



SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, September 28, 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

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 Brian Malone, Assistant General Manager Susanna Chan, Natural Resources Manager Kirk Lenington, Rangeland Ecologist Lewis Reed, Planning Manager Jane Mark

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.

1. Update on Agricultural Policy Development (R-22-105)

Assistant General Manager Brian Malone provided opening comments reviewing the District's Coastal Service Plan Mission and recent District and partner activities on the San Mateo Coast to support the agriculture and provide ecologically sensitive public access. Finally, Mr. Malone

described the various opposing opinions about the District's role in agriculture and the challenges faced by agricultural producers as it exists within the agricultural community on the San Mateo Coast.

Natural Resources Manager Kirk Lenington reviewed the scope of the District's agricultural policy following the Board's discussion of the topic on December 15, 2021, including the expanded role to fund partners to preserve intensive agricultural lands and pursue regenerative and other non-conventional, eco-sustainable grazing practices.

Rangeland Ecologist Lewis Reed described the District's growth along the San Mateo Coast and its current roles and activities there, such as conservation grazing and partnering with Peninsula Open Space Trust (POST) to protect farmland. Mr. Reed presented the process used to develop the District's agricultural policies, including a review of existing policies and practices, gathering stakeholder input, identify main themes within feedback received, and drafting the policy for Board consideration and adoption.

Planning Manager Jane Mark highlighted the District's policy framework and consistency among District policies as they relate to the agricultural policy.

Mr. Reed reported on various stakeholder outreach activities, including the engagement survey, farm producer workshop, staff open office hours, and partner outreach and workshops. Main themes of the feedback received included a significant need for housing and infrastructure, flexibility for agricultural operators, preference for longer leases, incentives for environmentally sensitive agricultural practices, etc.

Director Riffle inquired if staff had reached out to other agencies doing similar agricultural work to compare best practices.

Mr. Reed reported staff held a workshop with partner and peer agencies to share practices and learn from each other early in the policy development work.

Mr. Lenington listed the potential agricultural policy areas that have emerged to date from all the prior work, which include the following:

- AG-1: Farmworker Advocacy and Engagement
- AG-2: Agricultural Housing
- AG-3: Diversity, Equity and Inclusion
- AG-4: Agricultural Infrastructure
- AG-5: Agricultural Land Protection
- AG-6: Agricultural Conservation Easements
- AG-7: Leases
- AG-8: Marketing and Promotion
- AG-9: Partnerships, Representation and Agreements
- AG-10: Recreation
- AG-11: Research, Sustainability and Environmentally Sensitive Agriculture

Director Kishimoto suggested expanding the policy section addressing research, sustainability, and environmentally sensitive agriculture.

Mr. Lenington stated many of the topics are also addressed in the District's Resource Management Policies and would need to be cross-referenced to ensure consistency.

Director Holman spoke in support of the innovative agricultural practices mentioned in the staff report and asked if the innovative practices will be included in the final agricultural policy.

Mr. Lenington stated the agricultural policy will likely not include specific innovative agricultural practices but will support implementation of sustainable agricultural practices and educational opportunities.

Director Kersteen-Tucker spoke in support of addressing agricultural innovation or having flexibility to incorporate agricultural innovation into the District's work.

Director Siemens expressed concern regarding used of herbicides and pesticides on district lands and the potential for overuse of the lands.

Mr. Malone stated the District's resource management policies directly address those concerns and the San Mateo Resource Conservation District also helps promote soil conservation.

Public comment opened at 6:07 p.m.

April Vargas thanked staff for their work on the report and addressing stakeholder feedback. Ms. Vargas supported various elements of the proposed policy and suggested incorporating a liaison that is not a member of District staff to support the agricultural advocacy and engagement policy element.

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

Craig Gleason commented in support of looking for creative solutions to build trails that would allow for recreational access year-round as opposed to seasonal closures, such as for the Grasshopper Loop Trail.

Public comment closed at 6:11 p.m.

Mr. Lenington provided details on each potential policy area for the proposed agricultural policy.

Director Riffle expressed concern regarding the potential farmworker advocacy and engagement policy area, stating partners and not staff should drive these efforts. Director Riffle spoke in support of new farmers and suggested that the proposed DEI policy area include support for new farmers. Director Riffle suggested simplifying the "Partnerships, Representation, and Agreements" policy area to "Partnerships" and suggested adding education to the "Recreation" element.

Director Holman suggested that the policy areas regarding DEI and Leases should address the inclusion of new leaseholders to help support the future of agriculture, suggested adding Rancho San Benito as a District partner, and suggested adding another policy area to help address wildlife, land regeneration, land conservation, etc., which might be missed under "Research, Sustainability, and Environmentally Sensitive Agriculture".

Director Hassett commented on the importance of partnerships to accomplish the District’s goals.

Director Kishimoto requested staff to look closely at options to ensure that numerous aspects of environmental protection are addressed under “Research, Sustainability, and Environmentally Sensitive Agriculture”.

President Kersteen-Tucker commented on the various proposed policy areas and stated advocacy is not part of the District’s mission; commented flexibility needs to be built into the District’s leases to honor the economic realities of being a rancher on the San Mateo County coast and help streamline bureaucracy; expand the marketing and promotion policy area to include education; and suggested adding agricultural innovation to “Research, Sustainability, and Environmentally Sensitive Agriculture”.

Director Siemens suggested the District should state its preferred approach is not to have row crops and that those are preferred on private property.

Director Riffle suggested potentially having a Board ad hoc or a standing committee to research and weigh in on agricultural topics and the proposed agricultural policy.

President Kersteen-Tucker suggested staff begin the process of drafting the policies for each of the proposed policy elements. At that time, the Board could consider creating a Board committee to review and discuss the draft policy further.

No Board action required.

ADJOURNMENT

President Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District 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, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, and Curt Riffle

Members Absent: Pete Siemens

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth,

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 Siemens joined the meeting at 7:02 p.m.

ORAL COMMUNICATIONS

Elliott Wright commented regarding the Redwood Cabin in La Honda Creek Open Space Preserve and stated his Environmental Volunteers organization would like to strategize with the District on future projects to avoid the removal of large amounts of debris to other areas of the state.

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

Ryan Augustine, member of the Midpeninsula Rangers Peace Officers Association (POA), commented regarding the difference between providing equal and fair compensation stating the District's rangers ask to be compensated fairly commensurate to the work they do where they are recommended to wear a second chance vest and encounter various hazardous situations.

Alex Hapke, President of the Midpeninsula Regional Peace Officers Association, described several different situations District rangers encountered in the last month, including a vehicle fire that spread to nearby vegetation, disabled vehicle on a highway, and providing care to an unresponsive person. As medical first responders who operate vehicles to respond to wildfires, Mr. Hapke stated District rangers should have public safety retirement benefits.

Shari Garret expressed concern regarding the District's selection of Chaparral County as the new concessionaire for Bear Creek Stables and raised concerns related to Chaparral's submittal in response to the District's request for proposals process.

Williams Crockett asked the District to move quickly on building the Purisima-to-the-Sea Trail and stated his hopes that it would be a multi-use trail allowing hikers and cyclists.

Madeline Wentworth expressed concern regarding the District's selection of Chaparral County as the new concessionaire for Bear Creek Stables and commented in support of Pamela Ashford continuing to operate Bear Creek Stables.

Michelle Shaw expressed concern regarding the District's selection of Chaparral County as the new concessionaire for Bear Creek Stables stating the Board ignored concerns raised by the public.

Mackenzie Lee urged the Board to reconsider awarding Chaparral County the concessionaire agreement for Bear Creek Stables and commented in support of Pamela Ashford continuing to operate Bear Creek Stables.

Janet Lynne expressed concern regarding the District's selection of Chaparral County as the new concessionaire for Bear Creek Stables and raised concerns related to Chaparral's submittal in response to the District's request for proposals process and the environmental impact of potential changes to the stables.

Basim Jaber requested reconsideration of the District's ban on e-bikes stating the ban is a waste of time and money, and the District should allow e-bikes similar to other open space agencies.

Annie Rand expressed concern regarding the District's continued use of teleconferenced public meetings and criticized the District's use of public funds to purchase a new office building.

General Manager Ana Ruiz responded to comments from the public stating the District plans to start having hybrid meetings starting on October 11, 2022 once testing of the audio/visual equipment is complete. Concerning the comments regarding the Board's recent decision for the Bear Creek Stables concessionaire agreement, Ms. Ruiz stated District staff continue to do their due diligence to investigate concerns raised by the public and do not recommend reconsideration of the Board's decision to award the concessionaire agreement to Chaparral Country.

SPECIAL ORDERS OF THE DAY

Introduction of Staff

- Ben Talavera, Management Analyst II

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

CONSENT CALENDAR

Public comment opened at 7:25 p.m.

Jeff Brown spoke regarding the proposed adjustments to medical contributions for staff members. Mr. Brown stated the Board previously adjusted the medical contributions for staff members who are not part of the Midpeninsula Rangers Peace Officers Association (MRPOA) in 2021, but a similar adjustment will not be approved for the MRPOA until negotiations are complete. Mr. Brown spoke in favor of the District restarting negotiations with the MRPOA.

Ms. Woodworth read the submitted comments into the record.

Alex Hapke, President of the Midpeninsula Regional Peace Officers Association (MRPOA), commented on the District's desire to increase medical contributions for staff to match contributions for the MRPOA members. Mr. Hapke stated the MRPOA members want equitable not equal compensation based on their job requirements and to receive public safety retirement benefits.

Public comment closed at 7:30 p.m.

Ms. Ruiz stated the District is currently in a one year agreement with the MRPOA and plans to reenter negotiations with them this calendar year.

Director Riffle thanked staff for all of the work done in fiscal year 2022.

Director Holman stated that she will abstain from voting on the September 14, 2022 Board meeting minutes since she was absent from that meeting.

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

ROLL CALL VOTE: 7-0-0

1. Approve the September 14, 2022 Board meeting minutes

Director Holman stated that she will abstain from voting on the September 14, 2022 Board meeting minutes since she was absent from that meeting.

2. Claims Report

3. Fiscal Year ending June 30, 2022 Annual Year End Report (R-22-106)

General Manager's Recommendation: Informational item - no Board action required.

4. Cooley Landing Airboat Ramp Agreement (R-22-107)

General Manager's Recommendation: Authorize the General Manager to enter into an agreement with the City of East Palo Alto and Menlo Park Fire Protection District for the use and maintenance of an emergency airboat ramp in Cooley Landing Park.

5. Grant Agreement with the State Coastal Conservancy through their Wildfire Resilience Program (R-22-108)

General Manager's Recommendation: Adopt a Resolution authorizing the General Manager to enter into a grant funding agreement with the State Coastal Conservancy for up to \$1,080,000 in funds from their Wildfire Resilience Program.

6. Approval of an Adjustment to the Employer Contribution for Medical Insurance for Employees Represented by the Field Employees Association and the Unrepresented Office, Supervisory, and Management Employees (R-22-109)

General Manager's Recommendation: Adopt a resolution approving an adjustment to the employer contribution for medical insurance for employees represented by the Field Employees Association and the unrepresented Office, Supervisory, and Management employees that equals the 2022 Kaiser monthly premiums to become effective the first full pay period after Board adoption.

BOARD BUSINESS

7. Appointment of Three Measure AA Bond Oversight Committee Members (R-22-110)

Ms. Woodworth provided the staff presentation describing the proposed process for discussing and appointing the members of the Bond Oversight Committee.

Public comment opened at 7:45 p.m.

No public comments were submitted.

Public comment closed at 7:45 p.m.

Motion: Director Cyr moved, and Director Kishimoto seconded the motion to appoint Kit Gordon and Steven Permut to serve a four-year term on the Measure AA Bond Oversight Committee.

ROLL CALL VOTE: 7-0-0

Motion: Director Siemens moved, and Director Hassett seconded the motion to appoint Scott Mosher to serve a four-year term on the Measure AA Bond Oversight Committee.

Substitute Motion: Director Riffle moved, and Director Kishimoto seconded the motion to appoint Robert “Curtis” Cole to serve a four-year term on the Measure AA Bond Oversight Committee.

ROLL CALL VOTE: 4-3-0 (Directors Cyr, Hassett, and Siemens dissented).

No vote on main motion due to passage of the substitute motion.

INFORMATIONAL MEMORANDA

- Preserve Use Survey Recommendations – Implementation Update

INFORMATIONAL REPORTS

A. Committee Reports

Director Riffle reported Board Appointee Evaluation Committee met on September 20, 2022 to meet with the Board appointees to discuss compensation.

B. Staff Reports

No staff reports.

C. Director Reports

Director Kishimoto reported she attended the Bay Conservation and Development Commission meeting on September 15, 2022.

Directors Cyr and Riffle shared that they attended the recent memorial service for Jean Rusmore who was an open space advocate.

Director Riffle reported on a recent ride along with a District ranger and attended a recent staff training on newt migration near Lexington Reservoir.

The Board members commented on their attendance on several recent District and partner events, including Puente, Green Foothills’ Nature’s Inspiration, staff recognition event, etc.

ADJOURNMENT

President Kersteen-Tucker adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 8:01 p.m.

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 8:01 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, Land and Facilities Manager Brandon Stewart

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. (GOVERNMENT CODE SECTION 54957(B)(1))

Title of Employee: Controller
General Counsel
General Manager

CONFERENCE WITH LABOR NEGOTIATORS. (GOVERNMENT CODE SECTION 54957.6)

Agency designated representatives: Board Appointee Evaluation Committee (Directors Kersteen-Tucker, Kishimoto, and Riffle)

Unrepresented Employees: Controller
General Counsel
General Manager

**2. CONFERENCE WITH LEGAL COUNSEL-- ANTICIPATED LITIGATION
(GOVERNMENT CODE SECTION 54956.9(d)(2)) (1 case)**

Public comment opened at 8:01 p.m.

No public comments were submitted.

Public comment closed at 8:01 p.m.

The Board convened into closed session at 8:02 p.m.

ADJOURNMENT

President Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 9:10 p.m.

Jennifer Woodworth, MMC
District Clerk