



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

February 10, 2016

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

CALL TO ORDER

President Kishimoto called the special meeting of the Midpeninsula Regional Open Space District to order at 5:30 p.m.

ROLL CALL

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

Members Absent: Pete Siemens

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, General Counsel Sheryl Schaffner, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi

Public comments opened at 5:30 p.m.

No speakers present.

Public comments closed at 5:30 p.m.

The Board of Directors convened into closed session at 5:30 p.m.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: Santa Clara County Assessor Parcel Number 558-46-001

Agency Negotiator: Allen Ishibashi, Senior Real Property Agent

Negotiating Party: Lowell and Pamela Freudenberg

Under Negotiation: Terms of real property transaction

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code 54956.9(c): (one potential case)

President Kishimoto adjourned the special meeting at 6:53 p.m.

REGULAR MEETING – BOARD MEETING

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, Nonette Hanko, Cecily Harris, Larry Hassett, Yoriko Kishimoto, and Curt Riffle

Members Absent: Pete Siemens

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, Chief Financial Officer/Administrative Services Director Stefan Jaskulak, General Counsel Sheryl Schaffner, Planning Manager Jane Mark, Natural Resources Manager Kirk Lenington, Operations Manager Michael Newburn, Real Property Manager Mike Williams, Public Affairs Manager Shelly Lewis, Administrative Services Manager Kate Drayson, Finance and Budget Analyst Nicole Gonzales, Senior Management Specialist Lisa Tulee, and District Clerk Jennifer Woodworth

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

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

VOTE: 6-0-0 (Director Siemens absent.)

SPECIAL ORDERS OF THE DAY

- Informational Presentation regarding the San Francisco Bay Restoration Authority by Amy Hutzal, Deputy Executive Officer of the State Coastal Conservancy

State Coastal Conservancy Deputy Executive Officer Amy Hutzal described the basis for a proposed parcel tax, which will be on the ballot for the upcoming June 7, 2016 election. Ms. Hutzal described the numerous effects local populations have had on the San Francisco Bay, including building dams, creating landfills, etc. Ms. Hutzal summarized several benefits of restoring the San Francisco Bay tidal wetlands, including flood protection, wildlife habitat, and protection against sea level rise. Ms. Hutzal described the creation of the Bay Restoration

Authority and its mission to raise and allocate resources for wetlands restoration and wildlife habitat creation in the area. Ms. Hutzel described the bond measure for the June 7, 2016 election seeking \$500 million towards the restoration of the wetlands and includes funding for four program areas – restoring vital fish, bird and wildlife habitat; safe, clean water and pollution prevention; integrated flood protection; and increasing shoreline public access and recreation. Finally, Ms. Hutzel described the next steps for the ballot measure to be included on the June 7, 2016 ballot, such as stakeholder and citizen engagement.

Director Hanko inquired as to how the funds will be dispersed if the measure passes.

Ms. Hutzel explained that criteria are included in the measure language to assist in prioritizing projects and allocation of funds for each region.

Director Harris inquired regarding they types of public access that will be available.

Ms. Hutzel stated that access will most likely include water access, but will require that all access projects protect wildlife habitats.

Director Harris inquired if the Bay restoration projects will limit the available land for much-needed housing projects.

Ms. Hutzel explained that the Restoration Authority focuses on restoring lands already owned by public agencies. Additionally, the restoration efforts will help protect future housing projects against sea level rise.

Director Kishimoto inquired how the projects will be done in conjunction with levy restoration in the area.

Ms. Hutzel explained that funds will be allocated to levy restoration in order to further the goal of restoring the associated wetlands. However, significant finds will be spent on levy restoration based on the often high cost of those projects.

CONSENT CALENDAR

**1. Approve Board Meeting Minutes:
January 27, 2016**

2. Approve Claims Report

Motion: Director Cyr moved, and Director Hassett seconded the motion to approve the Consent Calendar, as amended.

Public comment opened at 7:43 p.m.

No speakers present.

Public comment closed at 7:43 p.m.

VOTE: 6-0-0 (Director Siemens absent.)

BOARD BUSINESS**3. Fiscal Year 2015-16 Action Plan and Budget Midyear Adjustments (R-16-14)**

Item 3 was heard after Item 5.

Administrative Services Manager Kate Drayson presented the staff report describing proposed adjustments to the FY2015-16 Action Plan. Ms. Drayson summarized the highest priority projects as determined by the Board of Directors. Ms. Drayson described several deferred and proposed new operating, land, and capital projects, including projects to implement the Financial and Operational Sustainability Model and opening the La Honda Creek and Bear Creek Redwoods Preserves to public access.

Ms. Drayson provided a summary of current projects with proposed budget increases. The requested increases were due to various factors, including unanticipated land purchases and expanded scope of projects.

Finance and Budget Analyst Nicole Gonzales provided an overview of the proposed FY2015-16 midyear budget adjustments, which includes the extension of the fiscal year by three months to accommodate the change in fiscal years and shifts in labor costs related to Measure AA projects. Ms. Gonzales also provided a revised estimate of property tax revenues.

Ms. Drayson summarized a proposed policy change to allow eligible land and associated costs and expenses to include only those costs known at the close of escrow, which will increase staff efficiencies and is recommended by the District's auditor.

Public comment opened at 9:00 p.m.

No speakers present.

Public comment closed at 9:00 p.m.

Motion: Director Riffle moved, and Director Harris seconded the motion to:

1. Adopt a resolution approving the proposed FY2015-16 Action Plan and Budget Midyear adjustments to cover new or unanticipated projects and expenses and the 3-month extension of the fiscal year.
2. Approve the change in eligible Land and Associated Costs expenses to include only those known at the close of escrow

VOTE: 6-0-0 (Director Siemens absent.)

4. Proposed New Positions and Position Reclassifications (R-16-15)

Assistant General Manager Ana Ruiz presented the staff report describing 8 new positions and 3 position reclassifications as recommended by Financial and Operational Sustainability Model (FOSM). Ms. Ruiz explained that as part of the FOSM and the Controller's financial model, the cost of projected staff increases were tested against a possible economic downturn and recovery. Finally, Ms. Ruiz provided a brief description of the various new classifications and reclassifications.

Ms. Ruiz also described a proposed procedural change to allow the General Manager to update job descriptions for job classifications previously approved by the Board. This will allow for increased efficiency for the Human Resources staff to develop the job descriptions and begin recruitment without requiring additional Board approval. Ms. Ruiz also explained an additional change that will allow for the General Manager to be delegated authority to make small adjustments to a position's salary to facilitate recruitment efforts. The adjustment must be within 10% of the Board approved compensation for the position and must be approved by the Board of Directors before new staff starts their new position.

Public comment opened at 9:23 p.m.

No speakers present.

Public comment closed at 9:23 p.m.

Director Hassett expressed his concern that adjustments to the salary for a single position may cause inequalities among positions.

Director Harris stated that she is aware of individuals who did not apply for a District job opening based on the salary.

Motion: Director Riffle moved, and Director Harris seconded the motion to:

1. Approve the addition of eight new positions to proceed with ramping up staff capacity to increase project delivery and enhance service delivery, as recommended by the Financial and Operational Sustainability Model (FOSM).
2. Approve the reclassification of three existing positions to continue with the FOSM reorganization recommendations.
3. Adopt a Resolution approving the updated Classification and Compensation Plan to reflect the addition of the proposed new job classifications per Recommendations 1 and 2 above and as further described in the staff report.
4. Delegate to the General Manager the approval of final job descriptions for job classifications previously approved by the Board of Directors, as well as final salary range adjustments within a ten percent margin for new classifications.

VOTE: 6-0-0 (Director Siemens absent.)

5. Sudden Oak Death-Ten-Year Update (R-16-06)

Item 5 was heard before Item 3.

Senior Resource Management Specialist Cindy Roessler provided the staff presentation describing the current status of sudden oak death in the District's preserves, how the pathogen is transmitted, and District treatment efforts over the past ten years to control sudden oak death. Ms. Roessler summarized the effectiveness of the treatments and the effect of the ongoing drought on the spread of sudden oak death. Ms. Roessler reported that several native plant nurseries have been contaminated with invasive species, so previously planted sites are being tested. Finally, Ms. Roessler summarized the proposed next steps, including continued treatment of specimen oaks, protection of uncontaminated oak stands, and potential remediation of contaminated sites.

Director Riffle expressed his concerns regarding the cost of the program and the lack of a cure for the pathogen. Director Riffle suggested that the program return to the Board each year for funding, so its effectiveness can be reevaluated each year. Director Riffle expressed his concern that additional funding may be needed to address numerous invasive and harmful species in the District's preserves.

Ms. Roessler explained that many years of efforts will be required to see a response to the efforts and research undertaken.

Public comment opened at 8:20 p.m.

Patty Ciesla member of the Santa Clara County Fire Safe Council and Stewards of Soquel Forest spoke regarding the impacts of sudden oak death on creating flammable materials increasing susceptibility to dangerous wildfires. Ms. Ciesla also spoke regarding the need for fuel breaks and the availability of grant funds for fuel breaks.

Public comment closed at 8:23 p.m.

Director Hassett spoke in favor of the sudden oak death program and the District's obligation to work to control sudden oak death and protect the District's oak trees as assets.

Motion: Director Hassett moved, and Director Hanko seconded the motion to authorize the General Manager to pursue additional Sudden Oak Death and related research and management responses for a total amount of approximately \$524,000 in the next ten years, with funding for future fiscal year expenditures to be considered for approval by the Board during the annual budget preparation process. Staff is further directed to aggressively seek grant funding to supplement District funding of the program.

VOTE: 6-0-0 (Director Siemens absent.)

INFORMATIONAL REPORTS

A. Committee Reports

Director Cyr reported on the February 9, 2016 Legislative, Funding and Public Affairs Committee meeting.

B. Staff Reports

District Clerk Jennifer Woodworth reported on the selection process for the members of the Bond Oversight Committee. Ms. Woodworth reported that she will begin contacting the top ten applicants as ranked by the Board of Directors to schedule interviews.

Assistant General Manager Ms. Ruiz reported the opening of Cooley Landing has been rescheduled to April 16th. The Santa Clara County Historical Heritage Commission will be meeting on February 18th to discuss the potential listing of Mt. Umunhum Radar Tower on the historical listing. Staff continues to work on resource loading for the FY2016-17 Action Plan and Budget.

Chief Financial Officer Stefan Jaskulak reported on staff's work to research increased functionality of the Integrated Accounting and Financial System and information technology upgrades to software and cloud based solutions.

General Manager Steve Abbors summarized the District's ongoing resource loading process designed to efficiently and accurately predict staff capability to complete projects.

C. Director Reports

The Board members submitted their compensatory reports.

Director Cyr reported that he presented at the Sunnyvale City Council to provide an update on Measure AA projects.

INFORMATIONAL MEMORANDA

- Alma College Site Rehabilitation Plan
- La Honda Creek Open Space Preserve Public Access Projects

Director Hassett stated his understanding that extensive public outreach had previously been completed regarding the La Honda Master Plan, and resident consensus was to complete the project.

Ms. Ruiz explained that the outreach is more related to informing residents of the projects coming forward rather than seeking additional input on the Master Plan.

Mike Bushue a member of the public spoke in favor of opening the La Honda area as soon as possible.

- Board Retreat Debrief

Director Harris expressed her concerns that consensus may not have been met for all of the listed items.

Ms. Woodworth explained that many of the items included in the retreat debrief will be included in the FY2016-17 Action Plan at which time the Board may vote to make changes, remove items, or give further direction to staff.

ADJOURNMENT

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:18 p.m.

Jennifer Woodworth, MMC
District Clerk