



Midpeninsula Regional
Open Space District

LEGISLATIVE, FUNDING AND PUBLIC AFFAIRS COMMITTEE

R-16-10
February 9, 2016

AGENDA ITEM 5

AGENDA ITEM

Consideration of Constituent Memorial Bench for the late David G. Hysinger

SUMMARY AND RECOMMENDATION

Mr. Vaughn Hysinger is interested in a constituent memorial bench in one of the District's preserves in memory of his late son, David Hysinger. Both Mr. Hysinger and his deceased son have been avid users of District preserves. After discussion with staff, Mr. Hysinger understands that his son's contribution to the community does not match the criteria set forth by the current District policy for memorial benches (Attachment 1), and so the General Manager has no policy basis for recommending approval of Mr. Hysinger's request. Mr. Hysinger would nonetheless like the Legislative Funding and Public Affairs Committee (LFPAC) to consider his request (Attachment 2) with the suggestion to use an existing bench rather than install a new bench, and has submitted a request letter to the Committee. The Board does have the latitude to grant Mr. Hysinger's request, which will set new precedent.

DISCUSSION

In November 2015, Mr. Hysinger called the Public Affairs Department to ask about a memorial bench for his late son, David Hysinger, who unexpectedly passed away. He stated that his son was a distinguished attorney, popular professor, and dedicated father who, for decades, enjoyed mountain biking in the Midpeninsula Regional Open Space District's preserves. After a discussion with staff, Mr. Hysinger understood that his request did not meet the criteria in Board Policy 5.01, Site Naming, Gift, and Special Recognition. After hearing about the policy criteria, Mr. Hysinger asked about the number of dedicated versus undedicated benches and suggested using an existing bench rather than installing a new bench feeling that the dedication of an existing bench may be interpreted as not being subject to current policy.

At the time of Mr. Hysinger's request, the Public Affairs Department did not have the actual inventory count. After a completion of an inventory survey at the end of 2015, it was determined that the District actually has 58 benches, rather than the 30 as estimated to Mr. Hysinger. Of those 58 benches, 28 are dedicated as memorial or honorary benches for either constituents or District founders and leaders and 30 are non-dedicated rest benches.

The District does not have a policy on a balance of dedicated versus non-dedicated benches. Rest benches have been converted to memorial benches in the past, but the deceased person's past actions met the District criteria at the time. An example is in 2014 when the District converted a

rest bench to a constituent memorial bench at Rancho San Antonio for the late Betty Salveter, a long-standing volunteer with the District for many decades.

POLICY BACKGROUND

The Board of Directors receives many bench requests each year and in response, the Board has updated its memorial bench policy to be focused and clear as to the eligibility criteria for memorials and dedications.

TYPES OF BENCHES

As outlined in the policy, the Board of Directors will consider placing the following types of benches in District Preserves:

Rest benches - non-dedicated benches placed at appropriate resting stops or viewpoints.

Constituent memorial benches - requested by constituents in order to honor a member of the public who meets eligibility requirements (as defined below) and are funded by the requestors who must pay \$5,000 to a Memorial Bench Fund to pay for construction, installation, and maintenance. LFPAC discusses requests for these benches and decides which requests will be referred to the full Board for a vote. The location of any memorial bench is at the District's discretion. The policy does not specifically state that the \$5,000 contribution must be used for a new bench.

Memorial Eligibility Requirements: The current policy specifically states memorial benches must be in reference to a deceased significant supporter or a volunteer. In the policy, significant supporters are defined as individuals or group of individuals who have shown conspicuous or noteworthy support for the District through extraordinary contributions of time and effort to the advancement of the goals, philosophy and mission of the District. Volunteers are individuals or groups of individuals who donated their time to the District by working for the District's docent or volunteer program.

District memorial benches - installed by the District in response to requests by members of the Board of Directors to honor deceased "Founders," "Significant Supporters", and "Volunteers".

Although Mr. Hysinger agrees that his son's past contributions do not meet this specific District criteria, he suggested that rather than install and fund a new memorial bench, he would like the LFPAC to consider his contribution of the \$5,000 memorial maintenance fee be applied to an existing (rest) bench and a memorial plaque for his son be applied to that bench. Mr. Hysinger is aware that the District has converted rest benches into memorial benches in the past, but that the deceased individual nonetheless met the policy criteria, and was given the example of the Betty Salveter bench as mentioned in this report. He has, however, asked that the LFPAC consider his request, which is why this item has been added to the LFPAC Agenda.

FISCAL IMPACT

If LFPAC considers recommending the request, and the Board of Directors approves the memorial, the District would receive a contribution of \$5,000 to be added in the Memorial Bench Fund to fund a new plaque and ongoing bench maintenance. At this time, it is unclear how this action would result in future fiscal impacts since this would create a precedent and an invitation to submit memorial requests for any member of the public, regardless of whether they meet

current eligibility requirements or not, resulting in increased requests and bench memorials. At this time, rest benches may be removed or replaced at the end of their useful life. If a great number of them are converted into memorial benches, the District will be required to maintain these benches indefinitely, resulting in eventual replacements, and thus added cost.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

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

NEXT STEPS

The Legislative, Funding, and Public Affairs Committee should determine whether they want to make an exception to the policy and permit a rest bench be converted to a memorial bench per Mr. Hysinger's request.

Attachment:

1. Policy 5.01 for Site Naming, Gift and Special Recognition
2. Memorial Bench Request Letter from Mr. Vaughn G. Hysinger

Responsible Department Head:

Shelly Lewis, Public Affairs Manager

Prepared by:

Shelly Lewis, Public Affairs Manager

Board Policy Manual

Site Naming, Gift, and Special Recognition	Policy 5.01 Chapter 5 – Historical/Cultural
Effective Date: 8/25/93	Revised Date: 11/13/13
Prior Versions: 8/25/93, 9/14/94, 6/24/98, 9/12/01, 10/8/08, 1/13/10, 10/27/10	

I. SITE NAMING

All District site names and signs should be kept as simple and functional as possible. When a property is acquired, either as an addition to an existing preserve or for the establishment of a new preserve, a name will be recommended in the Preliminary Use and Management Plan. In most cases, "open space preserve" is appropriate as part of the name; however, there may be circumstances when another designation may be used. In some cases, a temporary name may be retained until the next Comprehensive Use and Management Plan review.

A. Open Space Preserves

The name given to each open space preserve should be general enough to remain suitable if the site is enlarged, but specific enough to give its location some significance. Properties added to an open space preserve may not always be contiguous with that preserve.

1. Preserves shall be named after:

- a) Geographical features of broad, general significance to the preserve;
- b) Historical persons, cultural names, uses, or events broadly associated with the locale.

2. Preserves shall not be named after any individuals other than historical persons as noted above.

B. Preserve Areas, Trails, Site Improvements, Historic Sites and Unnamed Natural Features

This designation refers to specific locations, land formations, trails, natural and physical features, staging areas and other site improvements, and areas of significance within open space preserves. Recognition of significant land gifts, including "bargain" purchases, will be negotiated at the time of the gift or bargain purchase.

1. Preserve areas, trails, site improvements including benches and bridges, historic sites and previously unnamed natural features shall ordinarily be named after:

- a) Geographical, botanical or zoological identification;

b) Historical persons, uses, or events associated with the site, or persons and organizations listed in Section III: "Special Recognition".

2. Preserve areas, trails, site improvements, historic sites and unnamed natural features may in rare instances be named after a living individual who has made an outstanding contribution to the District, subject to approval by the Board of Directors.

II. GIFT RECOGNITION

The purpose of the gift recognition policy is to provide an opportunity for the District to recognize and commend individuals or groups that have made significant contributions of cash, equipment, materials, goods or professional services toward the enhancement of the District, its programs, and its facilities.

A. Unsolicited Cash Gifts:

Up to \$25	Postcard of thanks
\$26 to \$499	Letter signed by General Manager
\$500 to \$1,999	Letter signed by President of the Board
\$2,000 to \$4,999	Letter signed by President of the Board and District gift item (note cards, etc.)
\$5,000 to \$9,999	Letter signed by President of the Board and framed photograph of favorite District preserve
\$10,000 or more	Letter signed by President of the Board and Resolution and framed photograph of District preserve and mention in a District publication*
*These items will be provided only if desired by the donor.	

III. SPECIAL RECOGNITION

The Legislative, Funding and Public Affairs Committee (LFPAC) shall be the committee designated to discuss all requests that meet the criteria of the policy for special recognition, made by members of the Board of Directors or by members of the public, including bench memorials and the naming of bridges, and after deliberation shall decide which requests will be referred to the full Board for a vote.

The District places benches in its preserves for three distinct purposes:

A. District Rest Benches

These benches provide constituents with a place to rest. District staff places these benches without involving a District committee or the full Board. Regular benches must be either a backed or a backless standard bench as described in Section V below.

B. Constituent Memorial Benches

These are benches which have been requested by constituents in order to honor a member of the public and are funded by the requestors who must pay \$5,000 for the lifetime cost of the bench. LFPAC discusses requests for these benches and decides which requests will be referred to the full Board for a vote. Requests must be in reference to a deceased significant supporter or a volunteer, as defined in the following sections.

a) Constituent memorial benches shall only be placed in locations that have been pre-determined by the District and approved by the Use and Management committee and by the full Board of Directors.

b) If a request for special recognition is approved by the Board of Directors, the requestor(s) shall pay for the cost of constructing, installing and maintaining a memorial bench by contributing \$5,000 to a Memorial Bench Fund to cover the lifetime cost of the bench. The District will put this fund into an interest-bearing account which will be used solely for memorial bench construction, installation, repair, and maintenance.

c) Bench plaques will be 2 x 6 inches in size.

d) Benches must be one of the two District standard bench designs.

C. District Memorial Benches

These are benches which are installed by the District in response to requests by members of the Board of Directors to honor deceased "Founders," "Significant Supporters", and "Volunteers".

a) LFPAC can initiate a bench request and refer a decision to the full Board or individual Board members can initiate a bench request which will be referred to LFPAC for discussion before it is referred to the full Board for a final decision. Honorees must be deceased "Founders", "Significant Supporters", and "Volunteers" (per policy Section III D below).

b) For these benches there are no design specification limits or limits on their location. The District will pay for the lifetime cost of the bench.

D. Deceased Founders, Significant Supporters, and Volunteers

"Founders", "Significant Supporters", and "Volunteers" are eligible for special recognition, including memorials.

"Founders" shall be defined as an individual or group of individuals who participated in the formation of the District, or were significant supporters of the formation of the District.

"Significant Supporters" shall be defined as individuals or group of individuals who have shown conspicuous or noteworthy support for the District through extraordinary contributions of time and effort to the advancement of the goals, philosophy and mission of the District.

"Volunteers" shall be defined as individuals or groups of individuals who donated their time to the District by working for the District's docent or volunteer program.

IV. RECOGNITION OF HISTORIC SITES

A. A recognition monument, normally in plaque form, may be considered by the Board if it is in relation to a specific existing building or other remaining structure of significant historic value. In such cases, the plaque will be affixed or in close proximity to the structure itself. If there is no structure, then recognition may be considered for inclusion on District informational materials or trail signage. Such a site, in the absence of a building or structure, will ordinarily not be physically marked except as determined by the Board on a case-by-case basis as part of the Use and Management planning process for the corresponding open space preserve.

Any Board-approved memorial names shall be included in site brochures, maps, or other informational materials.

V. STANDARD BENCH DESIGN SPECIFICATION

A. District Rest Benches and Constituent Memorial benches, described in III(A) and (B) above, are limited to either of the two following standard bench designs:

Backed bench:

Dumor - Bench 88, recycled plastic slates (color: CEDAR), steel leg supports
(color: BLACK, IMBEDDED)
6' or 8' lengths

Backless bench:

Dumor - Bench 103, recycled plastic slates (color: CEDAR), steel leg supports
(color: BLACK, IMBEDDED)
103-60PL 6' long, 3 supports
103-80PL 8' long, 3 supports

B. LFPAC can at any point bring designs to the Board that differ from the District's standard bench designs.

VAUGHN G. HYSINGER
1151 SAINT JULIEN STREET
BRENTWOOD, CALIFORNIA 94513

RECEIVED

Attachment 2

December 21, 2015

2015 DEC 28 AM 11: 05

MIDPENINSULA REGIONAL
OPEN SPACE DISTRICT

Ms. Jennifer Woodworth
Midpeninsula Regional Open Space District
Legislative, Funding and Public Affairs Committee
330 Distel Circle
Los Altos, CA 94022

Re: Memorial Bench Program

Dear Ms. Woodworth:

My oldest son unexpectedly passed away in June last year, just prior to his 50th birthday. He was an avid user, as I was, of the District's trails by riding mountain bikes, horses and hiking throughout your district, primarily around Windmill Pastures and Skyline Blvd. He leaves a spouse and two high school aged sons.

I have spoken with Shelly Lewis, Public Affairs Manager and she has been invaluable in providing me with information on the districts' memorial policies.

Whilst I would like to fund a new memorial bench I recognize that neither his nor my volunteer contributions match exactly the criteria you require as stated in your Board Policy Manual, Policy 5.01. However, it's my understanding that you currently have approximately 30 benches installed with about 15 formally dedicated memorial benches, such as the one for Herb Grench

Therefore, I would respectfully request that you consider my contributing the memorial maintenance fee to an existing bench. This action would then not require a new bench to be approved and installed, just the approval of signage.

I've enclosed his obituary from the Los Altos Town Crier as a means of describing his background and accomplishments.

Please let me know if you would like to discuss this further or have me present my request in person.

Thank you for your consideration.

Sincerely,

Vaughn G. Hysinger

Vaughn G. Hysinger

cc: Ms. Shelly Lewis

Enclosure: David G. Hysinger Obituary

District Inventory

60 58 benches

28 - dedicated

30 - undedicated

DAVID G. HYSINGER

Published on Wednesday, 02 December 2015 00:01
Written by Los Altos Town Crier Staff



David G. Hysinger recently passed away unexpectedly. He was a long time resident of Los Altos Hills and San Francisco.

David was born on November 23, 1965 in Fairfax, Virginia. In 1968 the family moved to Gaithersburg, Maryland for 6 months before settling in California in June of 1969. David attended Hillview and Covington Elementary schools, Blach Junior High, Los Altos High School and Foothill College. He transferred to UC Berkeley and graduated in 1987 with cum laude departmental honors in Philosophy and a General Academic Citation from the College of Letters and Science. While working toward his Juris Doctor (JD), he was a Moot Court Finalist at University of San Francisco School of Law (USF). He obtained his JD in 1991 and his MBA in 1993 from USF. Most recently he was working toward his PhD in Theology.



While working toward his JD, David externed at the United States Bankruptcy Court in San Jose and was a legal drafting clerk at Glynn & Harvey. After obtaining his JD, his attorney positions in real estate, land use, business and personal injury included positions at Veneruso & Moncharsh, Pave & Bogaards where he was a trial attorney and became a partner at Bogaards Davis LLP. He then took his present teaching position at San Francisco State University (SFSU) as a lecturer in real estate law, finance and public policy. Along with teaching, David started his own law practice to continue helping clients.

During his time as lecturer at SFSU, David designed four upper division courses for the Commercial Real Estate Certificate in the Finance Department. The Building Owners and Managing Associations, Inc. (BOMA) asked and funded David to develop a curriculum leading to certification. In addition he authored the textbook "Financial Legal and Economic Fundamentals of Real Estate" for the courses.

David was a loving husband, devoted father, dutiful son, protective brother, respected elder in his church, popular professor and fierce righteous and fair attorney. David was a humble and unassuming man. Patient. Clear headed. Thoughtful. He hungered for knowledge and stood for what was right in God's eyes. David lived a simple life. To his family, friends and people around him, he gave much, but never expected anything in return. He had so much more to offer. His absence will be missed across many spectrums; from his colleagues in the legal community and the San Francisco Bible Church to his students at SFSU and especially his family and friends.

David is survived by his wife Anna, sons Jared and Caleb whom he loved and shepherded dearly, his parents Vaughn and Lana, Vaughn's wife Sandy, brother John and his wife Elizabeth, and many other relatives.