



SPECIAL AND REGULAR MEETING

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

Wednesday, February 22, 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 6:00 p.m.

ROLL CALL

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

Members Absent: Margaret MacNiven

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Real Property Manager Mike Williams, District Clerk/Assistant to the General Manager Maria Soria

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

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

Property: 1000 Verde Road, Half Moon Bay
Agency Negotiator: Michael Williams, Real Property Manager
Negotiating Party: Ben Wright, Peninsula Open Space Trust
Under Negotiation: Terms and Conditions

Public comment opened at 6:00 p.m.

No public comments were submitted for the closed session.

Public comment closed at 6:00 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 7:00 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 7:04 p.m.

ROLL CALL

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

Members Absent: Margaret MacNiven

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, District Clerk/Assistant to the General Manager Maria Soria, Planning Manager Jane Mark, Planner III Ashley Mac, and Resource Management Specialist Matt Sharp-Chaney

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.

ORAL COMMUNICATIONS

Caitlin Morais commented on the excessive quarterly check-ins the Directors had with the General Manager and mentioned that the quarterly check-ins had doubled in 2022 compared to the meetings in 2021. Ms. Morais questioned the timing of the quarterly check-ins that were scheduled for the meeting of August 20, 2022 when the Directors voted to approve a new concessionaire for Bear Creek Stables. Ms. Morais expressed frustration and further questioned if the Board was micromanaging the General Manager or using the closed session evaluation to discuss controversial issues like the Bear Creek Stables concessionaire selection.

SPECIAL ORDERS OF THE DAY

- Introduction of Staff
 - Ashley Mac, Planner III, Planning Department

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 6-0-0 (Director MacNiven absent)

CONSENT CALENDAR

Public comment opened at 7:09 p.m.

No public comments were submitted.

Public comment closed at 7:09 p.m.

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

ROLL CALL VOTE: 6-0-0 (Director MacNiven absent)

1. **Approve the December 10, 2022 Board meeting minutes**
2. **Approve Claims Report**
3. **Fiscal Year 2022 Annual Financial Report (R-23-19)**

General Manager's Recommendation:

1. Review and accept the Fiscal Year 2021-22 (FY22) Annual Financial Report.
2. Adopt a resolution approving the transfer of a total of \$7.65 million from the General Fund Unassigned Fund balance consisting of: \$5.0 million to the Committed for Infrastructure Fund; \$1.65 million to the Committed Fund for Future Acquisitions and Capital Projects; and \$1.0 million to the Committed for Equipment Replacement Fund.
4. **Contract Amendment with Koff and Associates for Compensation and Classification Studies (R-23-22)**

General Manager's Recommendation:

Authorize the General Manager to amend the professional services contract with Koff and Associates to increase the contract amount by \$130,000 and extend the contract to December 31, 2024, for a total amount not to exceed \$180,000 to conduct compensation and classification studies as needed.

5. Reclassification of the vacant and new Property Management Specialist II position to Resource Management Specialist III to Manage the Conservation Grazing Program and Agricultural Land Management Projects (R-23-23)

General Manager's Recommendation:

Approve a position reclassification from Property Management Specialist II to Resource Management Specialist III to recruit qualified applicants with the specialized expertise, training, and credentials to manage the Conservation Grazing Program and agricultural land projects.

6. Award of Contract to ICF Inc., for a new Fleet Transition Plan for Transitioning to Low- and Zero-Emissions Vehicles and Improving the Management of Vehicles and Heavy Equipment (R-23-24)

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with ICF Inc., of San Francisco, California for a not-to-exceed base contract amount of \$99,969.
2. Authorize a 10% contract contingency in the amount of \$9,997, if necessary, to be reserved for work beyond the current scope to complete the Fleet Transition Plan, bringing the total contract to a not-to-exceed amount of \$109,966.

BOARD BUSINESS

7. Human-Mountain Lion Interaction Study and Management Plan Annual Update (Year 2) (R-23-25)

Resource Management Specialist Matt Sharp-Chaney introduced the study with a presentation providing background information for the Human-Mountain Lion Interaction Study and Management Plan annual update that just concluded the second year of a five-year study. Mr. Sharp-Chaney explained how mountain lions increase the ecosystem's health and biodiversity through their natural food chain behaviors and further explained the District's conservation efforts, which include habitat preservation, habitat connectivity by providing wildlife crossings, supporting legislation that restricts rodenticide use, supporting the listing evaluation for mountain lions as a threatened species under the California endangered species act, researching human-mountain lion conflict management tools and strategies, and other ongoing population studies. Mr. Sharp-Chaney stated that trail access can be altered in response to mountain lion activities, which could include changing preserve hours, closing trails, or closing an entire area of a preserve, particularly if there has been a recent kill that might draw other animals into the area or if mountain lion activities may pose threats to the public. Mr. Sharp-Chaney provided ten-year observation data by preserve with the number of reported mountain lion observations. Trends indicate mountain lion attacks on people are rare and the California Department of Fish and Wildlife has 23 confirmed attacks in the state since 1986, most of which were non-fatal. Only two of the confirmed attacks have been on District properties. Mr. Sharp-Chaney

introduced John Morgan, from the University of California Santa Cruz (UCSC) Santa Cruz Puma Project, who provided more detailed information about ongoing research projects.

Mr. Morgan presented the Board with detailed information on the study objectives, which estimates the local mountain lion population, compares home range sizes within the study area, assesses factors influencing human and mountain lion interactions particularly in the context of outdoor recreation, and how that information will help develop management strategies designed to reduce human and mountain lion conflict. The study has been able to utilize Strava data from 2018 to 2022 to help quantify impacts of outdoor recreation on mountain lion habitat preference and space use. Part of this study evaluates the potential for habituation and will determine if mountain lions are becoming accustomed to human interactions. The study is also evaluating spatial variations of recreation intensity within each preserve. Next steps include continued collaring and monitoring efforts, integrating measures of recreational activity into animal movement models to understand the impacts, continuing behavioral modification treatments and beginning the preliminary analysis of behavioral responses and investigating the effect of shaded fuel breaks on mountain lion behavior in year three. The goal of the 5-year study is establish an informed framework for reducing human-mountain lion conflicts and promoting human-wildlife coexistence while understanding how best to manage open spaces to support both human recreational activity and a viable mountain lion population.

Director Holman inquired if there had been any injuries to the mountain lions in the collaring and recollaring process, or an effect on the animal's skin from wearing the collars.

Mr. Morgan stated 130 mountain lions have been collared since the project began in 2008 and there had not been an injury or a mortality. During the recollaring process, the mountain lion is observed and there has not been any irritation or negative effects from the collar on their skin.

Director Holman inquired whether the creation of trails and fire breaks limit the mountain lions' range, migration routes and habitat, and when considering trails and firebreak areas, whether an element of planning should consider their patterns and where the mountain lions are located.

Mr. Morgan responded that at the end of the five-year study, there would be a more concrete answer and a better understanding of the impact of trails and preserve visitation.

Director Holman inquired further about the behavioral modification treatments and its efficacy on a 24-hour day basis.

Mr. Morgan stated that before the behavioral conditioning, there is a temporal segregation, where mountain lions tend to avoid high human use areas during the day. Mountain lions recognize that at night the risk of interaction relaxes, and they can use the trails a little bit more freely and gain more habitat at night. In terms of how long the treatments might last is something that at the end of the study they hope to have a better understanding.

Mr. Sharp-Chaney emphasized that during the behavior modification work, the audio of human voices is played in an attempt to reinforce that human voices are something the mountain lions want to avoid. The end goal is not to drive a mountain lion away from a trail or location, but rather teach them to be more prone to avoid human voices in general.

Director Riffle commented that a 36 square mile home range seemed low compared to other areas and questioned if that was indicative of the population in these areas and likely due to the area being constrained.

Mr. Morgan stated that it may be due to the limited overall space and number of people on the landscape, prey availability in the area, environment, and added it is still a small sample size for that data and it may fluctuate as they increase the number of animals they monitor.

Director Riffle inquired if there was a way to discern the type of trail user and the different impacts each type of trail user has.

Mr. Morgan responded that the type of trail user is something to consider and with the Strava data they are able to distinguish bicyclists from pedestrians and gain more insight into the effects of bicycling versus pedestrian use, whether dogs are present, group size, and the level of sounds from a group that affect the response the mountain lions may have. The use of the cameras will help further collect data and this is an area for future research.

Director Riffle inquired if any of the data collected for the last two years could be used now rather than at the end of the five-year period.

Mr. Morgan stated that with the Strava data and the sample size of the twenty-four collared mountain lions, he is comfortable with starting to move into the analysis phase while still also placing an emphasis on being out in the field to collect additional data.

Director Riffle inquired of any other entities conducting this type of study and if there is an opportunity to compare data with either other studies or other species.

Mr. Morgan mentioned he feels it is a fairly unique and groundbreaking study particularly for this region, but there are similar studies, in particular with behavioral modification work, being done by Washington State, who were helpful with setting up the protocols for this study.

Director Gleason referenced a comment that was received from a constituent that a mountain lion was killed in the Pacifica region several weeks ago and inquired if vehicle sounds should be included in the studies and or used as a deterrent.

Mr. Morgan replied that he is not aware of vehicle sounds being used as a deterrent, however it is likely a cue that the mountain lions may already use as they navigate lands with highways.

Director Gleason commented that there is probably a variation in the percentage of people using Strava and if there are any concerns about trying to pull the actual data out of a really noisy data set, even with the camera data.

Mr. Morgan explained the Strava data does indicate a relative intensity of use and if an attempt is made to calibrate the data from Strava numbers to actual users, there will probably be multiple calibrations amongst demographics, and they are still working out how to do the calibration.

Director Kersteen-Tucker thanked Mr. Morgan and Mr. Sharp-Chaney for the breadth and granularity of the research, it gives her the confidence that they will be able to protect the lions and blend human recreation in the landscape in a way that is appropriate.

President Kishimoto commented she is interested in the granularity that is being developed with the type of trail user, the impacts of dogs, and the intensity use. She inquired if the study is using the parking lot data that was collected at Rancho San Antonio.

Mr. Morgan responded they have not looked at the parking lot data and that would certainly be an interesting source to include in the study.

Public comment opened at 8:05 p.m.

Hans Luemers commented the presentation was very enlightening and explained he lives on Old La Honda Road at Woodside and has had two kills on his property. He inquired if the research is limited to public space only as he would be very interested in participating and has seven acres of land and offered to purchase the cameras.

Public comment closed at 8:08 p.m.

Mr. Sharp-Chaney responded that they do take observations from residents who neighbor District preserves, particularly with large properties, and fresh deer kills often provide beneficial information to the program and a best opportunity to collar a mountain lion and offered Mr. Luemers his business card to contact Mr. Sharp-Chaney.

Director Riffle commented he is looking forward to the data over the next three years, and to learn how to manage the preserve visitor behaviors to avoid mountain lions and help mountain lions avoid the preserve visitors and to find a balance.

Director Holman thanked Mr. Sharp-Chaney and Mr. Morgan for the presentation and directed the Board to a link of a video on one of the attachments of the report that shows how the mountain lions are collared and also looks forward to the Highway 17 wildlife crossing project.

Director Cyr commented he finds it all very fascinating and appreciates the cooperation between the public agencies and Washington State's study.

8. Award of Contract to Baker Tilly to Refresh the 2015 Financial and Operational Sustainability Model (R-23-26)

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak reported information to the Board about awarding a contract to Baker Tilly to refresh the 2015 Financial and Operational Sustainability Model (FOSM). Mr. Jaskulak described the purpose of the FOSM refresh and noted that Management Partners, who had prepared the original FOSM, was acquired by Baker Tilly. As of 2022, fifty-five of the sixty original FOSM recommendations were implemented, and staff continue to implement the final five. The Board requested a refresh of the FOSM in 2023 to provide an updated growth plan, include a review of new programs such as the Wildland Fire Resiliency Program, and a review ongoing programs such as Fleet Management and Property Management. Mr. Jaskulak covered the fourteen main points of the scope of work, the project team, the timeline, and the plan of action for the project. The goal is to have initial recommendations in front of the Board by September of 2023 that can be included in the future Fiscal Year 2023-24 budget.

Director Riffle stated he was amazed at the depth of the expectations of the project team and inquired if the fourteen-line items in the scope of work is reasonable to take on.

Mr. Jaskulak stated the expectations are reasonable because many of the items in the scope of work are similar and will likely overlap, calling the items out separately was done to ensure every aspect receives proper attention.

Director Kersteen-Tucker inquired why there was only one proposer.

Mr. Jaskulak stated three proposers attended the mandatory pre-meeting and two of them returned stating they did not have the capacity to do the project at this time.

Director Kersteen-Tucker expresses her concern that while she sees the pros associates with Baker and Tilly and appreciates the scope of work, she commented whether going with a different consultant might provide a different perspective that could propel the organization even further.

Mr. Jaskulak commented that Baker Tilly has a nationwide network and more subject matter experts available for the refresh as compared to Management Partners, who prepared the original FOSM and were primarily focused in California.

Director Cyr commented he was impressed with the vetting of Baker Tilly and believes they have the ability to do another excellent job with this project.

Director Gleason inquired if the same members that provided the first FOSM would be involved in the refresh project.

Mr. Jaskulak responded the project director and project manager had worked on the previous FOSM, however the subject matter experts are different.

President Kishimoto opened for public comment opened at 8:36 p.m.

Ms. Soria reported there are no public comments for this item.

Public comment closed at 8:36 p.m.

Director Holman expressed her gratitude of this project and is glad that the Controller is also engaged, in addition she inquired if the projections of the Docent and Volunteer Management Plan will be reviewed by Baker Tilly.

General Manager Ruiz stated Baker Tilly would look at the program as a whole and how it is progressing forward based on the Docent and Volunteer Management Plan.

Director Holman suggested that in number eight of the scope of work, management and maintenance of the new administrative building be included since there are rental spaces in the building.

Mr. Jaskulak replied the administrative building is under the purview of Property Management and Facilities Management and are covered under the scope.

Director Kersteen-Tucker referenced line item number six of the scope of work regarding whether certain contracts should be insourced and questioned whether the consultant should also look at areas where the District can outsource more aggressively in order for staff to be more nimble moving forward.

General Manager Ruiz replied that line item six includes ongoing maintenance needs, some of which is already outsourced, and that this line item also includes an evaluation for outsourcing versus insourcing and recommendations to cost effectively and successfully address the increasing demands of the IPM and Wildland Fire Resiliency Programs.

Director Holman referred to line item eight of the scope of work and questioned whether the District's maintenance program is included and if it will be evaluated by the consultant.

General Manager Ruiz responded it is listed in the scope of work in various ways, and that line item number eight includes evaluating the Property Management, Facilities Management, and Fleet Management programs, including reviewing the facilities and structures that the District maintains.

President Kishimoto is thrilled to see the FOSM move forward and as a Director she relies on the FOSM heavily to guide Board decisions in terms of growth, and is impressed with the breadth and depth of the scope and all of the aspects the consultants will be reviewing.

Motion: Director Holman moved, and Director Cyr seconded the motion to approve the General Manager's recommendations for the Board to authorize the General Manager to enter into a contract with Baker Tilly for a base contract not-to-exceed \$209,900 with a contingency of 10% in the amount of \$20,990 to be reserved for additional tasks to complete the scope of work, bringing the total not-to-exceed contract amount to \$230,890.

ROLL CALL VOTE: 6-0-0 (Director MacNiven absent)

INFORMATIONAL REPORTS

A. Committee Reports

Director Kersteen-Tucker reported that the Agricultural Policy Ad Hoc Committee met on February 21, attended by Directors Riffle, MacNiven and herself. They reviewed the draft policy and provided clarifications and staff is preparing the presentation, which will return to the Board at a later date. She appreciated her colleague's input and the work that staff have put into the policy thus far.

B. Staff Reports

None

C. Director Reports

Director Gleason reported that he took a trail ride the previous Sunday from Garrod Farms into Fremont Older Preserve and it was a great experience with a great guide. He spent his weekend

in the preserves riding a horse, biking, took a hike, and walked a dog. Additionally, he suggested that with the right permission, photos used by staff members during presentations could be posted on the District's website along with a map so that people could visit the preserves shown in the photos.

Public Affairs Manager Kori Skinner responded many of the photos are posted on the District's website and social media.

General Manager Ruiz suggested possibly captioning the locations of the photos that are used in Board presentations.

Ms. Skinner stated she would add that recommendation to the PowerPoint template that staff uses for presentations.

Director Riffle reported that on February 9 he attended the legislative luncheon in Sacramento and acknowledge all the work from staff, on February 10 he attended a tour of the Purisima-to-the-Sea Trail and Parking Area Project, and on February 17, he attended the Joint Silicon Valley State of the Valley Conference. He stated that the 2023 Silicon Valley Index is available for download on their website. Lastly, he thanked General Manager Ruiz, Director Kersteen-Tucker, and President Kishimoto for organizing a great Board retreat on February 16.

Director Holman reported she attended the February 10 Purisima-to-the-Sea tour and thanked staff for their work and commented that there is nothing that compares to the benefit of visiting the lands in person.

President Kishimoto reported that she, too, attended the legislative luncheon in Sacramento and enjoyed the Purisima-to-the-Sea tour. She reminded the Board that the brown bag lunch will be held on February 23 at 12:30 p.m., which will include an interesting presentation in honor of Black History Month.

ADJOURNMENT

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into a special meeting at 8:59 p.m.

Maria Soria, MMC
District Clerk