



Meeting 22-30

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

Wednesday, December 14, 2022

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

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/86006133546> or listening to the meeting by dialing (669) 900-6833 or (346) 248-7799 (Meeting ID 860 0613 3546).*

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 – CLOSED SESSION**

ROLL CALL

- 1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION –**
Initiation of litigation (1 case) Government Code 54956.9(d)(4)
- 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION –**
Government Code 54956.9(d)(1) (2 cases)
San Mateo County Farm Bureau v. County of San Mateo et al., San Mateo County Case No. 22-CIV-04510
Pamela Ashford v. Midpeninsula Regional Open Space District, Santa Clara County Case No. 22CV407741

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.

SPECIAL ORDERS OF THE DAY

Introduction of Staff

- Galli Basson, Planner III
- Jeff Butterworth, Environmental Education Specialist

Proclamations recognizing:

- Docent Naturalist Marilyn Bauriedel
- Interpretation & Education Program Manager Renée Fitzsimons
- Public Affairs Specialist II Cydney Bieber

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. Claims Report**
- 2. Teleconferenced Board Meetings Pursuant to the Brown Act and Assembly Bill 361 (R-22-148)**

Staff Contact: Hilary Stevenson, General Counsel

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

- 3. 2023 Legislative Program (R-22-142)**

Staff Contact: Joshua Hugg, Governmental Affairs Specialist

General Manager's Recommendation: Adopt the 2023 Legislative Program as recommended by the Legislative, Funding, and Public Affairs Committee, with any final changes from the

Board of Directors, to set the legislative priorities and policies for Midpeninsula Regional Open Space District.

4. Contract Amendment for Construction Administration and Lease Space Design Services for the Administrative Office Project located at 5050 El Camino Road, Los Altos, CA 94022 (R-22-143)

Staff Contact: Paul Kvam, Senior Capital Project Manager

General Manager's Recommendation:

1. Authorize the General Manager to execute an amendment to the professional services contract with Noll + Tam Architects to provide additional construction administration support as well as lease space design services for the Administrative Office Project in the amount of \$64,381 for an amended total contract amount of \$2,033,522.
2. Authorize a 10% contingency in the amount of \$6,438 to address unforeseen issues, bringing the total not-to-exceed contract amount to \$2,039,960.

5. Santa Cruz Kangaroo Rat Habitat Assessment and Botanical Surveys (R-22-144)

Staff Contact: Matt Sharp-Chaney, Resource Management Specialist II, Natural Resources

General Manager's Recommendation:

1. Authorize the General Manager to enter into a multi-year contract for the base amount of \$101,680 with Nomad Ecology of Martinez, California to conduct botanical surveys and a habitat assessment that will inform future development of a Habitat and Population Monitoring Plan for the critically imperiled Santa Cruz Kangaroo Rat.
2. Authorize a 15% contingency in the amount of \$15,252 for unanticipated challenges in conducting field studies, bringing the total contract to a not-to-exceed amount of \$116,932.
3. Authorize an allowance of \$20,958 that would be reserved solely to conduct an additional year of botanical surveys, if deemed necessary, to adequately inform future actions to develop the habitat and population monitoring plan, for a not-to-exceed grand total contract amount of \$137,890.

6. Revisions to the Board Policy 1.03 Board Agenda and Board Policy 2.01 Guidelines for Board/Staff Working Relationship (R-22-147)

Staff Contact: Ana Ruiz, General Manager

General Manager's Recommendation: Approve the proposed revisions to the *Board Agenda* and *Guidelines for Board-Staff Working Relationships* policies.

Time Certain – To Be Heard No Earlier Than 7:30 P.M.

**ADJOURNMENT TO THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT
FINANCING AUTHORITY**

**SPECIAL MEETING OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT
FINANCING AUTHORITY**

ROLL CALL

- 7:30 1. **Report on the full repayment of all amounts due by Midpeninsula Regional Open Space District Financing Authority debt issues for the Fiscal Year Ending June 30, 2022 (R-22-146)**

Staff Contact: Andrew Taylor, Finance Manager

Controller's Recommendation: Accept the report on the Financing Authority's debt issuance.

ADJOURNMENT

RECONVENE TO THE REGULAR MEETING OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

BOARD BUSINESS

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

7. **Approval of Addendum to the Final Program Environmental Impact Report for the Wildland Fire Resiliency Program and Related Minor Project Modifications (R-22-145)**

Staff Contact: Coty Sifuentes-Winter, Senior Resource Management Specialist, Natural Resources and Jared Hart, Senior Planner, Planning

General Manager's Recommendation: Adopt a resolution approving the Addendum to the certified Final Program Environmental Impact Report for the Wildland Fire Resiliency Program and related minor project modifications.

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

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

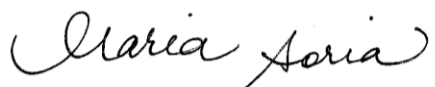
In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the District Clerk at (650) 691-1200. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

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, Acting 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 December 9, 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>.

A handwritten signature in black ink that reads "Maria Soria". The script is fluid and cursive, with the first name "Maria" and last name "Soria" clearly distinguishable.

Maria Soria, CMC, CPMC
Acting District Clerk

