



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, January 11, 2017

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Kishimoto called the special meeting to order at 6:01 p.m.

ROLL CALL

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

Members Absent: None

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, Assistant General Manager Ana Ruiz, Real Property Manager Mike Williams, Legislative/External Affairs Specialist Joshua Hugg

**1. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION.
Government Code Section 54957(b)(1)**

Title of Employees: General Manager

**2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to 54956.9(b): *(one potential case)***

Public comments opened at 6:01 p.m.

No speakers.

Public comments closed at 6:01 p.m.

The Board convened into closed session.

The Board returned to open session, and President Kishimoto continued the closed session to the close of the regular meeting at 6:27 p.m.

SPECIAL MEETING

ROLL CALL

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

Members Absent: None

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, District Clerk/Assistant to the General Manager Jennifer Woodworth, and Legislative/External Affairs Specialist Joshua Hugg

President Kishimoto called the special meeting to order at 6:31 p.m.

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

President Kishimoto presented a proclamation to retiring Assemblymember Rich Gordon in Appreciation for his support of the District

Assemblymember Rich Gordon thanked the District's Board and staff for their years of friendship and service.

The members of the Board of Directors and General Manager Steve Abbors individually thanked Assemblymember Gordon for his exemplary years of public service and service to the District.

President Kishimoto adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:50 p.m.

REGULAR MEETING

President Kishimoto called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:05 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: General Manager Steve Abbors, General Counsel Sheryl Schaffner, Assistant General Manager Ana Ruiz, Chief Financial Officer/Administrative Services Director Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Planning Manager Jane Mark, Legislative/External Affairs Specialist Joshua Hugg

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

VOTE: 7-0-0

CONSENT CALENDAR

Public comment opened at 7:06 p.m.

No speakers.

Public comment closed at 7:06 p.m.

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

VOTE: 7-0-0

1. **Approve December 14, 2016 Minutes**
2. **Approve Claims Report**
3. **Agreement with Esri for GIS (Geographic Information Systems) Software Licenses (R-17-03)**

General Manager's Recommendation: Authorize the General Manager to enter into an Esri Small Municipal and County Government Enterprise License Agreement for the total amount of \$114,189 to access a comprehensive suite of GIS software licenses.

BOARD BUSINESS

4. **Election of the Calendar Year 2017 Officers for the Midpeninsula Regional Open Space District Board of Directors (R-17-04)**

President Kishimoto called for nominations for Board President.

Director Siemens nominated Director Hassett for President and Director Kishimoto seconded the nomination. No further nominations were presented.

MOTION: Upon motion by Director Cyr, seconded by Director Hanco, the nominations for Board President were closed.

VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Hassett as Board President for Calendar Year 2017.

President Hassett called for nominations for Board Vice President. Director Hanko nominated Director Riffle for Vice President and Director Harris seconded the nomination. No further nominations were presented.

MOTION: Upon motion by Director Cyr, seconded by Director Siemens the nominations for Board Vice President were closed.

VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Riffle as Board Vice President for Calendar Year 2017.

President Hassett called for nominations for Board Treasurer. Director Kishimoto nominated Director Cyr for Board Treasurer and Director Riffle seconded the nomination. No further nominations were presented.

MOTION: Director Siemens moved, and Director Harris seconded the motion to close the nominations for Board Treasurer.

VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Cyr as Board Treasurer for Calendar Year 2017.

President Hassett called for nominations for Board Secretary. Director Kishimoto nominated Director Siemens for Board Secretary and Director Harris seconded the nomination. No further nominations were presented.

MOTION: Upon motion by Director Cyr, seconded by Director Riffle, the nominations for Board Secretary were closed.

VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Siemens as Board Secretary for Calendar Year 2017.

5. Filling the Volunteer Ombudsperson Role with a Pool of three Qualified Volunteers (R-17-05)

Assistant General Manager Ana Ruiz presented the staff report describing the creation of the ombudsperson role following the 2004 Coastal Area Annexation. Ms. Ruiz explained in the most recent recruitment three applications were received, and all applicants demonstrate a willingness and capability to serve as the District's ombudsperson. The involvement of the ombudsperson has diminished over the past couple of years as fewer problems have arisen. The three applications were reviewed by the Legislative, Funding, and Public Affairs Committee (LFPAC) and recommend appointing the three applicants to serve in the Volunteer Ombudsperson Role. Ms. Ruiz described the qualifications of each of the three applicants.

Director Siemens inquired regarding the process for the three individuals filling the ombudsperson role to respond to inquiries from the public.

Ms. Ruiz explained a procedure will be developed in coordination with the appointed individuals and District staff to ensure the needs of the public are met.

Public comment opened at 7:27 p.m.

No speakers present.

Public comment closed at 7:27 p.m.

Motion: Director Riffle moved, and Director Siemens seconded the motion to appoint Lisa Zadek of Half Moon Bay, Kristen Yawitz of Belmont, and Bob Rosenberg of San Jose to serve as a pool of volunteer ombudspersons.

VOTE: 7-0-0

6. Legislative Items for 2017 (R-17-06)

Legislative/External Affairs Specialist Josh Hugg discussed several pieces of legislation for the Board of Directors to consider for possible action.

- Correction of a language inconsistency in Public Resources Code Section 5544.2

General Counsel Sheryl Schaffner provided additional information related to AB 612 to resolve a language inconsistency in Section 5544.2 of the Public Resources Code. The language needs to be resolved to reflect the intent of the original legislation that extended the rate of Midpen's indebtedness to 30 years implemented in Section 5544.2 through the passage of AB 612.

By consensus the Board directed staff to pursue legislation to correct the language inconsistency.

- Possible increase of Board compensation

Mr. Hugg explained Board members in the past have suggested a modification to current compensation amounts and criteria. This will require additional scheduled Board deliberations to determine the change desired (if any) and the appropriate approach to pursue.

President Hassett inquired regarding the process used by East Bay Regional Parks District (EBRPD) used to update their compensation.

Mr. Hugg explained the change for EBRPD only applied to that agency.

The Board discussed whether the item should be discussed by LFPAC or an ad hoc committee.

By consensus, the Board directed staff to research the item and bring it to LFPAC for discussion.

- Pursuit of a parks bond similar to AB2244 related to the definition used to identify disadvantaged communities.

Mr. Hugg described and defined disadvantaged communities (DAC) and severely disadvantaged communities. Due to the high median income of the Bay Area, many of the District's

disadvantaged communities (SDAC) do not qualify for state funding opportunities. Changing the definition to better acknowledge the cost of living landscape across California by using the county median income as the reference would help level the playing field and expand funding eligibility in high-cost regions like Silicon Valley. Under the proposed change, the District would gain an additional six eligible DAC census tracts and eleven SDAC census tracts.

General Manager Abbors explained a change to this definition would help the District leverage Measure AA funds to better serve the disadvantaged communities in the District.

Director Siemens inquired if any legislation addressing this issue currently exists.

Mr. Hugg explained the definition was created by Proposition 84 and would therefore require voter approval to amend the definition. However, the District could pursue individual legislation on this topic on a case-by-case basis, including two upcoming 2018 bond measures.

Director Harris provided comments regarding the level of funding that goes to Southern California due to its higher percentage of urban communities.

By consensus, the Board directed staff to pursue opportunities related to this issue.

- Pursuit of design-build authority for the District related to some of the District's capital projects.

The District is not currently eligible for design-build authority. Mr. Hugg described the difference between the design-build and design-bid-build processes. If the District was eligible to use the design-build process, some projects may be completed more expeditiously and cost effectively. Depending on the project, the District would still be able use the design-bid-build process as needed.

- Enhancement of Authority to Pursue Potential Acquisition of Lands in the Guadalupe and Los Gatos Creek Watershed.

Staff is working to draft legislation that will enable the District to acquire and protect important natural resource lands in Guadalupe and Los Gatos Creek Watershed. The General Manager is seeking Board approval to allow the District to sponsor legislation that will enable it to acquire and protect important natural resource lands in this critical watershed.

By consensus, the Board directed staff to pursue legislation related to this opportunity.

Public comment opened at 7:58 p.m.

No speakers present.

Public comment closed at 7:58 p.m.

Motion: Director Riffle moved, and Director Cyr seconded the motion to direct the General Manager to pursue the legislative priorities as outlined in the staff report and to provide the Board with updates throughout the year and seek future Board approvals as necessary in accordance with Board Policy 1.11 "Positions on Ballot Measures and Legislative Advocacy."

7. Options for Filling a Vacancy on the Measure AA Bond Oversight Committee (R-17-07)

District Clerk/Assistant to the General Manager Jennifer Woodworth provided the staff report describing two options for the Board to fill a vacancy on the Measure AA Bond Oversight Committee. The Board may consider pursuing a recruitment effort similar to the one done in 2015 or fill the vacancy from a list of applicants previously considered by the Board.

Director Siemens suggested filling the vacancy from the previously considered applicants and asked staff to provide the applications for the candidates for the Board to review.

President Hassett asked staff to please also provide a list of the current Committee members and the applicants being considered, so the Board could see which wards were already represented on the Committee.

Public comment opened at 8:12 p.m.

No speakers present.

Public comment closed at 8:12 p.m.

Motion: Director Siemens moved, and Director Riffle seconded the motion to direct staff to send the applications for the candidates previously considered to fill a vacancy on the Measure AA Bond Oversight Committee, and the Board would appoint a new member to the Committee at its next regular meeting on January 25, 2017.

INFORMATIONAL MEMORANDUM

- Summary of the December 13, 2016 Facilities Ad Hoc Committee Meeting

Director Siemens provided comments on the minority recommendation stating his concern is related to using the additional space as commercial rental space. Additionally, the Board may want to consider having a charrette related to the design of the building, including basic design principles and criteria.

Director Kishimoto provided comments related to the ability of additional office space to pay for itself in rental revenue.

INFORMATIONAL REPORTS**A. Committee Reports**

Director Cyr reported the LFPAC met on December 20, 2016 to discuss proposed updates to the Personnel Policies and Procedures Manual and on January 10, 2017 to discuss proposed signage guidelines for redwood memorial groves in the Purisima Creek Redwoods Open Space Preserve.

B. Staff Reports

Assistant General Manager Ana Ruiz reported she met with City of East Palo Alto staff related to work at Cooley Landing.

C. Director Reports

The Board members submitted their compensatory reports.

Director Riffle commented on a recent article discussing the importance of connecting lands and wildlife corridors.

ADJOURN TO CLOSED SESSION

President Hassett adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District and reconvened into closed session at 8:40 p.m.

CLOSED SESSION REPORT

The Board of Directors returned to open session at 9:12 p.m.

General Counsel Sheryl Schaffner reported the Board met in closed session and the Board gave its approval for a \$72,000 payment to Shelly Lewis as part of a settlement and release agreement regarding her employment and separation from service with the District. The vote was seven in favor, none opposed, none abstaining.

ADJOURNMENT

President Hassett adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 9:14 p.m.

Jennifer Woodworth, MMC
District Clerk