



Midpeninsula Regional
Open Space District

R-22-126
Meeting 22-26
November 9, 2022

AGENDA ITEM 4

AGENDA ITEM

Approval of Changes to Board Policy 2.02 - Board Appointee Performance Evaluation Process

BOARD APPOINTEE EVALUATION COMMITTEE'S RECOMMENDATIONS

Approve the proposed changes to Board Policy 2.02, *Board Appointee Performance Evaluation Process*, the clarify the timing for reviewing and editing classification specifications and job descriptions for Board Appointees.

SUMMARY

The Board Appointee Evaluation (BAE) Committee was established to conduct the evaluation process for its Appointees. The Board Appointees include: The General Manager, the General Counsel and the Controller. The BAE Committee meets annually with Board Appointees to discuss their performance and compensation as well as serve as the negotiator with the three appointees.

Board Policy 2.02, *Board Appointee Performance Evaluation Process*, details the process and guidelines for the Board Appointee's evaluation. The BAE Committee recently reviewed the policy for any needed updates and seeks Board approval for recommended changes to this policy.

DISCUSSION

The Midpeninsula Regional Open Space District (Midpen, District) BAE Committee was established to conduct the evaluation process for its Appointees. The BAE Committee meets annually with the Board Appointees to discuss their performance and compensation. The Board's three appointees, the General Manager, the Controller, and the General Counsel ultimately receive their performance review and any subsequent change to their compensation through this process and upon full Board approval.

This year, the Board, working through the BAE Committee, implemented this process and completed this year's annual performance evaluations during the summer and fall of 2022. This year the BAE Committee also reviewed Board Policy, 2.02.

The BAE Committee recommends edits to how and when the Board Appointee's classification specification or job descriptions are reviewed and edited as positions develop and change over time. The BAE Committee is seeking full board approval for these edits.

PRIOR BOARD AND COMMITTEE REVIEW

The recommended edits to Board Policy 2.02 were reviewed by the BAE Committee, prior to review by the Board.

FISCAL IMPACT

No fiscal impact.

PUBLIC NOTICE

All public noticing requirements of the Brown Act have been met. No additional notice is necessary.

CEQA COMPLIANCE

This item is not subject to the California Environmental Quality Act (CEQA).

NEXT STEPS

If approved, edits to Board Policy 2.02, *Board Appointee Performance Evaluation Process*, will be accepted as set out in the Resolution attached

Attachment:

1. Resolution Approving Changes to Board Policy 2.02, *Board Appointee Performance Evaluation Process*
2. Attachment A - Board Policy 2.02 with revisions

Submitted by: Board Appointee Evaluation Committee
Director Kishimoto
Director Kersteen-Tucker
Director Riffle, Chair

Staff Contact:

Candice Basnight, Human Resources Manager

RESOLUTION NO. 21-XX

**A RESOLUTION APPROVING CHANGES TO BOARD POLICY 2.02,
BOARD APPOINTEE PERFORMANCE EVALUATION PROCESS**

WHEREAS, the Board of Directors of the Midpeninsula Regional Open Space District (District) annually approve the performance review and compensation for the District’s three Board Appointees: General Manager, General Counsel and the Controller. The annual performance review is conducted according to Board Policy 2.02, *Board Appointee Performance Evaluation Process*; and

WHEREAS, the Board of Directors reviewed and determined updates to Board Policy 2.02 are appropriate at this time;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Midpeninsula Regional Open Space District as follows:

1. The Board hereby approves the edits as put forth in Attachment A supporting this document.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on November 9, 2022, at a regular meeting thereof, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

Karen Holman, Secretary
Board of Directors

Zoe Kersteen-Tucker, President
Board of Directors

APPROVED AS TO FORM:

Hilary Stevenson, General Counsel

I, the Deputy District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

Maria Soria, Deputy District Clerk

Exhibit A: Updated Board Policy 2.02

EXHIBIT A
Midpeninsula Regional Open Space District

Board Policy Manual

Board Appointee Performance Evaluation Process	Policy 2.02 Chapter 2 – Personnel & Board Support
Effective Date: 5/14/14	Revised Date: 11/9/22
Prior Versions: 5/14/14; 7/18/16; 8/11/21	
Attachments: A - Evaluation Form	

Purpose

Effective and meaningful performance evaluations of appointees by the Board of Directors is an important tool for good governance in pursuing the District’s mission in the public interest. A clear and consistent evaluation process is an important part of achieving effective and meaningful performance evaluations. The purpose of this policy is to establish clear and consistent procedures governing performance evaluations for Board appointees – General Manager, General Counsel, and Controller.

Policy

The Board of Directors shall follow the process described below for evaluating the performance of its appointees.

1. No later than the last month of the fiscal year¹, the Chairperson of the Board Appointee Evaluation Committee (BAE), with assistance from the District Clerk and the Human Resources Manager, shall develop a schedule of specific dates for BAE and Board meetings, based on the guidance in this policy, for the annual appointee performance evaluation process. The Committee and appointees shall schedule meetings and accomplish assigned tasks with the goal of completing the evaluation process within four months of the end of the previous fiscal year. The BAE may request a comparator agency appointee compensation survey from the Human Resources Manager.
2. The BAE shall communicate in writing with each appointee individually prior to the end of the fiscal year to initiate the performance review process. The communication may include topics such as:
 - a. The procedures and timeline for the evaluation process, including confirmation of whether the standard Appointee Evaluation Form should be used (Attachment 2.02a) or whether there are any suggested revisions to the standard form.

¹ Updated July 18, 2016 to reflect July 1 - June 30 fiscal year.

- b. Any particular areas of emphasis the BAE wishes to make an appointee aware of prior to the beginning of the evaluation process.
- c. Any process issues relative to compensation.
- d. Any particular areas of discussion and potential change to the appointees' contracts not specifically related to compensation.
- e. **BAE job descriptions will be reviewed and potentially updated whenever any of the following conditions apply:**
 - 1. **Hiring process is underway**
 - 2. **Organization change is being implemented**
 - 3. **At least every 5 years**

Any changes to the job description will consider inputs from the employee and will incorporate external legal counsel and/or job classification consultant.

- 3. Before the end of July, each Board appointee shall prepare a memorandum to the Board to include information regarding the following topics:
 - a. The Board-approved Action Plan for the prior fiscal year and the List of Accomplishments compiled by District staff shall serve as a guide to Board appointees to develop their assessment of the previous year.
 - b. A list of goals for the upcoming fiscal year based on the Action Plan adopted by the Board prior to the beginning of the current fiscal year.
 - c. Any specific issues an appointee would like to discuss during the evaluation process.
 - d. Any particular areas of discussion and potential changes to the appointees' contracts not specifically related to compensation.
 - e. Optional: The appointee may also raise compensation issues in this memorandum.
- 4. The Board shall meet in mid-August in closed session to hear presentations by the Board appointees regarding their written memoranda. Two closed sessions on different days may be necessary to allow time for all three appointees. Following the appointee's presentation and question and answer and discussion, which may include reference to goals and objectives for the next year, the appointee will be excused from the session in order for the Board members to discuss amongst themselves and provide their verbal input to BAE members to be reflected in the written evaluations. If follow-up questions are identified for appointee response, the BAE Chairperson will provide such questions in writing to the appointees as soon as possible.
- 5. The BAE shall hold a follow-up closed session committee meeting as soon as possible following completion of Step 4 above to begin discussion and preparation of appointee evaluations. If follow-up questions were identified for appointee response in Step 4, the BAE will hear appointees' verbal responses or will review appointees' written responses.

6. The BAE Chairperson, with assistance from the other BAE members, shall be responsible for compiling input from each Board member into a written evaluation. The Board shall meet in Closed Session to review the Board appointee evaluations drafted by the BAE and confirm that the wording of the written evaluation is consistent with the full Board's input from the closed session described in Step 4. The BAE Chairperson shall deliver the written evaluations to appointees by the end of the first week of September.
7. The Board shall meet in the second week of September in closed session to: (1) review written evaluations with appointees; and (2) provide "financial parameters" to the BAE Chairperson and BAE members to guide compensation negotiations with appointees.

If the BAE chooses to request compensation survey information from Human Resources as part of Step 1 above, the information shall be made available to the Board at this time.

8. The BAE shall meet with appointees individually as soon as possible after Step 7, but no later than the third week of September to discuss compensation adjustments, as necessary. Typically, appointees may receive the competitive market increases provided to other unrepresented employees. The adjustment is to be implemented at the Board's discretion. If further direction on compensation is needed from the Board, another closed session will be scheduled.
9. If additional compensation adjustments are to be implemented for individual appointees, the BAE shall instruct Human Resources to prepare Board agenda items on appointee compensation to be on the Board's agenda for the first regular Board meeting in October. Salary increases will customarily be retroactive to the beginning of the current fiscal year. However, retroactivity is not mandatory.
10. Board appointees will also be considered annually for an additional merit award. Merit awards are granted for superior performance or achievement. Such merit awards are intended to recognize outstanding and superior performance during any given year. This merit pay, if awarded, is a one-time lump sum payment, will not adjust the salary rate, and will not be added to the appointee's base salary for the purpose of computing life insurance coverage or long-term disability wages.
11. Within two weeks following the final closed session regarding compensation, the Board appointees will be provided a final copy of their evaluation to sign and file with Human Resources as required by CalPERS. In addition, the Board appointees will be provided a Board approved contract that includes any amendments or updates negotiated earlier in the evaluation process for their signature and filing with Human Resources. Once negotiated, contract amendments typically will be processed by Human Resources, with consultation from the Assistant General Counsel or Assistant General Manager(s) as necessary, unless third-party legal assistance is necessary.
12. Copies of the final Board appointees' evaluations shall be confidential and maintained by the Human Resources division.

13. The Board shall hold informal quarterly check-in meetings, or as needed, with each of the Board appointees.

This policy acknowledges that other formal and informal methods of Board-Appointee communications, goal setting and performance evaluations exist. This policy does not preclude the use of these other methods.

Alternative Process

1. If any member of the Board would like to recommend to the full Board that an alternative process be implemented, such as utilization of a professional facilitator/consultant for that year's evaluation process, then three months before the end of the fiscal year this suggestion should be raised and discussed in a Board closed session to determine if a majority of the Board concurs.
2. If a facilitator/consultant is to be utilized, the Board shall identify funding and the BAE shall carry out a search and selection process for the facilitator, such that a facilitator is hired before the end of the fiscal year. The BAE shall work with the hired facilitator to develop a schedule with specific dates and process/steps for the upcoming performance evaluation process.