



SPECIAL AND REGULAR MEETING

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

Wednesday, March 9, 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

**SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA
REGIONAL OPEN SPACE DISTRICT – CLOSED SESSION**

President Kersteen-Tucker called the special meeting of the Midpeninsula Regional Open Space District to order at 5:00 p.m.

ROLL CALL

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

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

Government Code 54956.9(d)(1)

Marosi v. MROSD

Santa Clara County Superior Court Case No. 21-CV-388981

**2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code
Section 54957(b)(1)**

Title of Employee: Controller
General Counsel
General Manager

Public comment opened at 5:00 p.m.

District Clerk/Assistant to the General Manager Jennifer Woodworth reported no public comments were submitted for the closed session.

Public comment closed at 5:00 p.m.

The Board convened into closed session.

ADJOURNMENT

President Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District to the close of the regular meeting at 6:50 p.m.

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

President Kersteen-Tucker called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:01 p.m.

ROLL CALL

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

Members Absent: Larry Hassett and Pete Siemens

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, 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, Land & Facilities Manager Brandon Stewart, Property Management Specialist II Susan Weidemann, Rangeland Ecologist Lewis Reed,

President Kersteen-Tucker 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 Kersteen-Tucker described the process and protocols for the meeting.

CLOSED SESSION REPORT

General Counsel Hilary Stevenson reported the Board met in closed session, and the Board authorized General Counsel in a vote of 7-0-0 to defend the District in *Marosi v. MROSD*, Santa Clara County Superior Court case number 21-CV-388981.

ORAL COMMUNICATIONS

District Clerk/Assistant to the General Manager Jennifer Woodworth reported no public comments were submitted.

Director Siemens joined the meeting at 7:04 p.m.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: **6-0-0** (Director Hassett absent)

CONSENT CALENDAR

Director Kishimoto pulled Item 4 from the Consent Calendar.

Director Kersteen-Tucker pulled Item 5 from the Consent Calendar.

Motion: Director Cyr moved, and Director Riffle seconded the motion to approve the Consent Calendar, except for items 4 and 5.

ROLL CALL VOTE: **6-0-0** (Director Hassett absent)

- 1. Approve the February 23, 2022 and March 3, 2022 Board meeting minutes**
- 2. Approve Claims Report**
- 3. Resolution Declaring Laserfiche to be a Trusted System for Midpeninsula Regional Open Space District Records, and Adopting Procedures for the Management of Records and the Automation of Retention Requirements (R-22-32)**

General Manager's Recommendation: Adopt a resolution declaring Laserfiche to be a "Trusted System" for document retention purposes and approving procedures for the management of records.

- 4. Records Retention Schedule Amendment (R-22-36)**

General Manager's Recommendation: Adopt a resolution approving revisions to the records retention schedule and authorizing destruction of certain records consistent with California law.

Director Kishimoto requested the retention of the District's biweekly reports be amended to be kept permanently.

Motion: Director Kishimoto moved, and Director Holman seconded the motion to adopt the revisions to the records retention schedule with the modification to records series GM-001 to require these records to be kept permanently.

ROLL CALL VOTE: **6-0-0** (Director Hassett absent)

5. Grazing Tenant Selection and Lease for Big Dipper Ranch in Skyline Ridge Open Space Preserve (R-22-35)

General Manager's Recommendation: Adopt a resolution authorizing the General Manager to: (1) execute a conservation grazing lease with RC Bar Ranch, LLC., for the Big Dipper Ranch Grazing Unit in Skyline Ridge Open Space Preserve and (2) extend the lease for an additional five-year term if the tenant remains in good standing.

President Kersteen-Tucker requested additional information regarding the request for proposals process and selection criteria for the grazing tenant.

Assistant General Manager Brian Malone provided a summary of the recent history of grazing tenants on the site, request for proposals, and the selection criteria used when evaluating the grazing tenant proposals.

Land and Facilities Manager Brandon Stewart described the reasons the recommended grazing tenant was selected.

Director Riffle requested and received additional information on why the recommended tenant was selected over the other two grazing proposals received.

President Kersteen-Tucker supported the selection of local grazing tenants and stated this must be balanced with various aspects of the conservation grazing program.

General Manager Ana Ruiz stated staff is working to develop the agricultural policy, which will provide opportunities for the public and the Board to comment on the conservation grazing program, including the Request for Proposals process for grazing operations and associated the selection criteria.

Public comment opened at 7:44 p.m.

Ron Sturgeon commented that the selection of the recommended tenant goes against the District's mission to support and preserve coastal agriculture. Mr. Sturgeon stated local ranchers submitted proposals for the property and were not selected. Mr. Sturgeon urged the Board to not approve the General Manager's recommendation and recommended the selection process be delayed for a year and evaluated as part of the agricultural policy.

Celia Cummings, owner of a portion of the Big Dipper Ranch, stated water should not be diverted to the cattle operation.

Ms. Woodworth read the submitted comments into the record.

Davy Davidson opposed awarding a conservation grazing lease stating grazing is harmful to the environment due to the large amounts of methane emitted by cattle.

Mohan Gurunathan opposed conservation grazing due to the large amounts of methane emitted by cattle stating the methane is a major contributor to greenhouse gases and global warming.

Public comment closed at 7:52 p.m.

President Kersteen-Tucker inquired why the tenant selection was not delayed.

Mr. Malone reported on upgrades to the site and amendments to the grazing policy that make the ranch more viable to operate at this time.

President Kersteen-Tucker stated she does not see a pressing reason to move forward with awarding the conservation grazing lease at this time. President Kersteen-Tucker spoke in support of including a selection criterion related to local preference.

Ms. Ruiz stated that if the item does not move forward, staff will review the grazing lease process and can potentially bring that process to the Board for discussion prior to bringing forward the agricultural policy.

Mr. Malone commented on the potential impact of delaying awarding the grazing lease, including the financial viability of the operation, infrastructure improvements needed for the site, and ongoing encroachment of plants on the site.

President Kersteen-Tucker spoke in support of building relationships with agricultural producers on the San Mateo Coast, acknowledging the unique nature of the agricultural community there.

Mr. Stewart commented on the unique nature of the property that has a short season for grazing (ends in June), which makes it difficult to find a tenant.

Director Siemens spoke in support of using the entirety of the selection criteria when the item returns to the Board for consideration.

Ms. Ruiz recommended bringing the selection criteria back as part of the agricultural policy process given that the grazing season for the affected property will end soon in June.

No Board action taken.

6. Minor Contract Amendment for Engineering Services with Wiss, Janney, Elstner Associates, Inc., for the Mount Umunhum Radar Tower Repair Project (R-22-34)

General Manager's Recommendation: Authorize a contract amendment in the amount of \$12,500 with Wiss, Janney, Elstner Associates, Inc., of Emeryville, California to provide engineering and project closeout services for the Mount Umunhum Radar Tower Repair Project, bringing the contract to a not-to-exceed grand total amount of \$226,330.

7. Teleconferenced Board Meetings Pursuant to the Brown Act and Assembly Bill 361 (R-22-33)

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

BOARD BUSINESS

8. Legislative Position Recommendations (R-22-37)

Governmental Affairs Specialist Joshua Hugg provided the staff presentation describing the District's bill-tracking and disposition process. Mr. Hugg reviewed the District's proposed legislative priorities for the upcoming 2022 legislative session, including supporting efforts to remove the sunset provision for the District's use of design-build, supporting ecologically sensitive vegetation management, supporting re-creation of the trails commissions and recreation trail funding, promoting wildlife connectivity, etc.

Board members requested and received clarification regarding various legislative bills.

Director Siemens suggested making AB 2362 a priority 1 bill for the District.

Director Holman requested supporting AB 2889 as a priority 1 bill for the District.

Public comment opened at 8:51 p.m.

Ms. Woodworth read the submitted comments into the record.

Giulianna Pendleton requested the Board support the Center for Biological Diversity and Wildlands Network's Safe Roads and Wildfire Protection Act (AB 2344) and the Santa Clara Valley Audubon Society's light pollution bill (AB 1710)

Public comment closed at 8:53 p.m.

Motion: Director Siemens moved, and Director Riffle seconded the motion to approve the recommended list of legislative positions for the 2022 state legislative session with the additions of AB 2362 and AB 2889.

ROLL CALL VOTE: **6-0-0** (Director Hassett absent)

INFORMATIONAL MEMORANDA

- Alma Bridge Road Wildlife Connectivity Project Cooperative Agreement

Merav Vonshak thanked the District for their work on the project and provided an update on newt deaths along Alma Bridge Road.

INFORMATIONAL REPORTS

A. Committee Reports

Director Riffle reported the Planning and Natural Resources Committee met on March 1, 2022 to discuss the Hawthorns area site planning process. The Planning and Natural Resources Committee also met on March 8, 2022 to review information collected to date on e-bikes.

B. Staff Reports

Public Affairs Manager Kori Skinner provided an update on the District's 50th anniversary media plan and upcoming events.

C. Director Reports

Director Holman reported she attended a meeting of the San Francisco Restoration Authority and \$1M was allocated at the meeting for work to be completed near Ravenswood Open Space Preserve.

Director Siemens reported he attended the quarterly meeting of the Santa Clara County Special District's Association on March 7, 2022 and learned more about Valley Water's initiative to install wildlife cameras in the area to monitor wildfire activity.

Director Kishimoto reported she and Assistant General Manager Susanna Chan walked the proposed Stevens Creek Trail alignment.

Directors Riffle and Holman reported they attended Santa Clara County Supervisor Simitian's annual meeting regarding Lehigh Quarry.

ADJOURNMENT

President Kersteen-Tucker adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District back into closed session at 9:14 p.m.

ADJOURNMENT

President Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District back at 10:12 p.m.

Jennifer Woodworth, MMC
District Clerk