



Midpeninsula Regional  
Open Space District

Board Meeting 15-21

## **SPECIAL AND REGULAR MEETING**

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

330 Distel Circle  
Los Altos, CA 94022

**Wednesday, August 12, 2015**

### **DRAFT MINUTES**

#### **CLOSED SESSION**

The Board of Directors convened into closed session at 6:42 p.m. in the Long Ridge Conference Room.

**1. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION.**

**Government Code Section 54957(b)(1)**

Title of Employees: General Manager

**CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATORS.**

**Government Code Section 54957.6**

Agency designated representatives: Board of Directors

Unrepresented Employees: General Manager

#### **ADJOURNMENT**

President Siemens adjourned the Special Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:59 p.m.

#### **REGULAR MEETING**

#### **CALL TO ORDER**

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

#### **ROLL CALL**

Members Present: Jed Cyr, Nonette Hanko, Cecily Harris, Larry Hassett, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: None.

Staff Present: Assistant General Manager Kevin Woodhouse, General Counsel Sheryl Schaffner, Senior Real Property Agent Allen Ishibashi, Natural Resources

Manager Kirk Lenington, Controller Mike Foster, and District Clerk Jennifer Woodworth

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

**ORAL COMMUNICATIONS**

No speakers present.

**ADOPTION OF AGENDA**

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

**VOTE: 7-0-0**

**CONSENT CALENDAR**

1. **Approve July 22 and July 30, 2015 Board Meeting Minutes.**
2. **Approve Claims Report**
3. **Amend Contract with Balance Hydrologics, Inc. (R-15-113)**

General Manager's Recommendation: Approve a contract amendment with Balance Hydrologics Inc., increasing the contract by \$39,840, for a total amount not to exceed \$64,840 to continue and expand the Water Resources Inventory Study underway at the Bear Creek Redwoods Open Space Preserve.

4. **Acceptance of Conservation Easements over three Los Trancos County Water District Parcels, two located in unincorporated San Mateo County (Assessor Parcel Numbers 080-071-010 and 080-060-580) and one located in the Town of Portola Valley (Assessor Parcel Number 080-241-410) (R-15-117)**

General Manager's Recommendations:

1. Determine that the recommended actions are categorically exempt from the California Quality Act, as set out in the staff report.
2. Adopt a Resolution authorizing the acceptance of two conservation easements over three Los Trancos County Water District parcels.
3. Adopt the Preliminary Use and Management Plan, as set out in the staff report.
4. Withhold dedication of the Los Trancos County Water District Parcels as public open space.

**Motion:** Director Hassett moved and Director Harris seconded the motion to adopt the Consent Calendar.

**VOTE: 7-0-0**

**BOARD BUSINESS**

5. **Approval of Revised Statement of Investment Policy and Authorization to Purchase Securities through Stifel, Nicolaus & Company (R-15-116)**

District Controller Mike Foster explained the current investment policy not consistent with the District's new cash position based on the general obligation bonds. Mr. Foster explained that the District's funds are divided into four separate accounts – Hawthorns fund, retirement and medical, Board-committed reserves, remaining general fund reserve.

Director Riffle requested copies of new reports in approximately six months for the Board to review and receive additional information as needed.

Mr. Foster suggested possibly returning on a quarterly basis with a report starting in December.

Public comments opened at 7:16 p.m.

No speakers present.

Public comments closed at 7:16 p.m.

**Motion:** Director Riffle moved, and Director Kishimoto seconded the motion to Adopt resolutions approving the proposed revised Statement of Investment Policy and the trading of securities through the investment department of Stifel, Nicolaus & Company

**VOTE: 7-0-0**

**6. Establishment of the Measure AA Bond Oversight Committee and adopting Committee Bylaws (R-15-112)**

District Clerk Jennifer Woodworth provided the staff presentation summarizing the roles and responsibilities of the Bond Oversight Committee and the schedule of dates for recruiting potential committee members. Ms. Woodworth described the next steps in the process following the close of the application period in December including possible creation of additional selection criteria and options for interviewing and selecting committee members.

Public comments opened at 7:40 p.m.

No speakers present.

Public comments closed at 7:40 p.m.

**Motion:** Director Cyr moved, and Director Hanko seconded the motion to approve a resolution forming the Measure AA Bond Oversight Committee and approve the draft bylaws for the Measure AA Bond Oversight Committee, as amended.

**VOTE: 7-0-0**

**7. Approval of Salary Adjustments and Revised Employment Agreements for Board Appointees General Counsel and District Controller (R-15-118)**

**Motion:** Director Kishimoto moved, and Director Riffle seconded the motion to continue the item to the following Board meeting.

**ROLL CALL VOTE: 2-5-0** (Directors Hassett, Cyr, Hanko, Siemens, and Harris voted against.)

Motion fails.

Public comments opened at 7:49 p.m.

No speakers present.

Public comments closed at 7:49 p.m.

**Motion:** Director Siemens moved, and Director Hassett seconded the motion to adopt resolutions approving the salary adjustments recommended by the Board Appointee Evaluation Committee and authorizing the Board President to execute revised Board Appointee Employment Agreements for the District Controller and General Counsel.

**VOTE: 5-1-1** (Director Kishimoto voted against, Director Riffle abstained.)

Director Kishimoto requested her reason for voting no be included in the record. Director Kishimoto stated that she was voting against the motion because she feels it is important to adopt all three employment agreements at one meeting.

**8. Approval of Contract with Geocon Inc. for Environmental Consulting and Hazardous Waste Disposal Services at the former Driscoll Ranch area of La Honda Creek Open Space Preserve (R-15-121)**

Natural Resources Kirk Lenington described the location of the hazardous waste materials located on the property at Driscoll Ranch Site 16 and the types of debris discovered. Mr. Lenington summarized the process currently being used to segregate the hazardous materials and proposed disposal plan for the hazardous materials.

Public comments opened at 8:05 p.m.

Mike Bushue requested further information regarding the penalty assessed against the contractor.

Mr. Lenington explained that due to the size of the machinery being used it, is difficult for it to be moved; therefore, it is in the District and contractor's best interest to act as quickly as possible to complete the work.

Public comments closed at 8:07 p.m.

**Motion:** Director Riffle moved, and Director Hanko seconded the motion to authorize the General Manager to enter into a professional services contract with Geocon Inc. for a total contract amount not to exceed \$69,000, which includes the project proposal amount of \$60,000 and a fifteen percent contingency amount of \$9,000 to perform environmental consulting and hazardous waste disposal services at the former Driscoll Ranch area of La Honda Creek Open Space Preserve.

**VOTE: 7-0-0**

**INFORMATIONAL REPORTS**

A. Committee Reports

Director Riffle reported on the August 11, 2015 Planning and Natural Resources Committee meeting.

B. Staff Reports

Assistant General Manager Kevin Woodhouse reported Governor Brown signed AB495, which increased the General Manager's contract authority from \$25,000 to \$50,000. Staff will bring forward recommended revisions to the associated Board Policy later this year before the law takes effect January 1, 2016.

General Counsel Sheryl Schaffner reported the District has received the settlement funds from Arcadis, which funds will be added to the general fund after the District reimburses Carl Warren & Company for the payment made to a neighbor of the property.

District Clerk Jennifer Woodworth provided information related to the Special District Leadership Foundation's District of Distinction certification related to upcoming training opportunities for Board members. The Board decided not to require all Board members attend the Governance Foundations training and pursue the District of Distinction certification at this time.

C. Director Reports

The Board members submitted their compensatory reports.

Director Harris reported the City of San Carlos is bringing a bond measure to the voters to purchase the Black Mountain property. Director Harris stated she will be bringing a letter or resolution of support to the Board to consider at a future Board meeting.

Director Riffle provided comments on the District's recent Legislative Lunch. Director Riffle also reported he will be meeting with Committee for Green Foothills, Latino Outdoors, and District staff to discuss increasing diversity in decision making relating to outdoor education.

Director Kishimoto reported that she and General Manager Steve Abbors presented to the Cupertino City Council regarding Measure AA. Ms. Kishimoto also attended a meeting regarding Stevens Creek related to restoring the fish flow in that creek.

**ADJOURNMENT**

President Siemens adjourned the regular meeting at 8:37 p.m.

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Jennifer Woodworth, CMC  
District Clerk