



SPECIAL AND REGULAR MEETING

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

Wednesday, June 22, 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 5:30 p.m.

ROLL CALL

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

Members Absent: Larry Hassett and Karen Holman

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Human Resources Manager Candice Basnight, Human Resources Supervisor Rebecca Wolfe

1. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency designated representatives: Ana Ruiz, General Manager, Brian Malone, Assistant General Manager, Jack Hughes, Liebert Cassidy Whitmore

Employee organization: Midpeninsula Rangers Peace Officers Association

Public comment opened at 5:31 p.m.

Ryan Augustine shared his and his family's history of serving as first responders. This history led to his role in public safety and stated his concerns regarding the possibility of being injured while on patrol and the potential negative impacts on himself and family. Mr. Augustine requested the Board return to the negotiation table with a public safety option.

Jeff Brown, representing the Midpeninsula Rangers Peace Officers Association, spoke in support of providing disability benefits and a reasonable retirement age for members of the association.

Public comment closed at 5:35 p.m.

The Board convened into closed session at 5:36 p.m.

ADJOURNMENT

President Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:01 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 7:11 p.m.

ROLL CALL

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

Members Absent: Larry Hassett and Yoriko Kishimoto

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, Natural Resources Manager Kirk Lenington, Visitor Services Manager Matt Anderson, Planning Manager Jane Mark, Land & Facilities Manager Brandon Stewart, Public Affairs Manager Kori Skinner

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.

Director Kishimoto joined the meeting at 7:12 p.m.

REPORT OUT OF CLOSED SESSION

President Kersteen-Tucker reported no reportable action was taken in closed session.

ORAL COMMUNICATIONS

Jeff Brown provided comments regarding the negotiation impasse between the District and the Midpeninsula Rangers Peace Officers Association. Mr. Brown described the duties of District rangers and the current negotiation process and requested the Board continue the negotiation process.

Craig Gleason commented on the Board's recent discussion regarding the proposed trail at the Bear Creek Redwoods Open Space Preserve and spoke in support of a separate bike trail

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

Ryan Dahl commented in support of allowing e-bikes on District trails to support physical activity for older individuals.

Nancy Cole expressed concern regarding allowing cyclists and equestrians on the same trail at Bear Creek Redwoods Open Space Preserve stating it is unsafe for preserve visitors. The east side of the preserve should be kept for equestrians, families, and children.

Larry Rosene provided information regarding the limitations of e-bikes, including limited speed, lack of throttle, and pedal-assist requirements, and stated e-bikes are often favored by older and physically challenged riders who are respectful to other user groups.

Keith Miller stated the difference between e-bikes and regular bikes is minimal and e-bikes should be allowed where manual bikes are allowed.

Adrienne Smith commented in support of allowing e-bikes on District trails.

Michelle Driskill-Smith commented in support of allowing e-bikes on District trails because e-bikes allow those less able to keep healthy due to disability, age, or health condition to be able to keep mentally healthy by enjoying fresh air and their friends who also ride.

ADOPTION OF AGENDA

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

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

CONSENT CALENDAR

Public comment opened at 7:24 p.m.

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

Public comment closed at 7:24 p.m.

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

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

- 1. Approve the June 8, 2022 Board meeting minutes**
- 2. Claims Report**
- 3. Teleconferenced Board Meetings Pursuant to the Brown Act and Assembly Bill 361 (R-22-65)**

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

- 4. Establish the Fiscal Year 2023 (FY23) Tax Levy for the Midpeninsula Regional Open Space District Measure AA General Obligation Bonds - Series 2015A and Series 2018 (R-22-75)**

General Manager's Recommendation: Adopt Resolutions of the Board of Directors of the Midpeninsula Regional Open Space District for each of San Mateo, Santa Clara, and Santa Cruz Counties to establish an ad valorem property tax levy of \$1.30 per \$100,000 (or \$0.0013 per \$100) in assessed value for the Measure AA General Obligation Bonds – Series 2015A (Series 2015B was fully paid off as of September 1, 2021) and Series 2018. The District Controller has reviewed the calculation and concurs with the proposed rate of levy for FY23.

BOARD BUSINESS

- 5. Informational Report on the Outcomes of Six Years of Native Planting and Interpretive Work at Cooley Landing Park and Ravenswood Open Space Preserve (R-22-77)**

Senior Planner Tina Hugg provided the staff presentation describing the history of the Cooley Landing site and the past condition of the site and current amenities located there, such as the Cooley Landing Education Center, native plantings, and expanded trail system. Measure AA Portfolio 2 for Bayfront Habitat Protection provided funding for the work at Cooley Landing. Ms. Hugg introduced Junko Bryant and Barbara Camacho Garcia with Grassroots Ecology who helped lead the projects for native planting and interpretive work at Cooley Landing and the Ravenswood Open Space Preserve.

Ms. Bryant described the mission at Grassroots Ecology to restore habitats and educate the public, which is done through volunteer and community events and opportunities, the youth steward program, and internships. Ms. Bryant reviewed the work done by Grassroots Ecology, which was funded by the District and through grant funding secured by Grassroots Ecology.

Ms. Camacho Garcia highlighted the program goals at Cooley Landing and various types of community engagement opportunities that helped support the program. Additionally, community outreach at Cooley Landing helped support the District's diversity, equity, and inclusion efforts and helped connect younger visitors to open space. Ms. Camacho Garcia described native planting project areas, types of native plants installed, the living shoreline project living art installation, and trash cleanups at the site.

The Board members praised the work completed by Grassroots Ecology, the ability to leverage public funds, and the commitment to including the community in the work.

Director Holman requested and received additional information regarding the various types of native plants installed at the Cooley Landing site and wildlife seen at the site.

Public comments opened at 8:13 p.m.

Ms. Woodworth reported no public comments were submitted for this item.

Public comments closed at 8:13 p.m.

No Board action required.

6. Award of a New Four-Year Partnership Agreement with Grassroots Ecology for Community Engagement and Native Plant Landscape Maintenance at Cooley Landing Park and Ravenswood Open Space Preserve (R-22-76)

Foothills Area Manager Michael Gorman provided the staff presentation describing the next phase of landscape management for the Cooley Landing site by Grassroots Ecology, including service-learning events, infill plantings, and continued stewardship.

Director Holman requested additional information regarding the cost of the contract for future years in comparison to the previous years.

Ms. Hugg stated the contract amount did increase and now includes the service-learning events because the previous contract was limited to plant installation.

Director Cyr requested additional information related to the impact of climate change onsite.

Senior Resource Management Specialist Coty Sifuentes-Winter commented on projects and actions taken at the site to mitigate the effects of climate change and maintain the health of the marshland ecosystem.

Public comments opened at 8:26 p.m.

Ms. Woodworth reported no public comments were submitted for this item.

Public comments closed at 8:26 p.m.

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

1. Authorize the General Manager to enter into a new four-year agreement with Grassroots Ecology of Palo Alto, California to provide service-learning events and native landscape maintenance for an amount not to exceed \$255,250.
2. Authorize an allowance of up to \$26,250 to be spent on the procurement of additional native plants, if necessary to meet habitat goals, for a total not-to-exceed amount of \$281,500.

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

7. Proposed Update to Board Policy 3.03 to include Environmentally Preferable and Local Preference Purchasing for Services, Supplies, and Materials (R-22-68)

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.

Director Siemens requested additional information regarding having a local preference for projects that are less than \$50,000.

General Counsel Hilary Stevenson stated that public works construction projects, including those under \$50,000, are awarded to the lowest responsible and responsive bidder, and a local preference policy is not recommended.

Director Riffle suggested other factors that may prevent vendors from bidding on a contract should also be studied and addressed where possible.

Mr. Jaskulak described various actions the District takes to encourage vendor interest in District contracts, including using a centralized bidding website and advertising in local publications, and trade groups, but some requirements are legally mandated, such as registration with the Department of Labor and paying prevailing wage.

Director Siemens stated additional information should be added that state law prevents awarding public construction contracts \$50,000 or over based on local preference, but case law also applies this requirement to contracts under \$50,000.

Director Kishimoto suggested staff and the Board revisit the topic in a year to determine how successful the proposed changes to the policy are at encouraging local vendors to participate in District contracts.

Public comments opened at 9:14 p.m.

Ms. Woodworth reported no public comments were submitted for this item.

Public comments closed at 9:14 p.m.

Motion: Director Riffle moved, and Director Holman seconded the motion 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: 6-0-0 (Director Hassett absent)

INFORMATIONAL MEMORANDA

- Annual Afterhours Preserve Closures for 4th of July
- Natural Ecological Succession of Schilling Lake to a Meadow and Eventually a Forest

INFORMATIONAL REPORTS

A. Committee Reports

Director Riffle reported the Board Appointee Evaluation Committee met on June 14, 2022 to discuss the evaluation process and timeline.

B. Staff Reports

Assistant General Manager Brian Malone reported community meetings have been scheduled to meet with the public and receive public comments regarding the proscribed fire program.

C. Director Reports

Director Riffle reported he attended the Portola Valley Palooza on June 11, 2022, which was sponsored by the District.

Director Kishimoto reported she and staff presented to the Sierra Club on June 17, 2022 to discuss wildlife crossings and regional hiking trails. Director Kishimoto suggested additional presentations would be good in the future.

Director Kersteen-Tucker reported she and staff attended a meeting of the Farmwork Affairs Committee to discuss how the District handles grazing leases, etc. On Saturday, she and staff attended a meeting of the Pescadero Municipal Advisory Committee to discuss the District's process for acquiring and managing land. Also, President Kersteen-Tucker requested staff return with the Board's policy on Board conduct to make updates as needed.

ADJOURNMENT

President Kersteen-Tucker adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:25 p.m.

Jennifer Woodworth, MMC
District Clerk