



**SPECIAL AND REGULAR MEETING**

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

**Wednesday, June 8, 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 6:00 p.m.

**ROLL CALL**

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

Members Absent: Yoriko Kishimoto

Staff Present: General Manager Ana Ruiz

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

Title of Employee: General Manager

Public comment opened at 6:00 p.m.

District Clerk Jennifer Woodworth reported no public comments were submitted for the closed session.

Public comment closed at 6:00 p.m.

Director Kishimoto joined the meeting at 6:01 p.m.

The Board convened into closed session at 6:01 p.m.

**ADJOURNMENT**

President Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:00 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 7:02 p.m.

**ROLL CALL**

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

Members Absent: Larry Hassett

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Chief Financial Officer Stefan Jaskulak, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Controller Mike Foster, District Clerk/Assistant to the General Manager Jennifer Woodworth, Controller Mike Foster, Budget & Analysis Manager Rafaela Duran, Natural Resources Manager Kirk Lenington, Visitor Services Manager Matt Anderson, Planning Manager Jane Mark, Land & Facilities Manager Brandon Stewart, Engineering & Construction Manager Jay Lin, Information Systems & Technology Manager Casey Hiatt, Public Affairs Manager Kori Skinner, Senior Real Property Agent Allen Ishibashi, Human Resources Manager Candice Basnight, and Budget Analyst I Lupe Hernandez, and Budget Analyst I Elly Martinez

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.

**ORAL COMMUNICATIONS**

District Clerk Jennifer Woodworth announced there were no public comments.

**SPECIAL ORDERS OF THE DAY**

- Introduction of staff
  - Brittany Wheatman, Planner II
  - Mattea Curtis, Planner II
  - Gonzalo Rozo, Ranger
  - Madeline Vitti, Ranger

- Nicholas Bustos, Ranger
- Egan Hill, Assistant General Counsel

**ADOPTION OF AGENDA**

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

**ROLL CALL VOTE: 7-0-0**

**CONSENT CALENDAR**

Public comment opened at 7:22 p.m.

Ms. Woodworth reported no public comments were submitted for the Consent Calendar items.

Public comment closed at 7:22 p.m.

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

**ROLL CALL VOTE: 7-0-0**

- 1. Approve the May 25, 2022 Board meeting minutes**
- 2. Approve Claims Report**
- 3. Call District Elections in Wards 1, 2, 5, and 6 and Request Election Consolidation Services from Santa Clara, San Mateo, and Santa Cruz Counties (R-22-65)**

**General Manager’s Recommendation:**

1. Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District calling an election and requesting election consolidation services – Santa Clara County, Wards 1, 2, and 5.
2. Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District calling an election and requesting election consolidation services – San Mateo County, Wards 5 and 6.
3. Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District calling an election and requesting election consolidation services – Santa Cruz County, Ward 6.
4. Reconfirm Board Policy 1.07 (*Board Elections*) regarding a maximum of 200 words per candidate statement, payment of candidate statements and, if required by the respective county, translations of candidate statements pursuant to the Elections Code of the State of California, in those wards where two or more candidates have qualified to appear on the ballot.
5. Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District authorizing not listing any unopposed candidate for election on the November 8, 2022 ballots of Santa Clara, San Mateo, and Santa Cruz Counties.

**4. Annual Review of Finance Policies for Fiscal Year 2022 (R-22-70)**

General Manager's Recommendation: Confirm the Board Financial Policies, including a minor amendment to Board Policy 3.07 – *Fund Balance Policy*.

**5. Contract with Liebert Cassidy Whitmore for Professional Legal Services (R-22-66)**

General Manager's Recommendation: Authorize the General Manager to amend the professional services contract with Liebert Cassidy Whitmore (LCW) to increase the contract amount by \$135,000 with expenditures to a total amount not to exceed \$185,000, for labor negotiations and employment relations matters, and to extend the contract end date from June 30, 2022 to June 30, 2024.

**6. Authorization to Contribute a \$1.5 Million Payment from Fiscal Year 2021-2022 Budget Savings to the Section 115 Trust Administered by Public Agency Retirement Services (PARS) (R-22-71)**

General Manager's Recommendation: Authorize the General Manager to deposit \$1.5 Million into the Midpeninsula Regional Open Space District's PARS account established under a Section 115 Trust to pre-fund pension obligations.

**7. Earthquake Insurance Purchase for Administrative Office at 5050 El Camino Real (R-22-72)**

General Manager's Recommendation: Authorize the General Manager to purchase Earthquake Insurance for Administrative Office at 5050 El Camino Real with an annual premium of \$74,954.

**BOARD BUSINESS****8. Consideration of the Multi-use Through Trail Alignment at Bear Creek Redwoods Open Space Preserve (R-22-69)**

Assistant General Manager Brian Malone provided opening comments stating the multi-use trail at Bear Creek Redwoods was included in the Preserve Plan, which the Board adopted after extensive public outreach, public comments, and public meetings. Multi-use trails are common throughout the District's preserves, including at Fremont Older near the Fremont Older Stables, and all types of users are able to peacefully coexist on these multi-use trails.

Capital Projects Field Manager Bryan Apple provided the staff presentation describing the location of the conceptual multi-use trail alignment as described in the Bear Creek Redwoods Preserve Plan. As staff began scouting for the multi-use trail alignment, staff and consultants identified several constraints, including geographic landslides, proximity to an unstable historic bridge, riparian tree removals requiring extensive mitigation, and unsustainable grades. Mr. Apple described several alternative alignments to minimize impacts from and constraints on the trail and displayed photos of each. Mr. Apple addressed concerns raised by equestrian users and various strategies to minimize conflict, including expanded trail brushing, informational and regulatory signage, monitoring and assessing trail use once open to bicycles, etc. Finally, a phased opening of the multi-use trail is another option the Board can consider.

Director Riffle expressed concern regarding mixing bicycles and horses near the Bear Creek Stables and inquired about expected bike usage of the trail.

Mr. Apple stated the trail may be a popular commute route but is less likely to be a draw of visitors to drive to the trail to ride bicycles on it. The levels and types of use may change over time.

Director Riffle inquired about the trail building materials and the effect of loose gravel on bicycles and equestrian users.

Mr. Apple stated the materials are the District's all-season trail materials. The material is compacted aggregate base material and suitable for various types of trail users.

Director Hassett requested and received additional information regarding the unstable soils near the trail, including the monitoring of the soils, erosion prevention, and how problems would be regulated.

Director Siemens asked if a parallel trail can be built for bicycles to minimize potential trail conflicts and commented he envisioned a narrower trail for cyclists.

Mr. Apple stated a similar level of disturbance to natural resources and the soils would be duplicated by building a parallel trail.

Mr. Malone stated in addition to other mitigation measures, a parallel trail would be possible in some areas but not all, especially at creek crossings. The wider trail was included in the Preserve Plan due to it being intended to be a multiuse trail.

Public comments opened at 8:18 p.m.

Jim Van Gogh stated he did not see potential conflict between various user groups due to the proposed width of the trail. Mr. Van Gogh suggested restricting access to Skyline in order to allow full trail access rather than a phased approach.

Helen Midgard described the reactions horses have to being startled and the trail width will not prevent this. The overlap trails will cause problems, especially for young riders.

Craig Gleason stated the trails do not need to be road width, and a separate narrow hiking and biking trail should be provided.

Katja Wick supported opening Bear Creek trails to the public but due to the steep nature of the trails, it may lead to potential collisions, and in its current design the multi-use trail may not be safe for young, inexperienced riders.

Mike Bushue stated he would like a GIS survey to be completed to study the various grades for the trails at Bear Creek Redwoods because some of the trails can be quite steep and dangerous for cyclists. Additional equestrian parking should also be added since it is an "equestrian-friendly" preserve.

Nancy Cole commented cyclists should be kept near Bear Creek Road and reserve other areas of preserve for hikers, families, and equestrian users.

Sue Landaiche commented on other parks and preserves that separate user types on its trails, including the demonstration forest on Summit Road, Rancho San Antonio, etc. Adding cyclists to the trails will also increase the costs of maintaining the trail.

Ms. Woodworth read the remaining comments submitted into the record.

Toni Kent stated safety concerns should be the ultimate consideration in selecting the trail alignment, and mixing pedestrians, bikers, and equestrians could be difficult.

Rick Parfitt supported a separate connector trail for bikers.

Randall Landaiche supported a separate bypass trail for bicyclists to support the safety and enjoyment for all.

Paul Raffaelli stated bicycles should be granted access to all the trails equestrians currently access, potentially on designated or alternate days. Additionally, on leash dogs should have access to the trails, at least on weekdays.

Nino Gritsenko expressed multiuse trails allowing bicycles and equestrians are unsafe for all participants. Mr. Gritsenko suggested providing an alternative bike-only connector trail.

Nanci Donohue expressed concern regarding the bicycles and equestrians on the same trail.

Manal Zayed requested reconsideration of the multiuse trail due to safety concerns of bikes on the trail with horses and hikers and suggested a separate bike trail.

Marta Wick supported a separate connector trail for bikers stating it is unsafe for equestrians to be on the trail with bikes.

Karen Izzo supported a separate connector trail for bikers.

Jerry Wittenauer supported the suggestion by the Friends of Bear Creek Stables to have separate mountain bike and equestrian trails. The existing trails on the east side of the preserves should be maintained for hikers, families, and equestrians.

Jill Haueter expressed concern about allowing bicycles on the same trails with horses and may lead to unsafe conditions for visitors.

Heather Shupe suggested wide fire trails can be used for safe multiuse trails, but single track trails should be designated for horse/hiker only or bike only to avoid accidents.

Henry Pastorelli expressed concern that building an equestrian-only trail shows exclusiveness and elitism. Mr. Pastorelli urged building a single multiuse trail by 2026.

Elizabeth Sharkey stated it is dangerous to have hikers on the same trails as mountain bikers and urged creation of a separate connector trail for bicycles.

Devyn Burgert requested bicycles access at Bear Creek Redwoods Preserve be limited to one trail because an increase of bicycles on trails will lead to more injuries or collisions between bikes and horses.

Cristin Reichmuth reported encounters between cyclists and equestrians can lead to serious injuries and should be kept separate. The trails in the eastern side of preserve should be used exclusively for hikers, families, and equestrians.

Public comments closed at 8:49 p.m.

Director Kishimoto commented that Bear Creek Redwoods is a public preserve to be shared with other members of the public. Director Kishimoto stated a twelve-foot-wide trail is not ideal and asked if additional funds would allow for a narrower trail to help provide a better user experience and protect natural resources.

Mr. Malone stated the conceptual alignment is not feasible within the goals and mission of the District. The potential trail alignment along Bear Creek Road has more environmental impacts and would still have sections where multiple user groups would share the trail.

General Manager Ana Ruiz commented the District tries to avoid parallel trails where possible due to the increased environmental impact both in building the trail and its continued use.

Director Riffle recommended the eastern area of the preserve be looked at again to address the higher use by equestrians of all experience levels in the area and still allow for cyclists to be able to pass through the area.

Director Cyr commented the District's primary obligation is to resource protection and thanked staff for their efforts to consider alternatives when the conceptual alignment was determined to be infeasible.

Director Siemens asked that staff reconsider the trail alignment to avoid multiple user types on the same areas of the trail and suggested other options should be considered such as a parallel trail. Additionally, the District should quickly move forward with its trail plans for the western area of the preserve.

Director Holman reflected on the need to balance environmental impacts with public access and stated her support for the staff's recommendation.

Director Hassett spoke in support of a separate trail for cyclists.

President Kersteen-Tucker expressed concern regarding the safety equestrian users on a multi-use trail and stated a separate trail for cyclists should be considered. The multi-use trail in the Preserve Plan should be reconsidered.

Ms. Ruiz stated the Board may direct staff to study options for separate user group trails and potential alignments stating additional time will be needed to determine the feasibility, costs, environmental impacts, etc., for other trail alignments, and staff would return to the Board at a later date.

Mr. Malone requested and received clarification regarding the areas of the trails to be reconsidered to separate user group use and minimize user group conflicts.

**Motion:** Director Siemens moved, and Director Cyr seconded the motion to direct staff to study additional options for separate user group trails and potential trail alignments at Bear Creek Redwoods Open Space Preserve, and additional time will be needed to determine the feasibility, costs, environmental impacts, etc. for other trail alignments. Staff would return to the Board at a later date for consideration.

**ROLL CALL VOTE: 7-0-0**

#### **9. Fiscal Year 2022-23 Budget and Capital Improvement and Action Plan (R-22-67)**

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak presented the staff report. Mr. Jaskulak provided information regarding the District's PERS funded and unfunded liability, as previously requested by the Board of Directors. Mr. Jaskulak reviewed the proposed FY23 budget by fund and the resolutions proposed for adoption.

Public comments opened at 9:35 p.m.

No public comments were submitted for this item.

Public comments closed at 9:35 p.m.

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

1. Adopt a Resolution approving the Fiscal Year 2022-23 (FY23) Budget and Capital Improvement and Action Plan.
2. Adopt a Resolution approving the Classification and Compensation Plan for Fiscal Year 2022-23.

**ROLL CALL VOTE: 7-0-0**

#### **10. Oral Update on Midpeninsula Regional Open Space District 50th Anniversary**

Public Affairs Manager Kori Skinner and Public Affairs Specialist Ryan McCauley provided the staff presentation describing the successful 50<sup>th</sup> anniversary event held on April 28, 2022 at Ravenswood Open Space Preserve. Mr. McCauley highlighted various aspects of the event and summarized survey responses received from event attendees. Promotion and media coverage were successful and helped bring in visitors that do not typically engage with the District. Ms. Skinner described the District's ongoing paid media campaign to help engage with current and new users, including high engagement for ads posted in Spanish and Chinese.

The Board members expressed their thanks and appreciation for the excellent work by staff to plan for the 50<sup>th</sup> anniversary events and promoting the District.

No Board action required.



**INFORMATIONAL MEMORANDA**

- Bear Creek Redwoods Open Space Preserve Phase II Trail Improvements – North-East Trailhead Equestrian Access

**INFORMATIONAL REPORTS**

A. Committee Reports

No committee reports.

B. Staff Reports

No staff reports.

C. Director Reports

Director Siemens reported he helped with a tabling event at Mount Umunhum and attended a meeting of the Santa Clara County Special District's Association on June 6, 2022.

Director Kishimoto reported she also attended a meeting of the Santa Clara County Special District's Association on June 6, 2022 and will be presenting to the Sierra Club on June 14, 2022.

**ADJOURNMENT**

President Kersteen-Tucker adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:16 p.m.

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Jennifer Woodworth, MMC  
District Clerk