



Midpeninsula Regional  
Open Space District

August 10, 2022  
Board Meeting 22-19

## **SPECIAL AND REGULAR MEETING**

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

**Wednesday, August 10, 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 Counsel Hilary Stevenson and Controller Mike Foster

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

Title of Employee: Controller  
General Counsel

Public comment opened at 5:01 p.m.

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

Public comment closed at 5:01 p.m.

The Board convened into closed session at 5:02 p.m.

#### **ADJOURNMENT**

President Kersteen-Tucker continued the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District to the close of the regular meeting at 6:53 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, 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 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, Human Resources Manager Candice Basnight

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 stated the closed session was continued to August 11, 2022, and there is nothing to report.

#### **ORAL COMMUNICATIONS**

District Clerk Jennifer Woodworth reported no public comments were submitted.

#### **SPECIAL ORDERS OF THE DAY**

- Introduction of staff
  - Alvaro Andaluz, Open Space Technician
  - Marie Lanka, Administrative Assistant

#### **ADOPTION OF AGENDA**

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

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

**CONSENT CALENDAR**

Public comment opened at 7:10 p.m.

Ms. Woodworth read the submitted comments into the record.

Lu Spiegelman requested the lease with Driscoll Ranch be amended to require a new location for the cow calf operation that would be away from the Grasshopper Loop Trail and requested the dog trail to be extended to provide a longer walking distance.

Grant Kern commented on the cattle/dog conflict at Driscoll Ranch caused by the cow calf operation and expressed concern regarding the seasonal dog access restriction for preserve visitors.

Victoria Skinner expressed disappointment that the Grasshopper Loop Trail is closed for five months a year due to the calving process.

Vanessa Mulderick stated San Mateo County residents with dogs should be able to access open space year-round.

Public comment closed at 7:14 p.m.

Assistant General Manager Brian Malone stated the Coastal Area mission includes preserving agriculture in the area. Mr. Malone provided additional information regarding the balance between preserving agriculture and sustainable recreational access and described the process for selecting the site for the trail and public outreach on the topic.

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

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

- 1. Approve the July 13, 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. Federal Legislative Positions for Consideration by the Midpeninsula Regional Open Space District (R-22-92)**

General Manager's Recommendation: Approve the recommended list of federal legislative positions for the 2021-22 federal legislative session as unanimously supported by the Legislative, Funding, and Public Affairs Committee.

**5. Two-year extensions and/or two-year leases of four conservation grazing units in properties located in Purisima Creek Redwoods and La Honda Creek Open Space Preserves (R-22-93)**

General Manager's Recommendation:

1. Adopt a Resolution authorizing the General Manager to extend the current conservation grazing lease for two years, with an option for a one-year extension, with the current tenant, Tom Pacheco, for the Bluebrush Ranch in Purisima Creek Redwoods Open Space Preserve.
2. Adopt a Resolution authorizing the General Manager to extend the current conservation grazing lease for two years, with an option for a one-year extension, with the current tenants, Doniga and Erik Markegard, for the Lone Madrone Ranch in La Honda Creek Open Space Preserve.
3. Adopt a Resolution authorizing the General Manager to enter into a new two-year conservation grazing lease with an option for a one-year extension with current tenant, Vince Fontana, for the Lobitos Ridge Elkus Uplands and South Cowell conservation grazing areas located in Purisima Creek Redwoods Open Space Preserve and combine these two properties into a single lease.
4. Adopt a Resolution authorizing the General Manager to extend the current conservation grazing lease for two years, with an option for a one-year extension, with the current tenant, AGCO Hay, LLC, for the Driscoll Ranch in La Honda Creek Open Space Preserve.

**6. Contract Amendment for Purisima-to-the-Sea Trail and Parking Area Feasibility Study at Purisima Creek Redwoods Open Space Preserve (R-22-94)**

General Manager's Recommendation:

1. Authorize the General Manager to amend a contract with SWCA Environmental Consultants of Half Moon Bay, California in the amount of \$41,537 to conduct additional technical studies and support additional public engagement, bringing the total contract to a not-to-exceed amount of \$328,537.
2. Authorize a 15% contingency of \$6,231 to cover unforeseen tasks beyond the current scope for a total not-to-exceed contract amount of \$334,768.

**BOARD BUSINESS**

**7. Approval of Terms of Employment, including Salary and Health Benefit Enhancements, for the Midpeninsula Rangers Peace Officers Association (R-22-96)**

General Manager Ana Ruiz provided the staff presentation describing the negotiation process with the Midpeninsula Rangers Peace Officers Association (MRPOA) and commented on the inability for the District and MRPOA to come to an agreement on the MRPOA proposal for public safety retirement. Ms. Ruiz commented on the higher costs associated with public safety retirement, which could potentially negatively affect the long-term financial health of the District. Ms. Ruiz stated the last, best final offer being considered by the Board includes many of the terms that were tentatively agreed upon between the District and MRPOA, including wage increases initially discussed in July 2020. Approved the proposed terms of employment does not

prevent the District and MRPOS from going back to the negotiating table during the current fiscal year. The District plans to return to negotiations in order to pursue an agreement on a new MOU.

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak presented information regarding the anticipated cost of safety retirement at the 2.7% at 57 formula. Mr. Jaskulak commented on the potential for a recession, a possible future reduction in grant funding opportunities, and the operating expense ratio used by the District Controller to manage District costs.

Jack Hughes, the District's chief negotiator with Liebert Cassidy Whitmore, summarized the bargaining process between the District and MRPOA, including the impasse procedures.

Mr. Malone reviewed the terms of employment proposed for Board approval.

The Board members requested and received additional information regarding the potential costs for public safety retirement and public safety duties performed by District rangers.

Director Riffle requested and received additional information regarding next steps following the proposed action being considered by the Board.

Public comment opened at 7:59 p.m.

Alex Hapke, President of the MRPOA, commented on the retirement benefits offered by the District and stated the retirement benefits offered to District rangers do not match the rangers' role as wildland fire response, first responders, etc. Mr. Hapke stated the rangers want the ability to bargain for public safety benefits and expressed concern that the District is unwilling to negotiate for this benefit.

Ryan Augustine, member of the MRPOA, commented on several areas where the District and MRPOA did not agree to the terms. Mr. Augustine commented on the District's current job description, which allows for the District to hire individuals they are not yet qualified to perform, and stated the job description should be updated.

Ken Miller spoke against the General Manager's recommendation and asked the District to return to the bargaining table. The public safety retirement is offered to county park service rangers and should be offered to District rangers too.

Jeff Smith recounted his experience as a member of the negotiating team for MRPOA and stated the District was unwilling to discuss some terms of employment, including public safety retirement. Mr. Smith commented on the rangers' role during the COVID-19 pandemic including working among other first responders as essential employees.

Marleah Augustine, wife of a District ranger, commented on the physical danger rangers are in and the physical and mental toll taken on District rangers as they serve in their role as a ranger. Ms. Augustine commented on the need to retain current employees to avoid the costs of training new rangers.

Kristin Perry asked the Board to vote no on the General Manager's recommendation and return to the bargaining table. Ms. Perry commented on the risk level experienced by District rangers and their role as first responders to fire, medical, and law enforcement emergencies.

Jeff Brown commented on the management team's unwillingness to negotiate regarding public safety retirement and commented on the Board members' unwillingness to meet with members of the MRPOA. Mr. Brown stated the District management's statement to rangers to work elsewhere if they are interested in public safety retirement and stated District rangers are interested in working at the District with a public safety benefit to allow them to protect the preserves and its visitors.

Michael Warner with the Park Rangers Association of California expressed opposition to the General Manager's recommendation and commented on the role of rangers in numerous public safety environments included in the ranger job description. Mr. Warner commented on spending in other areas of the District's budget as compared to the costs for public safety retirement.

Matt Cerkel, President of the Park Rangers Association of California, commented on the numerous references to public safety duties included in the ranger job description and the role of rangers who often work alone rather than with a partner as seen in other public safety positions. Mr. Cerkel commented most rangers will be unable to work until the current retirement age of 62 due to the physical toll of their positions.

Lindsey Contreras commented on the role of rangers at District preserves and her desire to help visitors enjoy the preserves safely. Ms. Contreras stated rangers must perform the duties of firefighters and law enforcement without the same safety protocols and equipment.

Marianne Chance commented on her previous position as a District ranger where she put her life in danger and stated her new position has the same retirement benefits as the Midpen rangers but none of the safety risks.

Ms. Woodworth read the submitted comments into the record.

Michael Barnes shared a letter from Jeff Gaffney and the MRPOA president related to the legislation that allowed for park rangers to negotiate for public safety retirement benefits. Mr. Gaffney described the legislative process and stated it was to include all park rangers that are peace officers defined in Penal Code 830.31(b).

Jessica Lucas-Ingram shared the remainder of a letter from Jeff Gaffney and the MRPOA president. Mr. Gaffney explained all park rangers were intended to be eligible for public safety retirement due to their role as a first responder to medical emergencies, fires and law enforcement incidents. Mr. Gaffney explained public safety retirement encourages employees to retire earlier in their career and this reduce the potential for employee injuries.

DeeAnn Grover requested the District return to negotiations and offer public safety retirement to the rangers.

Grant Kern commented on the role of the rangers as essential employees working with the public during the COVID-19 pandemic and expressed concern regarding the lack of transparency

surrounding a previously conducted salary survey. Mr. Kern expressed concerns regarding the lack of leadership at the District and low morale among its staff.

Dan Chamberlin expressed concern regarding the imposition of the terms of employment and requested the District return to negotiations.

Andrew Verbrugge commented on the unpredictable and potentially unsafe working conditions rangers work in when interacting with the public and enforcing District regulations. Mr. Verbrugge requested the District approve public safety retirement for its rangers due to their public safety role in enforcing the District's regulations.

Eric Stanton requested the District return to negotiations and discuss public safety retirement for the rangers.

Blake Whisenhunt stated the District should continue negotiating in good faith rather than impose terms of employment on the rangers. Public safety retirement is offered to Santa Clara County Park rangers and should be offered to District rangers.

Erica Namba requested the Board vote against imposing terms of employment on the rangers and return to negotiations.

Greg Smutnak expressed dissatisfaction with the imposition of terms of employment on the rangers stating this decision does not show the respect and appreciation previously expressed by the Board for its rangers. Mr. Smutnak commented on the funds being spent for the District's 50<sup>th</sup> anniversary celebrations and stated the District is fiscally sound and has funding to provide for public safety retirement.

Christopher Furniss stated rangers are frequently the first to respond to emergencies along Highway 35 in San Mateo County and must locate the emergency and provide medical treatment. Mr. Furniss stated if rangers do not provide emergency response outside of District preserves, then it will be contrary to the District's mutual aid agreements.

Francis Mendoza, manager of Community Development for the Children and Nature Network, commented against the imposition of terms of employment on the rangers and encouraged the District to return to negotiations. The District's rangers fight fires alongside other firefighters and respond to emergency situations alongside sheriff's deputies and should be provided the same protection and pay as others doing the same work.

Arthur Goldstein stated rangers perform a critical role in providing for the public's safety, and the District should return to negotiations instead of imposing work conditions.

Chris Perry, President of the District's Field Employees' Association, stated its members are concerned about the imposition of terms of employment on the rangers stating the District's revenue continues to rise yet the rangers are not being offered the same cost of living adjustments as other District employees.

Gail Work commented on the front line, fire, medical, and law enforcement services District rangers provide and expressed concern that rangers would be reluctant to put themselves at risk for injury without the benefit protections offered to those in similar positions.

Hillary Jordan, wife of a Midpen ranger, commented on the Board members' lack of discussion with District rangers despite the offers to talk. Ms. Jordan questioned why Board members were reluctant to have these conversations and learn more about the rangers' role and give respect to the employees.

Jessica Vizona stated District rangers have the same training as National Park Service rangers, and the high turnover rate among rangers is due to the District not investing in their most important assets – field staff and rangers. Ms. Vizona requested the District return to negotiations and discuss public safety retirement for the rangers.

John Lloyd stated the District is losing employees due to its lack of public safety retirement and is losing the ability to recruit new employees. As employees continue to leave, Mr. Lloyd stated his concerns that the District will not have enough staff to open and manage future preserves.

Jay Marvin commented on the rangers' role to respond to unsafe emergencies and their role as a law enforcement officer. Mr. Marvin requested the District return to negotiations.

Matt Gruver requested the District return to negotiations and offer public safety retirement to the rangers.

Haven Lund expressed the District does not value its employees, and the Board does not recognize the hazards of being a ranger. Ms. Lund commented on the rangers' role as first responders and the high level of uncertainty and potential danger created by that role.

Hannah Brown commented on the daily risk rangers must take while working for the District, especially in today's environment where law enforcement officers are required to enforce laws that are not unanimously appreciated. Ms. Brown requested the District return to negotiations.

Miguel Perez reflected on the previous passion and courage of District rangers when fighting the CZU wildfire and during the COVID-19 pandemic and encouraged the Board to direct management staff to restart negotiations and the Board to engage in a dialogue with the MRPOA to help reignite the passion for service among the rangers.

Megan Trumper opposed the imposition of terms of employment on the ranger staff and reflected on her previous role as a District ranger, which she left due to the physical, mental, and emotional toll it took. Ms. Trumper described the types of response rangers must provide as first responders.

Natalie Nachtigal expressed concern the proposed terms of employment will continue to discourage longevity among the rangers and result in larger turnover. Ms. Nachtigal stated she left her position as a ranger due to the cost of living and the physical and mental strain of the position, and public safety retirement and a living wage could have helped offset those concerns.

Peter Cook commented on the risk to District rangers due to them being first on scene for law enforcement incidents, fires and medical aids in very remote areas. Mr. Cook stated the District's enabling legislation refers to a suitable police force and the District's responsibility to prevent and suppress wildfires, which the rangers provide.



Thomas Anaya stated the District's refusal to provide public safety retirement for its first responders is not consistent with surrounding agencies, including California State Parks, Santa Clara County Parks, and the National Park Service. Mr. Anaya provided examples of rangers acting as first responders in their service to the community.

Trisha Marshall commented on her reliance on District rangers to ensure the safety of preserve visitors, her District coworkers, and herself due to their role in responding to emergency situations. Ms. Marshall expressed concern that the high turnover rates among rangers puts hers and others' safety at risk.

Ryan Jordan stated the District provides the same disability benefits as it does to its office/work-from-home staff, but the level of risk is not the same. Mr. Jordan commented on the current disability plan and its inability to protect rangers if they are disabled within their first five years of employment.

Sagar Pathak requested the District return to negotiations and discuss public safety retirement for the rangers.

Steven Johnson stated it is incorrect that the District's policies will protect the rangers and therefore public safety retirement is not necessary. Policies are unable to control unpredictable behavior from the public or a wildfire. Mr. Johnson commented on the role of rangers as first responders and essential workers during the COVID-19 pandemic and stated the District is not demonstrating support for its statements that rangers are essential.

Steve Gibbons requested the District return to negotiations and discuss public safety retirement for the rangers. Mr. Gibbons commented on the risk rangers take when acting as first responders in law enforcement, firefighting, and emergency medical situations to protect the public.

Public comment closed at 9:07 p.m.

Ms. Ruiz stated the General Manager's recommendation will still allow for the negotiations to begin again during the current fiscal year. The need to go back to bargaining this fiscal year is necessary and is irrespective of the proposal being considered by the Board.

President Kersteen-Tucker requested additional information regarding public safety retirement benefit allowing rangers to retire earlier.

Mr. Hughes stated information regarding retirement ages was included in the District's financial analysis as previously presented.

Director Siemens inquired if the terms of the employment has to go through June 30, 2023.

Mr. Hughes stated this date is in line with the Myers-Miliias-Brown Act that governs the negotiations and coincides with the end of the current fiscal year. If the negotiations conclude earlier and the parties agree, the timeline can be adjusted.

Director Siemens spoke in favor of the General Manager's recommendation to provide a raise to the MRPOA members and then returning to the bargaining table.

Director Hassett stated his support for providing a raise to the rangers included in the General Manager's recommendation and support of continuing negotiations.

Director Riffle supported the General Manager's recommendation and continuing negotiations.

Director Kishimoto thanked those who spoke and provided comments and supported the General Manager's recommendation to provide a raise to the rangers and return to negotiating.

Director Holman commented on the difficult current situation for all involved and expressed hope that the negotiations will be successful going forward.

President Kersteen-Tucker spoke about the unique role of the rangers as ambassadors and stewards of the open space and spoke about the long-term cost of public safety retirement. President Kersteen-Tucker stated the proposed terms of employment help keep the rangers at pace with other positions while negotiations continue.

Director Cyr stated leaving negotiations status quo would prevent the District from providing a raise to rangers and stated negotiations will be able to continue.

**Motion:** Director Siemens moved, and Director Kishimoto seconded the motion to adopt a resolution approving the Terms of Employment, including Salary and Health Benefit Enhancements, for the Midpeninsula Rangers Peace Officers Association for a term ending June 30, 2023.

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

#### **8. Informational Presentation on Social Media Program (R-22-95)**

Public Affairs Manager Kori Skinner stated the update is in response to a request by the Board of Directors on an update after the District's enhanced social media program. Ms. Skinner described the communications goal "to meet those you seek to communicate with where they are" to enhance their connection to the District and its messages.

Public Affairs Specialist I Eleanor Raab described the District's integrated communications strategy, which includes its newsletters, website, and social media. Ms. Raab reviewed the various platforms the District uses, the reach for each of the platforms, and demographic information of the users for Instagram and Facebook. Ms. Raab described the types of content shared on each type of social media platform and the use of paid placement to increase user engagement. Finally, Ms. Raab described how the District is using social media as part of the 50<sup>th</sup> anniversary events and outreach.

Director Kishimoto inquired if the District currently engages in other specialized forums, such as for cyclists, etc.

Ms. Skinner stated the District's policies prohibit staff from participating in that type of forum, but the District is able to engage with groups on social media when its posts are shared with the specialized groups.

President Kersteen-Tucker suggested creating an opportunity for social media interns to create content for TikTok and other opportunities for youth engagement on social media.

Public comments opened at 10:12 p.m.

No public comments were submitted for this item.

Public comments closed at 10:12 p.m.

No Board action required.

## **INFORMATIONAL MEMORANDA**

- Stevens Creek Trail Overview

## **INFORMATIONAL REPORTS**

### **A. Committee Reports**

Director Riffle reported the Board Appointee Evaluation Committee met on July 26, 2022 to discuss the Board appointee job descriptions.

Director Riffle reported the Planning & Natural Resources Committee met on August 2, 2022 to discuss the Purisima Creek Redwoods multimodal options.

### **B. Staff Reports**

Public Affairs Manager Kori Skinner provided an update of the District's 50<sup>th</sup> anniversary events, including the Coastside event planned for September 10, 2022 and the planned documentary with Doug McConnell.

Ms. Ruiz reported she was recently interviewed by Green Foothills regarding the contributions of Walter Moore to the preservation of open space.

### **C. Director Reports**

Director Kishimoto reported she attended the Countywide Fire Service Review subcommittee meeting for the Santa Clara County Local Agency Formation Committee (LAFCO) on August 1, 2022 and a LAFCO meeting on August 3, 2022.

Director Holman reported she attended a tour of the Hawthorns area on August 6, 2022. Director Holman stated she recently spoke with the director of the Environmental Volunteers Organization who expressed interest in using the Redwood Cabin and asked for a future agenda item on this topic.

By consensus the Board agreed to agendize the topic for discussion by the Board at a future Board meeting.

Director Hassett reported he attended a tour of the Hawthorns area on August 6, 2022.

President Kersteen-Tucker reported she attended a tour of the Hawthorns area on July 15, 2022.

**ADJOURNMENT**

President Kersteen-Tucker adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:50 p.m.

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Jennifer Woodworth, MMC  
District Clerk