



Midpeninsula Regional  
Open Space District

## **MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

### **LEGISLATIVE, FUNDING, AND PUBLIC AFFAIRS COMMITTEE**

*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.*

**Tuesday, April 12, 2022**

### **DRAFT MINUTES**

#### **CALL TO ORDER**

Director Hassett called the meeting of the Legislative, Funding, and Public Affairs Committee to order at 2:00 p.m.

#### **ROLL CALL**

Members present: Larry Hassett, Karen Holman, and Pete Siemens

Members absent: None

Staff present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Chief Financial Officer Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth

District Clerk Jennifer Woodworth 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. Ms. Woodworth described the process and protocols for the meeting.

#### **ORAL COMMUNICATIONS**

No public comments submitted.

**ADOPTION OF AGENDA**

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

**ROLL CALL VOTE: 3-0-0**

**COMMITTEE BUSINESS**

**1. Select Committee Chair for Calendar Year 2022**

**Motion:** Director Siemens nominated Director Holman for the Legislative, Funding, and Public Affairs Committee Chair for Calendar Year 2022, and Director Hassett seconded the nomination.

**ROLL CALL VOTE: 3-0-0**

**2. Approve the January 18, 2022 Legislative, Funding, & Public Affairs Committee meeting minutes.**

**Motion:** Director Hassett moved, and Director Holman seconded the motion to approve the January 18, 2022 Legislative, Funding, and Public Affairs committee meeting minutes.

Public comment opened at 2:05 p.m.

Ms. Woodworth reported no public comments had been submitted.

Public comment closed at 2:05 p.m.

**ROLL CALL VOTE: 3-0-0**

**2. Proposed Update to Board Policy 3.03 to include Environmentally Preferable and Local Preference Purchasing for Services, Supplies, and Materials (R-22-46)**

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak provided the staff presentation and described the proposed updates to the *Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing* policy to reduce impacts on the environment by preferring recycled products and selecting less toxic and energy conserving products. The proposed local preference policy will help reduce commuter traffic, encourage local vendor participation, promote development of local small businesses and local employment of residents. Mr. Jaskulak described the proposed solicitation selection process and reviewed the areas where the environmentally preferable purchasing policy will not apply, including emergency purchases, use of a cooperative purchasing agreement, grant funding, etc.

Public comment opened at 2:18 p.m.

Ms. Woodworth reported no public comments had been submitted for this item.

Public comment closed at 2:18 p.m.

Director Hassett inquired regarding potential reasons local vendors do not typically compete for District contracts.

Mr. Jaskulak stated one potential reason may be due to higher local costs.

General Counsel Hilary Stevenson stated the District does not have the ability to base a bid award on local preference for construction projects. The District could look into creating additional policies, such as preference for veteran or minority-owned businesses, which can be researched and considered at a later time. Additionally, the business that is awarded a contract may be utilizing local labor for the projects even if their business address is located outside the District.

Director Hassett expressed concern regarding the need to select contractors from outside the area based only on prevailing wage requirements. This requirement ignores other factors, such as carbon footprint, etc. The District may want to consider pursuing legislative changes in the future to address this aspect of how public contracts are awarded, but it may be difficult to be successful.

Director Siemens requested and received additional information regarding the state's prevailing wage requirements and process for compliance with the regulations.

Chair Holman suggested tiering the environmental price preference percentage for District purchases, such as 10% for purchases under \$10,000 and 5% for purchases over \$10,000. Chair Holman suggested adding support for the District's Good Neighbor Policy as a benefit for the local preference policy.

Chair Holman requested additional information regarding the grant funding exclusion to the policy language.

Mr. Jaskulak stated some grant requirements may prevent use of the preferential policies.

Chair Holman suggested assembling a list of independent vendors that meet the prevailing wage requirements.

Assistant General Manager Brian Malone reported the District does maintain a list of on-call contractors local to the District. Additionally, the District has previously provided on-site housing for some out-of-town contractors to reduce greenhouse gas emissions.

Director Hassett commented that for a majority of the District's contracts that the Board approves, the bidders are primarily located outside of the District.

Director Siemens requested staff provide a list of examples of where the local preference would apply when the item is presented to the full Board.

Chair Holman requested "lifecycle" be included as a factor for environmentally preferable purchasing because "durability" can be subjective depending on the item being purchased. Also "salvaging" should be included in addition to reuse of materials.

Chair Holman requested additional information be included in the agenda report related to the limitations on the District due to state regulations, including information related to grant agreements, and additional information regarding where preferential purchasing is allowed.

Ms. Stevenson stated additional options are possible for preferential purchasing, such as minority owned, veteran-owned, etc. However, other agencies have been more successful in attracting vendors through their outreach efforts than through these additional options.

Chair Holman inquired if there is any advantage partnering with other agencies for procurement purposes on a project.

Ms. Stevenson stated the District has partnered with larger agencies for projects within their purview and are able to utilize those agencies' project delivery processes and enabling legislation to procure goods and services. However, few agencies have pursued a local preference for purchasing and those have had limited success.

**Motion:** Director Siemens moved, and Director Hassett seconded the motion to forward a recommendation to the full Board of Directors to approve proposed updates to Board Policy 3.03 - *Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing Policy* - to include new sections for Environmentally Preferable and Local Preference Purchasing for Services, Supplies, and Materials.

**ROLL CALL VOTE: 3-0-0**

### **ADJOURNMENT**

Chair Holman adjourned the meeting of the Legislative, Funding, and Public Affairs Committee at 3:28 p.m.

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Jennifer Woodworth, MMC  
District Clerk