



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, October 10, 2018

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Cyr called the special meeting of the Midpeninsula Regional Open Space District to order at 5:32 p.m.

ROLL CALL

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

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Acting Assistant General Manager Brian Malone, Acting Assistant General Manager Kirk Lenington, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Senior Real Property Agent Allen Ishibashi

Public comments opened at 5:32 p.m.

No speakers present.

Public comments closed at 5:32 p.m.

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))**

Name of Case: *Burkhart v. Midpeninsula Regional Open Space District*; Santa Clara County Superior Court Case Number 18CV334473.

2. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4): *(one potential case)*

ADJOURNMENT

President Cyr adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:59 p.m.

REGULAR MEETING

President Cyr called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:06 p.m.

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

ROLL CALL

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

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Acting Assistant General Manager Brian Malone, Acting Assistant General Manager Kirk Lenington, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Human Resources Manager Candice Basnight, Governmental Affairs Specialist Joshua Hugg, Climate Resiliency Fellow Hayley Edmonston

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

VOTE: 7-0-0

SPECIAL ORDERS OF THE DAY

- Proclamation Honoring Director Cecily Harris

CONSENT CALENDAR

Director Hassett pulled Item 3 from the Consent Calendar.

Director Riffle pulled Item 4 from the Consent Calendar.

Public comment opened at 7:22 p.m.

No speakers present.

Public comment closed at 7:22 p.m.

Motion: Director Kishimoto moved, and Director Hassett seconded the motion to approve the Consent Calendar.

VOTE: 7-0-0

1. **Approve September 12, 2018 and September 26, 2018 Minutes**
2. **Claims Report**
3. **Award of Contract to Gradetech Inc., to Replace the Purisima Creek Redwoods Vault Toilet (R-18-113)**

Item 3 was heard after Item 4.

Director Hassett commented on the bidding process suggesting staff should solicit bids from contractors that are local to the District rather than outside of the District's boundaries, which could also reduce the District's carbon footprint. Awarding contracts to businesses within the District will also help the District be a good neighbor by investing in District communities.

Capital Project Manager III Sean Smith reported that he contacted numerous contractors within the District and on the coast, and none were interested in bidding on the project.

Director Hassett suggested including that information in the staff report and to educate local vendors regarding the District's contracting and bidding process.

Director Harris suggested the District might want to research options for giving preference to local businesses when awarding contracts.

Director Siemens suggested the District may want to pursue a legislative solution related to the bonding requirements for contractors.

General Manager's Recommendation:

1. Award a contract to Gradetech Inc., of San Ramon, California for a not-to-exceed base contract amount of \$80,000 to replace the single vault toilet restroom with a double vault toilet restroom at lower Purisima Creek Redwoods Open Space Preserve.
2. Authorize a 15% contingency of \$12,000 to be reserved for unanticipated issues, thus allowing the total contract amount not-to-exceed \$92,000.

Motion: Director Hassett moved, and Director Harris seconded the motion to approve the General Manager's recommendation.

VOTE: 7-0-0

4. Approve a Correction to the Classification and Compensation Plan and a Corresponding Correction in the Midpeninsula Regional Open Space District Memorandum of Understanding with the Field Employees Association (R-18-117)

Item 4 was heard after approval of the Consent Calendar.

Director Riffle requested clarification of the error that is being proposed for correction.

Human Resources Manager Candice Basnight explained the formula calculation error for the hourly salary rates for staff members and explained no staff members were paid incorrectly.

General Manager’s Recommendation:

1. Adopt a resolution approving a corrected Classification and Compensation Plan for Midpeninsula Regional Open Space District Employees.
2. Adopt a resolution approving the corrected Salary Range Chart in the Memorandum of Understanding with the Field Employees Association.

Motion: Director Hassett moved, and Director Harris seconded the motion to approve the General Manager’s recommendation.

VOTE: 7-0-0

5. Resolution to Oppose California State Proposition 6 (R-18-116)

General Manager’s Recommendation: Adopt a resolution to oppose California State Proposition 6, which seeks to repeal the Road Repair and Accountability Act of 2017, and require voter approval for future increases or extensions of fuel taxes and vehicle fees.

6. Board Response to Written Communications from Ken Lucchesi, Maggie Tides, Stephen Wassather

Director Kishimoto requested the following change to the draft response:

“~~However, Midpen manages the county park in part because our current~~ Currently our policy is to provide ~~Board of Directors want to ensure that visitors have free access to open space preserves 365 days a year, as they do to~~ at all 24 Midpen open space preserves that are open to the public.”

General Manager’s Recommendation: Approve the proposed response to Ken Lucchesi, Maggie Tides, Stephen Wassather.

BOARD BUSINESS

7. Climate Change Policy and Climate Action Plan (R-18-114)

Climate Resiliency Fellow Hayley Edmonston provided the staff presentation summarizing the feedback previously received from the Board and how these recommendations were incorporated into the Climate Change Policy and Climate Action Plan.

Director Harris inquired if staff has a plan for notifying the public of the District's progress on implementation.

General Manager Ana Ruiz stated Public Affairs staff will prepare press releases, make social media announcements and pursue other methods of communication to notify partners and members of the public of our progress.

Additionally, Ms. Edmonston reported there are associated awards for progress on efforts addressing climate change, which the District may be interested in pursuing and will explore.

Public comments opened at 7:54 p.m.

No speakers present.

Public comments closed at 7:54 p.m.

Director Kishimoto spoke in favor of Option 2 and spoke regarding a recent report from the Intergovernmental Panel on Climate Change related to the impact of climate change and the positive effect of even small changes, and spoke in favor of future goals.

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

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act.
2. Approve the Climate Change Policy as a chapter to the Resource Management Policies, including Option 2 to set greenhouse gas reduction goals.
3. Adopt the Climate Action Plan.
4. Direct the General Manager to begin implementation of the Climate Action Plan, identifying new budget and project implementation items as part of the Fiscal Year 2019-20 Capital Improvement and Action Plan and Budget development process.

VOTE: 7-0-0

8. Options to Fill a Vacancy Resulting from the Resignation of Director Cecily Harris (R-18-115)

District Clerk/Assistant to the General Manager Jennifer Woodworth provided the staff presentation describing the process for filling the vacancy for Ward 7 either by appointment or by calling a special election. Additionally, the Board may authorize the Board President to appoint Board members to serve on the Planning and Natural Resources, and Legislative, Funding, and Public Affairs Committees

Directors Hanko and Siemens commented on the high cost of a special election and spoke in support of filling the vacancy by appointment to save funds for future District projects.

Public comments opened at 8:11 p.m.

Lennie Roberts spoke in favor of the appointment process and spoke in favor of considering a resident of the coast as a factor for selection.

Public comments closed at 8:13 p.m.

Director Kishimoto spoke in favor of voter outreach to encourage applicants.

Motion: Director Hanko moved, and Director Hassett seconded the motion to:

1. Determine whether to fill the Ward 7 Board Director vacancy for the term ending January 4, 2021 by either appointment or special election.

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

1. Fill the Ward 7 vacancy by appointment and approve the following recruitment procedure for the Ward 7 vacancy:
 - a) Approve the application form, as amended;
 - b) Approve the general criteria for appointment to the Board of Directors, as amended;
 - c) Approve the procedures for interviews; and
 - d) Approve the proposed timeline for filling the vacancy.
2. Authorize the Board President to appoint Board members to fill the vacancies on the following committees: Planning and Natural Resources and Legislative, Funding and Public Affairs Committees.

VOTE: 6-0-0 (Director Harris recused.)

President Cyr appointed Director Kishimoto to serve on the Planning and Natural Resources Committees.

President Cyr appointed Director Riffle to serve on the Legislative, Funding, and Public Affairs Committee.

INFORMATIONAL MEMORANDUM

- Administrative Office Remodel Project Update

INFORMATIONAL REPORTS

A. Committee Reports

Director Harris reported the Planning and Natural Resources Committee met on October 9, 2018 to discuss the use of glyphosate as part of the District integrated pest management program.

B. Staff Reports

Ms. Ruiz reported she met with Santa Clara County Supervisor Dave Cortese.

C. Director Reports

The Board members submitted their compensatory reports.

Director Riffle reported he will be attending the 100th Anniversary event for Save the Redwoods League.

Director Kishimoto reported her attendance at a meeting of the Sierra Club and an event hosted by Menlo Spark related to climate change.

Director Siemens reported he met with Santa Clara County Supervisor Dave Cortese.

Director Harris reported her attendance at the POST Global Action Summit.

ADJOURNMENT

President Cyr adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:58 p.m.

Jennifer Woodworth, MMC
District Clerk