



**SPECIAL AND REGULAR MEETING**

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

**Wednesday, July 12, 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**

Vice-President MacNiven called the special meeting of the Midpeninsula Regional Open Space District to order at 5:00 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Margaret MacNiven, and Curt Riffle

Members Absent: Zoe Kersteen-Tucker and Yoriko Kishimoto

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Maria Soria

Vice-President MacNiven 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.

President Kishimoto joined the meeting at 5:09 p.m.

**1. CONFERENCE WITH LABOR NEGOTIATORS (Government Code  
Section 54957.6)**

Agency designated representatives: Ana Ruiz, General Manager, Brian Malone, Assistant General Manager, Jack Hughes, Liebert Cassidy Whitmore  
Employee organization: Midpeninsula Rangers Peace Officers Association

Public comment opened at 5:02 p.m.

District Clerk/Assistant to the General Manager Maria Soria reported no public comments were submitted for the closed session.

Public comment closed at 5:02 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 6:10 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 7:00 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Yoriko Kishimoto, Margaret MacNiven, and Curt Riffle

Members Absent: Zoe Kersteen-Tucker

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, Procurement Program Manager Sarah Araya, Budget & Analysis Manager Rafaela Ocegüera

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.

**REPORT OUT OF CLOSED SESSION**

General Counsel Hilary Stevenson reported the Board met in closed session, and no reportable action was taken.

**ORAL COMMUNICATIONS**

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

Public comment opened at 7:02 p.m.

Shani Kleinhaus, Environmental Advocate for the Santa Clara Valley Audubon Society, spoke about the Parkside Trails Project proposed to the City of Cupertino with development of housing on undeveloped land near Stevens Canyon Road. Ms. Kleinhaus commented that in 2015 the project was pulled and that the District also submitted a letter not supporting the project, but at a current presentation from the District to Cupertino, she heard that this project is being resurrected and spoke about her concerns. Ms. Kleinhaus also spoke about the District’s Measure AA Portfolio #12 and the collaborative project with the City of Cupertino and stated her reasons why the trail through the undeveloped land should not be pursued.

Mike Ferreira from the Sierra Club spoke in regard to Ms. Kleinhaus’ comments and is surprised to hear that the idea of a trail connection might be resurfacing and that he thought that the District’s opinion was that the housing proposal, which is linked to the proposed trail, could not be mitigated. Mr. Ferreira commented that he hopes that there will be public discussion if the trail continues to be pursued.

Public comment closed at 7:08 p.m.

**ADOPTION OF AGENDA**

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

**ROLL CALL VOTE: 6-0-0 (Absent Kersteen-Tucker)**

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

**ROLL CALL VOTE: 6-0-0 (Absent Kersteen-Tucker)**

- 1. Approve the May 10, 2023 Board meeting minutes**
- 2. Approve Claims Report**
- 3. Award Two Contracts to Salinas Valley Barb Wire for Construction of Wildlife-Friendly Livestock Fencing for the Elkus/Lobitos Conservation Grazing Unit at Purisima Creek Redwoods Open Space Preserve and the Lone Madrone Conservation Grazing Unit at La Honda Creek Open Space Preserve (R-23-76)**

**General Manager’s Recommendation:**

1. Authorize the General Manager to execute a contract with Salinas Valley Barb Wire in the base amount of \$114,756 with a 10% contingency amount of \$11,476 to construct 5,000 feet

of wildlife friendly livestock fencing for the Elkus/Lobitos conservation grazing unit in Purisima Creek Redwoods Open Space Preserve for a total not-to-exceed contract amount of \$126,232.

2. Authorize the General Manager to execute a contract with Salinas Valley Barb Wire in the base amount of \$223,985 with a 10% contingency amount of \$22,399 to construct 8,000 feet of wildlife friendly livestock fencing for the Lone Madrone conservation grazing unit at La Honda Creek Open Space Preserve for a total not-to-exceed contract amount of \$246,384.

## **BOARD BUSINESS**

### **4. Basic Policy for the Coastside Protection Area – Review and Approval of the Policy Development Process (R-23-77)**

Assistant General Manager Susanna Chan presented the staff presentation and provided an overview of the Basic Policy that serves as the District’s “constitution”, providing the highest level of policy guidance on District purpose and governance. The Basic Policy references other policy documents that provide more detailed guidance on specific policy areas. The Basic Policy was originally adopted by the Board of Directors in 1974 and updated in 1999. Ms. Chan reviewed the District’s Policy Framework, the Coastal Service Plan, the Coastside Protection Plan, and the Coastal Mission as defined in the Service Plan. Ms. Chan reported that there are eight Service Plan areas with guiding principles that include Land Acquisition, Services and Funding, Agriculture, Forestry, Representation, Planning and Development, Partnerships and Land Use.

Ms. Chan continued to review elements of the Service Plan and other policies that are pertinent to the coastside, including the Vision Plan and Measure AA, Good Neighborhood Policy Update, and Grazing Management Policy Amendment, Agricultural Policy, and Resources Management Policies.

Director Riffle inquired on the reason for which it took the District 18 years to update the policy.

General Manager Ana Ruiz stated that the District has dedicated much of that time to developing other high priority policies for the coastside community, including updating the Good Neighbor Policy (2004 – 2007), preparing the Strategic Plan and Vision Plan (which wraps in the Coastside area) (2010 – 2014), amending the Grazing Management Policy (2018 – 2021), and developing the new Agricultural Policy (2018 – Present). In addition, during this time, the District has also placed significant focus on updating its agricultural/grazing leases, educating the public about its role, programs, and projects on the coastside, and establishing partnerships to further its coastside projects and priorities.

Ms. Chan continued the presentation and reviewed the Implementation Plan and stated that the work is straight forward but requires numerous steps. Next, she explained the formation of the proposed Basic Policy Ad Hoc committee. Ms. Chan also shared some of the key comments and questions received from at the June 13, 2023, Legislative, Funding, and Public Affairs Committee (LFPAC) meeting. Lastly, she reviewed the next steps of the project.

Director Gleason suggested identifying gaps that necessitate discussion and to consider whether the proposed changes should apply District-wide. He suggested three items specific to the Coastside that should be discussed more broadly: grazing, eminent domain, and forestry.

Director Riffle inquired about the next steps, whether the third bullet “Stakeholder and Community Input” should be listed as the second bullet and how the community will have an opportunity to provide input.

Ms. Chan stated that usually the process is to attain public feedback first to develop the policy language, but in this case, the District has a Service Plan that has provided strong guidance over the last eighteen years. The District remains committed to implementing the Coastal Service Plan. Therefore, the District is not technically starting from scratch to update the Basic Policy. An updated draft policy that is aligned with the Service Plan will thus be prepared and presented to the broad community for their response and comments.

Director Holman commented that some policies are difficult to find and suggested adding a flow chart to the Basic Policy. In addition, she mentioned that there already is a lot of overlap between the Basic Policy and the Service Plan.

General Manager Ana Ruiz stated that staff has noticed that there is indeed already much overlap which is why it makes most sense to fully integrate the Coastside into the existing Basic Policy. There will, however, likely be instances where language will need to be inserted that specifically identifies certain policy language as applying only to the Coastside.

Director Holman commented that it was not evident to her after reading the Board report that this was the main takeaway and agrees to having just one policy since there is a lot of duplicity.

Ms. Chan stated that staff is proposing to amend the existing Basic Policy, incorporating certain elements of the Service Plan into the existing Basic Policy.

Director Holman commented that there are guiding principles in the Service Plan that follow eight policy areas and suggested that some of them could be a subset of others; and inquired why the Planning and Development, Agriculture, and Forestry sections would not fall under a subset of Land Use to have a more simplistic and organized approach.

Ms. Chan stated that staff will consider her suggestion as staff updates the policy.

General Manager Ruiz inquired if Director Holman was asking about the Service Plan or the Basic Policy because changing the Service Plan differs from changing the Basic Policy and deferred to General Counsel Hilary Stevenson regarding challenges in editing the Service Plan.

General Counsel Hilary Stevenson stated that making changes to the Service Plan is not part of the effort of what staff is proposing. The Service Plan describes how the District provides services to the public on the coast, and any changes requires LAFCO approval and would be considered as a different project from the one that is being proposed. Ms. Stevenson stated that she believes what Director Holman is expressing is a desire to simplify some of the topics, which could be an exercise in how the Basic Policy is presented, or how the coastal aspects of the Basic Policy are explained in the Basic Policy document.

Ms. Chan stated that staff’s charge for this project is to incorporate high level policy elements of the Service Plan into the Basic Policy. As staff considers the Service Plan guiding principles,

which covers eight policy areas, staff will evaluate how some of these areas can be collapsed or combined as they are incorporated into the Basic Policy.

President Kishimoto inquired whether the Service Plan can be modified if there is a gap identified in the Service Plan.

Ms. Stevenson asserted that while she believes it is permissible to modify the Service Plan, she empathized that the Board should decide whether it wants to alter how the District delivers its services on the coast. Ms. Stevenson mentioned that when the Service Plan was adopted, it was voted on for tax purposes and excessively reviewed by LAFCO, and subject to litigation and numerous agreements with the public. Therefore, an attempt to modify elements of the Service Plan would be distinct from what is being proposed. Although, if there is a desire that arises from the review to look at different aspects of the Service Plan, she believes that would be something that the Board would want to look at separately.

President Kishimoto stated that her preference is not to see the Basic Policy as a subset to the Service Plan.

Director Holman stated there is a difference between changing the Service Plan and reorganizing the information to make it more easily accessible.

General Manager Ruiz stated that even though reorganizing the Service Plan might seem like a fairly simple process, given its history, which involved significant discussion and public support, this type of action would likely be challenging.

Director Holman responded that she would point to the issues raised by LFPAC, which was how difficult it is to locate a specific policy because there are different subsets. Furthermore, she suggested organizing the Service Plan similarly as the District's Comprehensive Plan.

Director Gleason stated that it would be ideal for the ad hoc committee to focus on the main goal of filling in the Basic Policy's gaps for the Coastside. The ad hoc committee can also document and identify the Basic Policy's more general gaps and bring those to the Board for discussion at a later date. Additionally, identify any gaps in the Coastside Service Plan so that the Board can determine later whether any action is needed.

Director Riffle agreed with Director Gleason's suggestions.

Public comment opened at 8:06 p.m.

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

Public comment closed at 8:06 p.m.

President Kishimoto stated that any Director interested in being appointed to the Ad Hoc Committee should contact her within a couple of days.

**Motion:** Director Riffle moved, and Director MacNiven seconded the motion to approve the process for incorporating the Coastside Protection Area into the Basic Policy in a manner consistent with the Coastal Service Plan and to form an Ad Hoc Committee pursuant to Board

Policy 1.04, Board Committee, to guide the process of incorporating the Coastside Protection Area into the Basic Policy.

**ROLL CALL VOTE: 6-0-0 (Absent Kersteen-Tucker)**

#### **5. Oral Presentation – Procurement Department Overview**

Procurement Program Manager Sarah Araya reported that she was hired in April and has been with the District for three months. Ms. Araya provided an overview of the department's organizational chart, the team, and core functions. Ms. Araya stated that the procurement function at the District is decentralized, which means that the departments are responsible for managing their own procurement activities. Having a decentralized procurement process allows staff the ability to use their expertise to purchase their own goods and services. While the process is decentralized, the procurement team provides support, help, streamlines processes and facilitates procurement activities to ensure consistent compliance with District policies and government regulations. Additionally, Ms. Araya thanked her team for their contributions and continuous hard work.

President Kishimoto inquired about how the District encourages local procurement.

Ms. Araya responded that her team is knowledgeable about local organizations, vendors, and suppliers.

General Manager Ruiz added that each department also maintain a very robust list of local consultants, contractors, vendors, and suppliers.

Director Riffle inquired about Ms. Araya's new perspective on her position and what aspects of District operations have surprised, pleased, or amazed her.

Ms. Araya's stated that this is her first role in the public sector, that she comes from the tech industry, and that she has learned that sometimes it is not best to move fast but be more strategic and thoughtful. She added that she is getting to know the different departments and how they work and how her work might help them perform their jobs more effectively.

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.

#### **6. Oral Presentation – Budget & Finance Department Overview**

Budget and Finance Manager Rafaela Ocegüera provided an overview of the Budget & Finance department and stated that the budget and finance departments and functions recently consolidated as of May 2023 into one department. Ms. Ocegüera reviewed the department's team, provided an overview of her credentials, and the major departmental functions. Ms.

Oceguera also highlighted the Financial Annual and Quarterly Financial reports that finance undertakes as well as the Measure AA Bond Annual/Accountability report.

Director Cyr inquired how long Ms. Oceguera has been with the District and what is her perspective for working with the District versus her previous job.

Ms. Oceguera stated that she has been with the District for the last two years but has been in the public sector for the last thirteen years. Previously, she worked in the private sector and missed public policy. She needed a bigger purpose again, going back to the common good, and that is what led her to pursue her Master's in Public Administration.

Director Riffle inquired if any departmental functions keep her up or any that she is excited about.

Ms. Oceguera stated that given her experience working for other public agencies, she knows that the District is very fortunate to be financially stable. She noted that not many agencies can make the claim to have the reserves the District has and a supportive tax base. Ms. Oceguera noted that she does not want to take the District's current financial position for granted given that things can quickly change.

Director Gleason commented that this department oversees money coming in and out and inquired if there are any particular areas that could be improved.

Ms. Oceguera commented that at a previous Board meeting, the Board discussed compensation, and she believes that the District does a great job in attracting people, but there is room to improve in retaining staff. She understands that the Board is interested in reevaluating its compensation philosophy. Changes will likely require additional resources. She believes that the staff is working very hard, and doing the best that they can, but without additional capacity, expanding the District's output will be difficult.

Director Holman expressed her appreciation of her colleagues asking these types of questions, which have been helpful in learning more about the organization. In addition, one thing that she appreciates is how staff is so complimentary to one another, which makes for a stronger and inclusive organization. In addition, she appreciates Ms. Oceguera being forthright in responding to the questions.

Public comment opened at 8:39 p.m.

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

Public comment closed at 8:39 p.m.

No Board action required.

## **INFORMATIONAL REPORTS**

### **A. Committee Reports**



Director Cyr reported that the Planning and Natural Resources Committee met July 11, 2023, to discuss the Rancho San Antonio Multi-modal strategies for a potential shuttle and/or ride hail program(s) and will continue the meeting on July 18, 2023.

B. Staff Reports

General Manager Ruiz reported that today she attended the Land & Facilities department retreat as a guest. She provided a summary of retreat, the team building exercises, and the discussions that were held. She commended Land & Facilities Manager Brandon Stewart for taking the initiative and organizing the retreat as well as the other staff members who assisted with organization and logistics.

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak reported on the progress of the FOSM work conducted by Baker Tilly, and that the project manager and project executive will be at the District on August 17, 2023, to meet with staff and gather additional information.

C. Director Reports

Director Riffle reported that he listened to the Nature Conservancy webcast about the future force of California and spoke about his two take-aways of the webcast.

Director Gleason reported that on July 6, 2023, he and President Kishimoto gave a presentation to the City Council of Cupertino.

President Kishimoto reported she attended today's meeting as the chair of the Fire and Emergency Services Technical Advisory Committee for LAFCO.

**ADJOURNMENT**

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 8:51 p.m.

Maria Soria, MMC  
District Clerk