



**SPECIAL AND REGULAR MEETING
BOARD OF DIRECTORS OF THE
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

Wednesday, November 9, 2022

**Special meeting starts at 5:00 PM
Regular meeting starts at 7:00 PM***

REVISED A G E N D A

Consistent with Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33, and in light of the declared state of emergency, the meeting will be conducted in a hybrid manner. Individuals can attend in-person or via Zoom. Some board members may be teleconferencing into the meeting via a virtual platform. Members of the public can listen to the meeting and participate using the following methods.

- 1. In-person at the Midpen Administrative Office – 5050 El Camino Real, Los Altos, CA 94022.*
- 2. Viewing the meeting in real-time at <https://openspace.zoom.us/j/82664818496> or listening to the meeting by dialing (669) 900-6833 or (346) 248-7799 (Meeting ID 82664818496).*

Members of the public may submit written comments to be provided to the board or register to make oral comments as follows:

- Requests to provide oral comment must be submitted prior to the time public comment on the agenda item is closed.*
- Requests to provide oral comments may be made by:*
 - Leaving a message at 650-772-3614.*
 - Submitting a request through the public comment form at: <https://www.openspace.org/public-comment> for those attending via Zoom.*
 - Submitting a request via the paper-based public comment form at the meeting for those attending in-person.*
- Written comments may be submitted via the public comment form at: <https://www.openspace.org/public-comment>.*
- Comments via text or social media (Facebook, Twitter, etc.) will not be accepted.*
- All comments shall be subject to the same rules as would otherwise govern speaker comments at the board of directors meeting.*
- Any comments received after the deadline, will be provided to the Board after the meeting.*

5:00 SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

ROLL CALL

1. Affirmation of the Findings and Recommendations of the Purisima Multimodal Access and Transportation Demand Management Study Report (R-22-123)

Staff Contact: Tina Hugg, PLA, ASLA, Senior Planner and Tyler Smith, Planner II

General Manager's Recommendation:

1. Review and affirm, with any final modifications as directed by the Board of Directors, the findings and recommendations of the Purisima Multimodal Access and Transportation Demand Management Study report.
2. Direct the General Manager to begin implementing the high priority transportation demand management strategies and recommendations.

ADJOURNMENT

7:00 REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

ORAL COMMUNICATIONS

This portion of the agenda is for members of the public to comment on items not on the agenda; however, the Brown Act (Open Meeting Law) does not allow action by the Board of Directors on items not on the agenda. Individuals are limited to one comment during this section.

ADOPTION OF AGENDA

CONSENT CALENDAR

All items on the Consent Calendar may be approved without discussion by one motion. Board members, the General Manager, and members of the public may request that an item be removed from the Consent Calendar during consideration of the Consent Calendar.

- 1. Approve the October 26, 2022 Board meeting minutes**
- 2. Teleconferenced Board Meetings Pursuant to the Brown Act and Assembly Bill 361 (R-22-124)**

Staff Contact: Hilary Stevenson, General Counsel

General Manager's Recommendation: Adopt a resolution affirming findings to continue remote teleconferenced public meetings, including as part of hybrid (remote/in-person) meetings, pursuant to AB 361.

- 3. Amendments to the Conflict-of-Interest Code (R-22-125)**

Staff Contact: Egan Hill, Assistant General Counsel

General Manager's Recommendation: Adopt a resolution amending the Conflict-of-Interest Code to make minor updates to the list of positions required to file Form 700 (Statement of Economic Interests).

- 4. Approval of Changes to Board Policy 2.02 - Board Appointee Performance Evaluation Process (R-22-126)**

Staff Contact: Candice Basnight, Human Resources Manager

Board Appointee Evaluation Committee's Recommendation: 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.

5. Proposed Parking Area Names (R-22-127)

Staff Contact: Arianna Nuri, Planner II, Planning Department and Gretchen Laustsen, Senior Planner, Planning Department

General Manager's Recommendation: As recommended by the Legislative, Funding, and Public Affairs Committee, approve the proposed parking area names and direct the General Manager to install parking area address signs at the entrance of each parking area.

6. Proposed Purchase of a 102.3-acre San Jose Water Company Property, located in unincorporated Santa Clara County (Assessor's Parcel Numbers 562-08-001 and 562-04-011), as an addition to Sierra Azul Open Space Preserve (R-22-128)

Staff Contact: Allen Ishibashi, Sr. Real Property Agent, Real Property Department

General Manager's Recommendation:

1. Determine that the recommended actions are categorically exempt under the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the San Jose Water Company Property for \$720,000 with a corresponding authorization for a Fiscal Year 2022-23 budget adjustment of the same amount.
3. Adopt a Preliminary Use and Management Plan for the Property, as set out in the staff report.
4. Withhold dedication of the San Jose Water Company Property as public open space at this time.

7. Award of Contract to Ecast Engineering Inc., to install, and connect a well pump, storage tank, and waterline from a well site to the residence at Toto Ranch Property in Tunitas Creek Open Space Preserve (R-22-129)

Staff Contact: Omar Smith, Senior Property Management Specialist, Land and Facilities Service Department

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Ecast Engineering Inc., to complete water infrastructure work for a base contract amount of \$94,743.
2. Authorize a 10% contingency of \$9,474 to be reserved for unanticipated issues, bringing the total not-to-exceed contract amount to \$104,217.

BOARD BUSINESS

Public comment on agenda items at the time each item is considered by the Board of Directors.

8. Public Hearing: Certification of a Final Environmental Impact Report for the Redwood Cabin Removal Project and Approval of the Redwood Cabin Removal Project. (R-22-130)

Staff Contact: Jared Hart, AICP, Senior Planner, Planning Department

General Manager's Recommendation:

Adopt a resolution of the Board of Directors of the Midpeninsula Regional Open Space District (District):

- Certifying the Final Environmental Impact Report for the Redwood Cabin Removal Project; and

- Adopting the Findings of Fact and Statement of Overriding Considerations; and
- Approving a Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended; and
- Approving the Redwood Cabin Removal Project.

9. Approval of a Pay Range Adjustment for the Seasonal Open Space Technician and Seasonal Ranger Aide Classifications (R-22-131)

Staff Contact: Candice Basnight, Human Resources Manager

General Manager's Recommendation:

1. Approve moving the pay range for the Seasonal Open Space Technician and Seasonal Ranger Aide classifications from Range 6 to Range 10 to stay competitive with the job market.
2. Adopt a resolution amending the Midpeninsula Regional Open Space District Classification and Compensation Plan to reflect the change to Seasonal Open Space Technician and Seasonal Ranger Aide.

10. Approval of a Base Wage Adjustment for Employees Represented by the Midpeninsula Regional Open Space District Field Employees Association, for Employees Represented by the Midpeninsula Rangers Peace Officers Association, and for the Unrepresented Office, Supervisory, and Management Employees (R-22-132)

Staff Contact: Candice Basnight, Human Resources Manager

General Manager's Recommendation:

1. Adopt a resolution approving a four percent (4.0%) base wage adjustment for employees represented by the Midpeninsula Regional Open Space District Field Employees Association, for employees represented by the Midpeninsula Rangers Peace Officers Association, and for the unrepresented Office, Supervisory, and Management Employees effective November 14, 2022.
2. Approve an update to the Fiscal Year 2022-23 Classification and Compensation Plan reflecting the salary adjustments.

11. Approval of Salary Adjustments and Amended Classification and Compensation Plan for Board Appointee Controller (R-22-133)

Staff Contact: Candice Basnight, Human Resources Manager

Board Appointee Evaluation Committee's Recommendation:

As a result of the Board of Director's (Board) evaluation of the performance of the Midpeninsula Regional Open Space District's (District) Board Appointees for Fiscal Year 2021-22 (FY22), the Board Appointee Evaluation Committee recommends the following compensation adjustments for the Controller for FY23: Adjust the Controller's base salary upward to \$51,223, plus a one-time merit pay bonus of \$1,537.

The Board Appointee Evaluation Committee recommends the adoption of a resolution approving the salary adjustments. The Board Appointee salary changes will be adopted through the Board approved Classification and Compensation Plan.

12. Approval of Salary Adjustments and Classification and Compensation Plan for Board Appointee General Counsel (R-22-134)

Staff Contact: Candice Basnight, Human Resources Manager

Board Appointee Evaluation Committee's Recommendation:

As a result of the Board of Director's (Board) evaluation of the performance of the Midpeninsula Regional Open Space District's (District) Board Appointees for Fiscal Year 2021-22 (FY22), the Board Appointee Evaluation Committee recommends the following compensation adjustments for the General Counsel for FY23: Adjust the General Counsel's base salary upward to \$263,529, plus a one-time merit pay bonus of \$13,176.

The Board Appointee Evaluation Committee recommends the adoption of a resolution approving the salary adjustments. The Board Appointee salary changes will be adopted through the Board approved Classification and Compensation Plan.

13. Approval of Salary Adjustments and Amended Classification and Compensation Plan for Board Appointee General Manager (R-22-135)

Staff Contact: Candice Basnight, Human Resources Manager

~~General Manager's Recommendation:~~ Board Appointee Evaluation Committee's Recommendation:

As a result of the Board of Director's (Board) evaluation of the performance of the Midpeninsula Regional Open Space District's (District) Board Appointees for Fiscal Year 2021-22 (FY22), the Board Appointee Evaluation Committee recommends the following compensation adjustments for the General Manager for FY23: Adjust the General Manager's base salary upward to \$281,056, plus a one-time merit pay bonus of \$14,053.

The Board Appointee Evaluation Committee recommends the adoption of a resolution approving the salary adjustments. The Board Appointee salary changes will be adopted through the Board approved Classification and Compensation Plan.

INFORMATIONAL REPORTS – Reports on compensable meetings attended. Brief reports or announcements concerning activities of District Directors and staff; opportunity to refer public or Board questions to staff for information; request staff to report to the Board on a matter at a future meeting; or direct staff to place a matter on a future agenda. Items in this category are for discussion and direction to staff only. No final policy action will be taken by the Board.

- A. Committee Reports
- B. Staff Reports
- C. Director Reports

ADJOURNMENT

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT – CLOSED SESSION

ROLL CALL

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: 3393 Cloverdale Road, Pescadero, CA, 94060, San Mateo County APN(s): 086-050-030, 086-080-020, 086-300-200, 086-300-210, 087-190-080, and 087-220-050, portions of 086-080-030, 086-080-040, 086-080-050, 086-270-010, 086-270-020, 086-280-030, 086-290-010, 086-290-090, 086-310-010, 086-320-040, 086-340-010, -020, -030, -040, -050, -070, -080, -090, -100, -110, -120, -130, -140, -150, -160, -170, -180, -190, -230, -240, -280, -300 and -320

Agency Negotiator: Michael Williams, Real Property Manager

Negotiating Party: Ben Wright, Peninsula Open Space Trust
Under Negotiation: Purchase Terms

2. CONFERENCE WITH LEGAL COUNSEL- Anticipated Litigation- Government Code Section 54956.9(d)(2): Significant exposure to litigation (1 matter).
Regarding allegations of Brown Act violation asserted by John Kevin Crowley, representing Bear Creek Stables tenant Pamela Ashford

ADJOURNMENT

**Times are estimated and items may appear earlier or later than listed. Agenda is subject to change of order.*

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the District Clerk at (650) 691-1200. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

Written materials relating to an item on this Agenda that are considered to be a public record and are distributed to Board members less than 72 hours prior to the meeting, will be available for public inspection at the District's Administrative Office located at 5050 El Camino Real, Los Altos, California 94022.

CERTIFICATION OF POSTING OF AGENDA

I, Maria Soria, Deputy District Clerk for the Midpeninsula Regional Open Space District (MROSD), declare that the foregoing agenda for the special and regular meetings of the MROSD Board of Directors was posted and available for review on November 3, 2022, at the Administrative Offices of MROSD, 5050 El Camino Real, Los Altos California, 94022. The agenda and any additional written materials are also available on the District's web site at <http://www.openspace.org>.



Maria Soria, CMC, CPMC
Deputy District Clerk

