



SPECIAL AND REGULAR MEETING

**BOARD OF DIRECTORS
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

Wednesday, January 25, 2023

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.

DRAFT MINUTES

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

President Kishimoto called the special meeting of the Midpeninsula Regional Open Space District to order at 4:32 p.m.

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Yoriko Kishimoto, Margaret McNiven, and Curt Riffle

Members Absent: Zoe Kersteen-Tucker

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Acting District Clerk Maria Soria, Human Resources Manager Candice Basnight, and Human Resources Supervisor Rebecca Wolfe

President Kishimoto 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. Vice-President Kishimoto described the process and protocols for the meeting.

1. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency designated representatives: Ana Ruiz, General Manager, Brian Malone, Assistant General Manager, Jack Hughes, Liebert Cassidy Whitmore
Employee organization: Midpeninsula Rangers Peace Officers Association

Public comment opened at 4:33 p.m.

Alexander Hapke, President of the Midpeninsula Rangers Peace Officers Association (MRPOA), commented that he is advocating on behalf of the MRPOA's twenty-six members and provided examples of why the MRPOA is pursuing safety retirement benefits. He also stated that Ranger duties include first responder, law enforcement, and fire suppression, which are not required of other District staff. Mr. Hapke mentioned that the fact rangers are first responders qualifies them for safety retirement benefits, also the MRPOA is the only group in front of the Board advocating for this benefit. He hopes to have a different resolution than the prior negotiations and be able to reach a mutually agreed upon contract this year, and to continue building the relationship moving forward.

Public comment closed at 4:36 p.m.

The Board convened into closed session.

ADJOURNMENT

President Kishimoto adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:17 p.m.

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

President Kishimoto called the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:17 p.m.

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Yoriko Kishimoto, Margaret McNiven, and Curt Riffle

Members Absent: Zoe Kersteen-Tucker

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, and Acting District Clerk Maria Soria

1. Annual Bond Disclosure Training for the Board of Directors, Members of the Disclosure Working Group, and Contributors (R-23-15)

General Counsel Hilary Stevenson introduced Jacqui Jennings with the District's bond counsel ArentFox Schiff and explained the purpose of the annual bond disclosure training for the Board and appropriate staff.

Ms. Jennings presented the annual training on bond disclosure obligations, responsibilities, financial obligations and associated amendments, and potential liabilities of members of the Board of Directors and members of the Disclosure Working Group.

Public comment opened at 6:56 p.m.

Acting District Clerk Maria Soria reported there were no public speakers for this item.

Public comment closed at 6:56 p.m.

No Board action required.

ADJOURNMENT

President Kishimoto adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:56 p.m.

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

President Kishimoto called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:02 p.m.

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret McNiven, and Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Acting District Clerk Maria Soria, Grants Management Analyst II Daniel Morrison, Grants Program Manager Deborah Hirst, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi, and Real Property Specialist I Jasmine Leong

Vice-President Kishimoto 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. Vice-President Kishimoto described the process and protocols for the meeting.

CLOSED SESSION REPORT

President Kishimoto reported the Board convened in closed session and no reportable action was taken. General Counsel Stevenson stated there were two closed sessions held, one on January 11, 2023 and the second on January 12, 2023, and no reportable actions were taken.

ORAL COMMUNICATIONS

Helen Midgard commented that many members of the public have contacted the Board to voice their support for Pam Ashford's continued management of Bear Creek Stables. Despite the overwhelming support, the Board has decided to name Chaparral Ranch Corporation as the new manager. Ms. Midgard continued to read negative Yelp reviews about Chaparral's treatment of horses and asked if the District wanted their name associated with Chaparral.

Shelly Cannon commented about the proposed purchase of the 96.77-acre Eberhard Property, adding that she had posted comments about the purchase, including a flyer about deferred maintenance and capital improvements that need to be made and were promised many years ago. She indicated that the waterline at Bear Creek Stables has not been replaced and is now five years overdue. She voiced her frustration of money been spent for architect reviews and evaluations, but no true work been done since the passing of Measure AA. Ms. Cannon mentioned that there is a coalition and other representatives looking into how the District conducts business and inquired why the Board schedules special meetings for the performance evaluations of the General Manager, General Counsel, and Controller so frequently when their performance evaluations are supposed to be done once a year.

Pamela Warren commented on the Bear Creek Stables and provided a timeline of the project to date. She commented the project has been submitted to Santa Clara County to obtain permits three times and the County has deemed the permit incomplete. The project scope remains the same but there is no provision for water for the horses and the stable area. Also with the recent storms, there has been damage to the property and the Tevis barn and mentioned there will be a significant funding gap as construction prices have escalated in the past year. She suggested using composting toilets and have that water instead dedicated to the horses. Ms. Warren commented there is a lack of commitment to keep the project on schedule. Also, that the existing concessioner offers maintenance funding via the riding program, but Chaparral has indicated they will only have a 10% riding program, and it would not be operational for at least six months.

SPECIAL ORDERS OF THE DAY

- Introduction Of Staff
 - Daniel Morrison, Grants Management Analyst II

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 6-0-0

CONSENT CALENDAR

Public comment opened at 7:21 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 7:21 p.m.

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

ROLL CALL VOTE: 6-0-0

1. **Approve the December 6, 2022 Board meeting minutes**
2. **Approve Claims Report**
3. **Appointment of the Board of Directors Standing Committee Members and Representatives to Various Bodies, Including the Governing Board of the Midpeninsula Regional Open Space District Financing Authority, for Calendar Year 2023 (R-23-09)**

General Manager's Recommendation: Approve the Board President's appointments to the Board Standing Committees and other bodies, including the Governing Board of the Midpeninsula Regional Open Space District Financing Authority, and determine the compensable status for attendance at these meetings.

4. **Annual Dedication Report of Certain Lands of the Midpeninsula Regional Open Space District (R-23-10)**

General Manager's Recommendation: Accept the annual report on the status of dedicated interests in lands of the Midpeninsula Regional Open Space District held for public open space purposes.

5. **Amendments to the Classification and Compensation Plan for Grants Program Manager, Training & Safety Specialist, Procurement & Contracting Agent/Specialist, and Accountant, and Removal of Three Classifications No Longer in Use. (R-23-11)**

General Manager's Recommendation: Adopt a resolution amending the Midpeninsula Regional Open Space District's Classification and Compensation Plan for the Grants Program Manager, Training & Safety Specialist, Procurement & Contracting Agent/Specialist, and Accountant, and removing three classifications no longer in use.

6. **Award of Contract to Complete the Redwood Cabin Demolition at La Honda Creek Open Space Preserve (R-23-12)**

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Garrison Demolition Engineering of San Ramon, California for a not-to-exceed base contract amount of \$206,000.
2. Authorize a contingency of 10% in the amount of \$20,600 to be reserved for unanticipated issues, bringing the total not-to-exceed contract amount of \$226,600.

BOARD BUSINESS

7. **Presentation from San Mateo Resource Conservation District (RCD)**

General Manager Ana Ruiz introduced Kellyx Nelson, Executive Director of the San Mateo Resource Conservation District (RCD), who is also one the District's strongest partners on the

San Mateo County coastside. The District has worked along with the RCD to protect and steward the natural resources, including the enhancement of anadromous habitat within the creeks and riparian areas. Ms. Ruiz added that there are two new Directors on the Board, and this is a great opportunity to learn and to refresh the Board about the partnership work between the RCD and the District.

Ms. Nelson provided a presentation on the formation of the RCD, which is an independent special district that was formed in 1939 to serve as a local hub for conservation. The RCD uses diverse means to protect, conserve, and restore the natural resources and serves as a focal point for local conservation efforts, collaborating with private and public landowners, land managers, public agencies, interest groups, and others. RCDs are designed to evolve with the changing natural resources and community needs, which have resulted in the focal areas for programs such as water, climate, wildlife, agriculture, and forest health and fire resiliency. The RCD and the District bring different complementary resources for a healthy ecosystem, climate resiliency, viable agriculture and healthy communities. Ms. Nelson continued to discuss similarities and partnerships with the District, reviewed the RCD's projects, key values, and vision. In addition, she shared two videos about its work to reintroduce coho salmon to the Pescadero-Butano watershed and a video about balancing the competing demands on water.

President Kishimoto stated that since the discussion is on the topic of the San Mateo County Coast, she expressed her sympathies with a heavy-heart for the terrible tragedy that took place affecting the coastside farmworkers.

President Kishimoto thanked Ms. Nelson for the RCD's work in agriculture and thanked her for educating the board and public on the important work of the RCD.

Public comment opened at 7:49 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 7:49 p.m.

No board action required.

8. Proposed purchase of the 96.77-acre Eberhard Property located in unincorporated San Mateo County (Assessor's Parcel Numbers 072-343-010, 072-343-020, 075-330-100, and 075-340-130 (portion)) as an addition to La Honda Creek Open Space Preserve (R-23-14)

Real Property Specialist I Jasmine Leong provided the staff presentation describing the proposed purchase of the 96.77-acre property for the amount of \$3,290,180, consisting of four legal parcels that form a part of the larger Eberhard land holdings as an addition to the La Honda Creek Open Space Preserve. All four parcels are unimproved except for unpaved access roads and are zoned Timber Preserve Zone (TPZ). Three of the parcels, totaling 83.07 acres, would be purchased in their entirety. The fourth parcel is 21.2 acres and is to be split into a 7.5-acre parcel that would be retained by the seller and a 13.7-acre open space parcel that would be purchased by the District. There are three ways to access the property: two separate, unpaved road entrances off of Highway 35 (Skyline Boulevard) and one unpaved road entrance off of Allen Road. As part of the transaction, the District and seller would exchange access easements over their respective properties to retain road access for both parties between Skyline Boulevard and

Allen Road. Ms. Leong stated the property owner has made significant investments on the property totaling approximately \$450,000 to turn old logging roads into all-weather rocked roads with water bars and to complete significant clean-up work. Ms. Leong continued to provide the reasons for the purchase, geographical features of the area, habitat and resource values of the property, and next steps.

Public comment opened at 8:03 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 8:03 p.m.

Director Riffle thanked staff for the years of relationship development related to the property and thanked Ms. Leong for a great presentation. Director Riffle commented on the amount of work done by the property owner that will saved the District a significant amount of money.

Director Holman stated the Real Property Committee members toured the property and commented that is it a gorgeous piece of property and agreed that the improvements done by the owner will saved the District money and time and supports the motion.

Motion: Director Riffle moved, and Director Mac Niven second the motion to determined that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report, adopt a Resolution authorizing the purchase of the Eberhard Property for \$3,290,180 with a corresponding authorization for a Fiscal Year 2022-23 budget adjustment of the same amount, adopt a Preliminary Use and Management Plan, as set out in the staff report, and withhold dedication of the Eberhard Property as public open space at this time.

ROLL CALL VOTE: 6-0-0

9. First Reading of the Board Compensation Ordinance (R-23-13)

Ms. Stevenson provided comments on the First Reading of the Board Compensation Ordinance. The law, which went into effect in 2019, enables Board members to increase the per meeting compensation by up to 5% annually. The Board adopted its first increase from \$100 to \$105 per meeting in December 2020, which went into effect in February 2021. The Board has not adopted an increase since then. Because state law allows the Board to increase compensation by up to 5% per calendar year, the Board may now consider enacting a compensation increase of up to 10% (from \$105 up to \$115.50), because two calendar years have elapsed since the last increase went into effect. The notice of this meeting and public hearing was published in the newspaper.

Director Holman inquired if the Board has any latitude to grant the Board President an increase in compensable meetings per month.

Ms. Stevenson reported that currently the state law restricts the maximum number of compensable meetings to six to all Board members of agencies governed under the Public Resource Code 5500 except for the East Bay Regional Park District since they have their own legislation.

Public hearing opened at 8:09 p.m.

Ms. Soria reported there were no public speakers for this item.

Public hearing closed at 8:09 p.m.

Motion: Director Cyr, and Director Holman second to waive reading and introduce an ordinance increasing Board compensation from \$105.00 to \$115.50 per meeting pursuant to Public Resources Code section 5536. Hold a public hearing on the proposed ordinance. Direct the General Manager and General Counsel to prepare the ordinance for second reading at the February 8, 2023 Board meeting.

ROLL CALL VOTE: 6-0-0

INFORMATIONAL MEMORANDA

- Fog Collection Report
- Review Use of Contingency Funds – FY22
- Ombudspersons Summary Report for July 2021-December 2022 Activities

Director Riffle thanked Mr. Jaskulak and his staff for the contingency report and mentioned that the additional oversight that was incorporated a couple of years ago seems to be working well and he is pleased with the report and looks forward to seeing the report in the future. Director Riffle also thanked the three ombudspersons for their continued work, they only received one inquiry that was promptly resolved, and they all have indicated a willingness to continue their service through December 2023.

President Kishimoto commented on the Fog Collection report and stated that it was initiated by the former General Manager Steve Abbors and taken on enthusiastically by staff. The research is interesting as the conclusion were sound as well.

Director Gleason stated he spoke with the person who submitted the inquiry to the ombudsperson, and the person is genuinely satisfied with the results.

INFORMATIONAL REPORTS

A. Committee Reports

No committee reports were provided.

B. Staff Reports

No staff reports were provided.

C. Director Reports

Director Gleason reported that staff held an in-person public meeting on Highway 17 projects that was held in Los Gatos, it was a great interactive session. Director Gleason mentioned that Senior Planner Jared Hart and Senior Resource Management Specialist Julie Anderson did a

great job on the presentation. Director Gleason mentioned that last week POST presented a webcast on wildlife crossings, there were three speakers that talked about Coyote Valley, both Highway 17 crossings and a project in the Los Angeles area. The speakers and presentation were great and if anyone would like to see the recording it is posted on POST's YouTube channel.

Director Riffle reported he too attended the POST presentation and noted that it was also sponsored by the District and a meeting on the Highway 17 projects is also scheduled virtually on January 31. Director Riffle also reported he along with President Kishimoto attended a meeting on January 18 with the City of Sunnyvale to discuss their work on the Stevens Creek Trail extension.

Director Holman thanked staff and in particular Planning Manager Jane Mark for preparing a partnership letter with Green Foothills, Sierra Club, and Audubon Society to express environmental concerns about a proposed project. The project was sent back to address the environmental concerns raised by the organizations.

Director Holman inquired with the recent storms has staff checked on the Fremont Older house and if the rain has caused any damage to the house.

Director Cyr reported he attended the January 25, Santa Clara County Valley Water Commission (SCVWC) meeting as the District's representative. The SCWC reviewed their work plan and 2022 annual accomplishments reports.

President Kishimoto reported she attended the Bay Conservation and Development Commission meeting as an alternate member on January 19, 2023 and has been appointed to the Sediment Committee. Her first brown bag meeting hosted at the District office was scheduled today with 35-40 people in attendance. Her first speaker was Erica Gies, a journalist that shared her booked called *Water Always Wins* who spoke on how to thrive in the era of deluge and drought. She stated that she will have more brown bag lunch speakers in the future and if the Board had any recommendations on speakers to please let her know. In addition, she reported she too attended the Stevens Creek meeting with the City of Sunnyvale, and she has invited the Friends of Stevens Creek to a meeting at the District tentatively on March 8 to learn more about the state of the corridor.

ADJOURNMENT

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into a special meeting at 8:22 p.m.

Maria Soria, CMC
District Clerk