



REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, January 12, 2022

The Board of Directors conducted this meeting in accordance with California Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33. All Board members and staff participated via teleconference.

DRAFT MINUTES

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

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

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, and Curt Riffle

Members Absent: Pete Siemens

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Controller Mike Foster, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Finance Manager Andrew Taylor

President Riffle announced this meeting is being held in accordance with Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33, allowing Board members to participate remotely. The District has done its best to conduct a meeting where everyone has an opportunity to listen to the meeting and to provide comment. The public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website. President Riffle described the process and protocols for the meeting.

Director Siemens joined the meeting at 7:02 p.m.

REPORT OUT OF CLOSED SESSION

General Counsel Hilary Stevenson reported the Board met in closed session on December 15, 2021 and reported the Board voted 6-0 (Director Holman absent) to enter into a settlement agreement in the matter of Zellerbach v. MROSD et al, Santa Clara County Superior Court case number 20CV-365990. A copy of the settlement agreement is available in the General Counsel's office.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

ORAL COMMUNICATIONS

District Clerk Jennifer Woodworth read the submitted comments into the record.

L. Barboza expressed concern regarding the newt population that are killed by vehicles and bicycles on Alma Bridge Road.

CONSENT CALENDAR

Public comment opened at 7:05 p.m.

Ms. Woodworth reported no comments had been submitted for the Consent Calendar.

Public comment closed at 7:05 p.m.

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

ROLL CALL VOTE: 7-0-0

1. **Approve December 15, 2021 Minutes**
2. **Approve Claims Report**
3. **Teleconferenced Board Meetings Pursuant to the Brown Act and Assembly Bill 361 (R-22-05)**

General Manager's Recommendation: Adopt a resolution affirming findings on the continued need for remote teleconferenced public meetings pursuant to AB 361.

4. **Authorization and Delegation to the General Manager for making Property Management Decisions at the new Administrative Office building located at 5050 El Camino Real, Los Altos (Assessor's Parcel Number 170-04-054) (R-22-04)**

General Manager's Recommendation:

1. Adopt a Resolution authorizing and delegating authority for property management decisions to the General Manager for the new Administrative Office building at 5050 El Camino Real and authorizing the General Manager to select and hire commercial real estate brokers.
2. Determine that the recommended actions are categorically exempt under the California Environmental Quality Act (CEQA), as set out in the staff report.

5. Annual Findings on the number of Compensated Board Meetings (R-22-03)

General Manager's Recommendation:

1. Adopt a Resolution making annual findings that more than five Board meetings per month are necessary for the effective operation of the Midpeninsula Regional Open Space District.
2. Direct the General Manager and General Counsel to agendize a future Board item to consider increasing Board compensation by up to a maximum of 5% (or \$5.25 per meeting) pursuant to state law.

6. Award of Contract to Protective Weather Structures, Inc., for an Equipment Shed at the South Area Field Office (R-22-06)

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Protective Weather Structures, Inc., of San Luis Obispo, California, for a base amount of \$58,668.
2. Authorize a 10% contingency of \$5,866 to be reserved for unanticipated issues, bringing the total contract to a not-to-exceed amount of \$64,534.

7. Proposed Purchase of the Vielbaum Property as an addition to Sierra Azul Open Space Preserve located in unincorporated Santa Clara County (Assessor's Parcel Number 562-10-003) (R-22-07)

General Manager's Recommendation:

1. Determine that the recommended actions are categorically exempt under the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the Vielbaum Property at a cost of \$168,000 with corresponding authorization for a Fiscal Year 2021-22 budget adjustment of the same amount, and an additional adjustment of \$10,000 for miscellaneous costs related to this transaction, for a total budget adjustment of \$178,000.
3. Adopt a Preliminary Use and Management Plan for the Property, as set out in the staff report
4. Withhold dedication of the Vielbaum Property as public open space at this time.

BOARD BUSINESS

8. Election of the Calendar Year 2022 Officers for the Midpeninsula Regional Open Space District Board of Directors (R-21-02)

President Riffle offered comments highlighting the District's accomplishments in 2021.

The members of the Board thanked Director Riffle for his service as Board President.

Ms. Woodworth described the procedure for electing Board officers.

Public comment opened at 7:20 p.m.

No public comments were submitted for this item.

Public comment closed at 7:20 p.m.

Director Holman nominated Director Kersteen-Tucker for Board President. No further nominations were presented.

Motion: Director Cyr moved, and Director Riffle seconded the motion to close the nominations for Board President.

Directors Holman, Hassett, and Siemens provided comments in support of Director Kersteen-Tucker's nomination as Board President.

ROLL CALL VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Kersteen-Tucker as Board President for Calendar Year 2022.

President Kersteen-Tucker thanked the Board members for their support and commented on upcoming opportunities for the District during 2022.

Ms. Woodworth called for nominations for Board Vice-President.

Director Riffle nominated Director Kishimoto for Board Vice-President. No further nominations were presented.

Motion: Director Cyr moved, and Director Hassett seconded the motion to close the nominations for Board Vice-President.

ROLL CALL VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Kishimoto as Board Vice-President for Calendar Year 2022.

Ms. Woodworth called for nominations for Board Treasurer.

Director Hassett nominated Director Cyr for Board Treasurer. No further nominations were presented.

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

ROLL CALL VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Cyr as Board Treasurer for the 2021 calendar year.

Ms. Woodworth called for nominations for Board Secretary.

Director Kishimoto nominated Director Holman for Board Secretary. No further nominations were presented.

Motion: Director Cyr moved, and Director Siemens seconded the motion to close the nominations for Board Secretary.

ROLL CALL VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Holman as Board Secretary for Calendar Year 2022.

9. Annual Bond Disclosure Training for the Board of Directors, Members of the Disclosure Working Group, and Contributors (R-22-01)

Finance Manager Andrew Taylor introduced Jacqui Jennings with the District's bond counsel Schiff Hardin and explained the purpose of annual bond disclosure training for the Board and appropriate staff.

Ms. Jennings presented the annual training on bond disclosure obligations, responsibilities, financial obligations and associated amendments, and potential liabilities of members of the Board of Directors and members of the Disclosure Working Group.

Public comment opened at 8:12 p.m.

No public comments were submitted for this item.

Public comment closed at 8:12 p.m.

No Board action required.

INFORMATIONAL REPORTS

A. Committee Reports

No Committee reports.

B. Staff Reports

Ms. Woodworth reported on changes to the public comments to streamline reading comments into the record that are substantially similar in their content.

C. Director Reports

Directors Cyr and Holman reported they attended the Santa Clara County Board of Supervisors meeting where the County presented the District with a proclamation honoring the District on its 50th anniversary.

Director Riffle reported he attended the Santa Clara County Board of Supervisors meeting where the County presented the District with a proclamation honoring the District on its 50th anniversary and will be attending the Santa Clara Valley Open Space Authority to receive a similar proclamation tomorrow. Director Riffle reported he attended a meeting with San Mateo County Supervisor Canepa's staff to provide an update on the District's recent and upcoming projects.

Director Kishimoto reported she spoke in favor of the Santa Clara County Board of Supervisor's resolution supporting the Bay Adapt Regional Strategy for a Rising Bay at their meeting on Tuesday.

ADJOURNMENT

President Kersteen-Tucker adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:28 p.m.

Jennifer Woodworth, MMC
District Clerk