



Midpeninsula Regional  
Open Space District



**MEASURE AA BOND OVERSIGHT COMMITTEE OF THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

**Tuesday, January 17, 2023**

**REVISED  
DRAFT MINUTES**

*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.*

**ROLL CALL**

Committee Chair Tolley called the meeting to order at 5:30 p.m.

Members present: Brian Cilker, Curtis Cole, David Emery, Kit Gordon, Bruce Tolley, and Steven Permut

Members absent: Paul Betlem

Staff present: Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Real Property Manager Mike Williams, Finance Manager Andrew Taylor, Acting District Clerk Maria Soria, Acting Deputy District Clerk Irma Mora

Chair Tolley announced this meeting is being held in accordance with Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33, allowing the Committee 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. Chair Tolley described the process and protocols for the meeting.

**ORAL COMMUNICATIONS**

Acting Deputy District Clerk Irma Mora reported no public comments were submitted for this item.

## ADOPTION OF AGENDA

**Motion:** Committee member Emery moved, and Committee member Gordon seconded the motion to adopt the agenda.

**VOTE: 6-0-0**

## COMMITTEE BUSINESS

### 1. Selection of 2023 Bond Oversight Committee Chair and Vice-Chair

Committee member Tolley called for nominations for the 2023 Bond Oversight Committee Chair.

Committee member Emery nominated Committee member Tolley.

Committee member Tolley stated he was the Chair for the past year and nominated Committee member Cilker to serve as the 2023 Chair. No further nominations were presented.

General Counsel Hilary Stevenson requested a short recess so that Committee member Cilker could rejoin the virtual meeting to fix his audio.

**Motion:** Committee member Gordon moved and Committee member Cole seconded the motion to close the nominations for Committee Chair.

**ROLL CALL VOTE: 5-0-1** (Committee member Cilker abstained)

By a vote of 5-0-1 (abstention from Cilker), the Committee elected Committee member Cilker as the 2023 Committee Chair.

Committee member Tolley nominated Committee member ~~Emery-Cilker~~ to serve as the 2023 Vice Chair. No further nominations were presented.

**Motion:** Committee member Cole moved, and Committee member Permut seconded the motion to close the nominations for Committee ~~Vice-Chair~~.

**ROLL CALL VOTE: 5-0-1** (Committee member Emery abstained)

By a vote of 5-0-1 (abstention from Emery), the Committee elected Committee member Emery as the 2023 Committee ~~Vice-Chair~~.

Committee Chair Cilker inquired if Committee member Tolley would continue to Chair the remainder of the meeting because of technical issues of being able to toggle on his laptop screen to view the meetings procedure sheet.

Committee member Tolley agreed to proceed to chair the remainder of the meeting.

**2. Approve March 1, 2022, Measure AA Bond Oversight Committee Minutes**

Committee member Tolley requested an amendment to include his remarks of his appreciation for the work and support of the Bond Oversight Committee by the Deputy City Clerk Maria Soria.

**Motion:** Committee member Cilker moved, and Committee member Emery second the motion to approve the March 1, 2022 Measure AA Bond Oversight Committee minutes as amended.

**ROLL CALL VOTE 6-0-0**

**3. Review the Measure AA Annual Accountability Report for Fiscal Year Ending June 30, 2022**

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak provided an overview of the District's Annual Measure AA Accountability Report. The Accountability Report reflects the expenditures from July 1, 2021 to June 30, 2022. Mr. Jaskulak asked the Committee member if they had any questions on any of the twenty five portfolios. Discussion ensued.

Committee member Gordon inquired how projects are analyzed if there are sufficient funds to complete the project and if the project is complete and funds are remaining how are those funds managed.

Mr. Jaskulak stated the Measure AA ballot language does have language that permits the reallocation of funds from portfolio to portfolio and most recently the Board has just adopted the Closing Measure AA Portfolios and Amending the Expenditure Plan Policy that the Committee will be reviewing later in the meeting on how funds are reallocated.

Committee member Cole stated the Annual Report provides an excellent overview and suggests adding information of when projects are expected to be completed.

Committee chair Cilker suggested for next year including a thumbnail map for each portfolio or whenever possible to show the location of each project of where current expenditures are being made to be able to reference the location of the project and be able to go on his own to explore the area.

Committee member Tolley suggested the thumbnail maps should be left to the discretion of staff whether they are to be included on some of the projects, some projects may be closed during construction and the project may not be open to the public.

Mr. Jaskulak agreed with Committee Tolley that some of the projects are closed during construction and added that acquisitions projects and restoration projects where there is sensitive habitat would also not be opened to the public. The District does offer the BOC yearly tours of the upcoming projects, projects in progress and recently completed projects.

Committee member Cole suggested adding the project maps for each portfolio to the District's website so that the Committee and the public can see where the \$300M is being spent and the

geographical information of each project with the understanding that some of the project are not open to the public.

Committee member Emery stated he suggested a year ago to have an interactive website to be able to analyze each portfolio, see the progress, funding spent, and a map but this would require funding and reprogramming the District's website.

Mr. Jaskulak responded it would take staff efforts as well, but staff will look to see if more detail mapping or additional information can be added to each project in next year's report where feasible.

Committee member Permut suggested summarizing the Accountability Report that highlights the accomplishments and the funds that have spent and in addition adding it to the District's website so that the public doesn't have to review such a lengthy document.

Mr. Jaskulak stated the portfolios are reviewed yearly in December at the Board's Strategic Plan Goals and Objectives meeting, but he will explore the idea of a document that is more visible by the public.

Assistant General Manager Susanna Chan commented information of Measure AA is available on the District's website such as the Annual Accountability report, Measure AA Land Conservation Accomplishments, next steps and future projects. Ms. Chan commented she would work with staff to make this information more prominent and visible on the website.

Public comments opened at 6:24 p.m.

No public comments submitted.

Public comments closed at 6:24 p.m.

#### **4. Affirm the Agreed-Upon Procedures for the Review of Measure AA Expenditures and Select Sample Transactions**

Mr. Jaskulak provided an overview of the Agreed-Upon Procedures and the proposed sample selection of expenditures for the Committee to review.

Mr. Jaskulak reviewed the process for selecting expenditures to review and suggested the Committee review one land expenditure related to land, twelve non-land expenditures from the twenty-five highest-dollar expenditures, and seven assorted project expenditures that each Committee member will select one expenditure for review.

Committee member Cole inquired if the absent Committee member could email his selection on the seventh assorted project expenditures to staff.

Ms. Stevenson suggested the Committee should selected the seventh assorted project expenditures so the Committee has their selections and there are no questions moving forward.

By consensus the Committee selected one land expenditure related to land, twelve non-land expenditures from the twenty-five highest-dollar expenditures, and seven assorted project expenditures for each committee member for review.

Committee member Tolley confirmed the Committee requested the auditor to attend the February 28, 2023, committee meeting when the Committee reviews and discusses the invoices.

Public comments opened at 6:40 p.m.

No public comments submitted.

Public comments closed at 6:40 p.m.

**Motion:** Committee member Emery moved, and Committee member Cilker second the motion to approve to:

1. Affirm the procedures and sampling size.
2. Approve the sample expenditures selected by the Committee for review.
3. Invite the District's auditor to the February 28, 2023 meeting.

#### **ROLL CALL VOTE 6-0-0**

#### **5. Presentation of Board Policy – Closing Measure AA Portfolios and Amending the Expenditure Plan Policy**

Mr. Jaskulak reviewed the Procedures for Closing MAA Portfolios and Amending the Expenditure Plan Policy. The policy explains how the District will close a completed MAA portfolio and reallocate any remaining portfolio funds. At the end of every fiscal year, staff will review the accomplishments made for every MAA Portfolio. If all the Priority Actions have been addressed and no future project is anticipated, the portfolio will be deemed complete. District staff would prepare to present a list of proposed Expenditure Plan Amendments to the Action Plan & Budget Committee (ABC) for initial review, upon approval by the ABC, the proposed amendments would be presented to the Bond Oversight Committee (BOC) for its advisory opinion. The ABC approval, along with the BOC opinion would then be presented to the full Board of Directors for approval by a two-thirds majority vote at a publicly noticed meeting to adopt the Expenditure Plan Amendments.

Committee member Cilker inquired if funds have been reallocated from a completed project previously to implementing this policy.

Mr. Jaskulak stated there has not been funds transferred previously or had any portfolios that needed additional funding.

Committee member Cilker inquired what is the process to move funds back into a portfolio to enhance the outcome of a project.

Mr. Jaskulak stated funds could be reallocated back to a project and would follow the same process and attain approval from the ABC, BOC, and Board approval.

Public comments opened at 7:19 p.m.

No public comments submitted.

Public comments closed at 7:19 p.m.

## **6. Review of Timeline and Future Meetings**

Committee member Tolley reviewed the Committee meetings currently scheduled and the Committee actions planned for those meetings.

Ms. Stevenson stated the next Bond Oversight Committee meeting on February 28, 2023 will be a hybrid meeting and starting on March 1, 2023 the District will be reverting back to the Brown Act Rules with new special circumstances to attend the meeting remotely. Ms. Stevenson commented she would email the Committee, so they are aware of the new procedures.

## **ADJOURNMENT**

Committee member Tolley adjourned the meeting of the Measure AA Bond Oversight Committee at 7:23 p.m.

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Irma Mora  
Acting Deputy District Clerk