exuberance for the program.

Director Riffle inquired and received information on how the District be able to achieve 80% emissions reduction by 2050 and requested that staff begin to think about how to achieve the reductions by considering some unconventional techniques to achieve the goals in the future.

Director Riffle stated that he believes constituents will begin to see District lands as more than just a place to go hiking and observe wildlife, but also as a solution to its carbon equation, and inquired how staff can inform the public about all of the work being done for carbon sequestration to let the public understand that this is yet another benefit of the investment they are making with the District.

Ms. Christel indicated that she hopes to develop a strategic plan and set quantifiable goals for carbon sequestration and adaptation resilience. By setting goals, staff can hold themselves accountable and demonstrate the impact of the work being done.

Director Gleason acknowledged his gratitude for the presentation and an extremely interesting report and thanked Ms. Christel for her work in reducing emissions.

Director Gleason inquired and received information on the biggest opportunities for the District in partnering with other agencies that have similar land to spread the reach of the District's efforts to reduce emissions.

Public comment opened at 8:27 p.m.

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

Public comment closed at 8:27 p.m.

No Board Action Required.

**10. Closure of Completed Measure AA Portfolios #18 *South Bay Foothills: Saratoga-to-the-Sea Trail and Wildlife Corridor* and #23 *Sierra Azul: Mt. Umuhum Public Access and Interpretation Projects* and Reallocation of Remaining Portfolio Funds to Portfolio #03 *Purisima Creek Redwoods: Purisima-to-Sea Trail, Watershed Protection and Conservation Grazing* (R-23-67)**

Mr. Jaskulak reviewed the staff presentation and provided a description of the Closure of Completed Measure AA Portfolios #18 *South Bay Foothills: Saratoga-to-the-Sea Trail and Wildlife Corridor* and #23 *Sierra Azul: Mt. Umuhum Public Access and Interpretation Projects* and Reallocation of Remaining Portfolio Funds to Portfolio #03 *Purisima Creek Redwoods: Purisima-to-Sea Trail, Watershed Protection and Conservation Grazing*. Mr. Jaskulak provided a map and identified where the three portfolios are located and stated there are no outstanding or

future planned actions or projects needed for MAA Portfolios #18 and #23. All priority actions for both portfolios are complete and a combined total of almost \$6.4M remains that can be reallocated to Portfolio #03. Staff is proposing, per Board Policy 3.11, to reallocate the funds to Portfolio #03. Mr. Jaskulak reported that this proposal was presented to the Action Plan and Budget Committee on May 16, 2023 for their concurrence, who voted unanimously in favor of reallocating the funds. The proposal was also presented to the Bond Oversight Committee on June 16, 2023 for their opinion and who also voted in favor.

Mr. Jaskulak reviewed the priority actions and budget for Portfolios #18 and #23. In addition, he reviewed the action plan for Portfolio #03. The proposed reallocation of \$6.4M would reduce the funding gap to about \$1.3M. With the proposed reallocation, the combined total for Portfolio #03 would be almost \$14M. Staff would continue to seek outside grant funds to fill the remaining funding gap.

Public comment opened at 8:38 p.m.

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

Public comment closed at 8:38 p.m.

**Motion:** Director MacNiven moved, and Director Cyr seconded the motion by a 2/3 Majority Vote of the Directors to adopt a Resolution amending the Expenditure Plan for Measure AA as follows:

- Reduce the funding allocation of Portfolio #18 *South Bay Foothills: Saratoga-to-the-Sea Trail and Wildlife Corridor* from \$1,365,000 to \$1,164,189;
- Reduce the funding allocation of Portfolio #23 *Sierra Azul: Mt. Umunhum Public Access and Interpretation Projects* from \$27,972,000 to \$21,814,891; and
- Reallocate the remaining funds totaling \$6,357,920 in Portfolios #18 and #23 to increase the funding allocation of Portfolio #03 *Purisima Creek Redwoods: Purisima-to-Sea Trail, Watershed Protection and Conservation Grazing* from \$7,608,000 to \$13,965,920.

**ROLL CALL VOTE: 6-0-0 (Director Holman absent)**

## **INFORMATIONAL REPORTS**

### A. Committee Reports

Director MacNiven reported a Legislative, Funding, and Public Affairs Committee meeting was held on June 13, 2023 to review the process for incorporating the Coastside Protection Area into the Basic Policy, which will next go before full board for review and consideration.

Director Riffle reported that the Board Appointee Evaluation (BAE) Committee consists of himself as the Chair, President Kishimoto, and Director MacNiven. The BAE met today to review the policy and schedule for this year and will proceed in the same manner as last year. Director Riffle thanked the District Clerk and the Human Resources Department for their assistance with the BAE not only today but also ongoing since the board appointee evaluation is about a five-month process.

### B. Staff Reports



Mr. Jaskulak provided an update on the FOSM refresh project and stated that the project is on track for initial recommendations to the Board by September.

Mr. Malone reported that as of June 1, 2023 the District has successfully transitioned to a new operator for the Bear Creek Stables, and Chapparal is now the new operator. Mr. Malone thanked field staff, including Omar Smith, Brandon Stewart, Hilary Stevenson, Egan Hill, as well as the Engineering and Construction Department. Mr. Malone remarked that the District has attained a significant milestone.

General Manager Ruiz reported that fifteen staff members graduated on May 31 from the District's internal Leadership Academy. Staff has also held two site tours of the Alpine Bypass Trail for the Board and thanked Capital Projects Field Manager Bryan Apple, Maintenance Supervisor Eric Viik, and field staff who were actively constructing the trail and finishing the work for this year. Lastly, she reported that she along with President Kishimoto attended the Santa Clara LAFCO 60<sup>th</sup> year anniversary.

Public Affairs Manager Kori Skinner reported that NBC will be rerunning the District's 50 to forever documentary on July 2 at 8p.m.

#### C. Director Reports

Director Cyr reported he attended the Leadership Academy and the Alpine Bypass Trail tour. He conveyed his gratitude to the trail crew. Director Cyr reported that he would be attending the Special Parks District Forum from June 19-23, 2023. Lastly, he added that he met Human Resources Intern Bryana Kohn and was impressed with her vivacity and enthusiasm for working at the District, and that she is an example of the type of intern that the District can attract.

Director MacNiven reported she is a member of the Santa Cruz Mountain Spotlight Stewardship program, and that they visited Corte de Madera, in which she learned about wildlife resiliency and forest health. In addition, she and Director Kersteen-Tucker, as well as Governmental Affairs Specialist Josh Hugg presented before the Woodside Town Council. Director MacNiven reported she attended the Alpine Bypass Trail tour and the District's Leadership Academy graduation. Finally, she reported that the Hawthorn Public Access Working Group Ad hoc committee met today.

Director Riffle reported he attended the District's fifth Leadership Academy graduation, as well as tabling at the Sunnyvale's Arts and Wine festival, and that he was grateful for having the opportunity to interact with residents of Sunnyvale, which is now included as part of his ward. He also attended the Alpine Bypass Trail tour and enjoyed meeting staff that he does not get to see frequently, adding that it was a great opportunity to observe their passion, talent, and how hard they work. Lastly, he reported that he will be tabling at the Ranch San Antonio Open Space Preserve this Saturday about the negative impacts of rodenticide.

Director Kersteen-Tucker reported that the Woodside Town Council presentation on June 13, 2023 went well and that the Mayor of Woodside stated that he would like to be part of the Bay to the Sea trail planning efforts should the trail find its way through Woodside.

Director Gleason reported that on Memorial Day, he attended a docent-led hike on Monte Bello, and on June 1 at the District's headquarters, he attended the Pride flag raising and praised employees for organizing and carrying out the event, as well as the previous board for their approvals. In addition, he participated in an event for National Trails Day where the Santa Cruz Mountains Trail Stewardship organized 19 events with several land managers and drew over 600 volunteers to that event. He also attended the Alpine Bypass Trail tour and expressed his gratitude to Capital Projects Field Manager Bryan Apple, Land & Facilities Manager Brandon Stewart, Maintenance Supervisor Erik Viik, and the trail crew for their efforts. Lastly, he reported that people at the Stables delighted to see the operator transition occur and thanked all staff involved, especially Senior Property Management Specialist Omar Smith.

President Kishimoto said that today's brown bag lunch was hosted in the District's office, and Real Property Manager Mike Williams invited Vida Verde to speak, which was a fantastic presentation. She also attended the LAFCO 60<sup>th</sup> year anniversary luncheon, which was followed by a LAFCO meeting, as well as a Bay Conservation and Development Commission meeting on June 1. She also reported that she will be making a presentation to Los Altos Hills on June 17 with Governmental Affairs Specialist Josh Hugg.

### **ADJOURNMENT**

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:55 p.m.

Maria Soria, MMC  
District Clerk