



Midpeninsula Regional  
Open Space District

April 26, 2023  
Board Meeting 23-12

## **SPECIAL MEETING**

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

**Wednesday, April 26, 2023**

*The Board of Directors conducted this meeting in accordance with  
California Government Code section 54953.*

### **DRAFT MINUTES**

#### **SPECIAL 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 4:01 p.m.

#### **ROLL CALL**

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

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Controller Mike Foster, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, District Clerk/Assistant to the General Manager Maria Soria, Acting Deputy District Clerk Loana Lumina-Hsu, Senior Planner Tina Hugg, Planner III Ashley Mac, Planner II/Ecologist I Arianna Nuri, Planning Manager Jane Mark, Public Affairs Manager Kori Skinner, Governmental Affairs Specialist Joshua Hugg, Human Resources Supervisor Rebecca Wolfe, Senior Resource Management Specialist Coty Sifuentes-Winter

President Kishimoto announced this meeting is being held in accordance with Government Code section 54953. 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.

**REMOTE PARTICIPATION UNDER AB2449**

Pursuant to AB2449, Director Holman provided notice she will participate in the Special meeting using video teleconference under the just cause exemption of illness.

**ORAL COMMUNICATIONS**

Public comment opened at 4:03 p.m.

Acting Deputy District Clerk Loana Lumina-Hsu reported there were no public speakers.

Public comment closed at 4:03 p.m.

**SPECIAL ORDERS OF THE DAY**

- Proclamation Honoring the Santa Clara Valley Open Space Authority’s 30<sup>th</sup> Anniversary

Director Riffle praised working with the Open Space Authority for over 20 years and gave congratulations to the Open Space Authority staff.

Director Kersteen-Tucker thanked the Open Space Authority for its work in protecting land spanning from the Coyote Valley into San Benito Valley.

Director Cyr thanked the Open Space Authority for protecting open space lands.

Director MacNiven spoke on the Open Space Authority’s management of Coyote Valley and other lands.

Open Space Authority General Manager Andrea Mackenzie spoke on the collaboration and working relationship of the Open Space Authority and the District, and thanked the District for honoring the Open Space Authority.

**VOTE TO CANCEL THE APRIL 26, 2023 7:00 PM REGULAR MEETING**

President Kishimoto announced there were no items on the agenda for the Regular Board of Directors meeting and a Special Meeting is conveyed at 4:00 p.m. President Kishimoto proposed to cancel the April 26, 2023 Regular Board of Directors meeting.

**Motion:** Director Riffle moved, and Director MacNiven seconded the motion to cancel the April 26, 2023 7:00PM Regular Meeting.

**ROLL CALL VOTE: 7-0-0**

**ADOPTION OF AGENDA**

**Motion:** Director Kersteen-Tucker moved, and Director Cyr seconded the motion to adopt the agenda.

**ROLL CALL VOTE: 7-0-0**

**CONSENT CALENDAR**

Director Holman pulled item 4 from the Consent Calendar.

Public comment opened at 4:19 p.m.

Ms. Lumina-Hsu reported there were no public speakers.

Public comment closed at 4:19 p.m.

**Motion:** Director Riffle moved, and Director Gleason seconded the motion to approve Items 1 through 3 of the Consent Calendar with Item 4 pulled for discussion.

**ROLL CALL VOTE: 7-0-0**

- 1. Approve the February 22, 2023 Board meeting minutes**
- 2. Approve Claims Report**
- 3. Contract Amendment for Legal Services with Lawrence R. Jensen & Associates (R-23-42)**

General Manager's Recommendation: Authorize a contract amendment in the amount of \$40,000 with the firm of Lawrence R. Jensen & Associates to provide specialized legal advice and litigation services, for a new not-to-exceed total contract amount of \$90,000.

- 4. Consolidating the Budget & Analysis Department and Finance Department into one Budget & Finance Department, and related changes to the Classification and Compensation Plan that result in no increase to the Full Time Equivalent positions (R-23-43)**

General Manager's Recommendations:

1. Approve the restructuring and consolidation of the Budget & Analysis Department and Finance Department into one department to be named the Budget & Finance Department.
2. Approve the following position reclassifications related to the department consolidation:
  - a. Reclassify the Budget & Analysis Manager at Range 48 (currently filled) to Budget & Finance Manager at Range 51 (consistent with the most department managers).
  - b. Reclassify the Finance Manager position at Range 48 (to be vacant July 2023) to Finance Supervisor at Range 43.

Director Holman expressed concern regarding the organizational structure reconfiguration and requested for Controller Mike Foster to speak on the proposed Budget & Analysis Department and Finance Departments Consolidation and the interface between the Controller and the departments.

President Kishimoto asked Controller Mike Foster to provide comments and recommendations on the proposal.

Controller Mike Foster provided information on the role, responsibilities, and duties of the Controller. Mr. Foster stated he does not have a recommendation on the merger of the Budget & Analysis and Finance Departments as long as the financial control is preserved. Mr. Foster expressed concern about having the correct person in the role and the person should have a strong financial background. Mr. Foster expressed concern if the financial control person for the District were to be the Finance Supervisor instead of the Budget and Finance Manager. Mr. Foster stated if the Board approves the merger, he will work to make the Budget and Finance Manager into the financial control person for the District.

General Manager Ana Ruiz stated she understands the proposed structure is not the issue rather the need to have a person with a strong financial background. The District can take the proper measures to make this person successful in this position, including through coaching by the Controller and the Chief Financial Officer.

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak stated the Budget and Analysis role is customer service oriented, however the person does have past experience in Finance. Mr. Jaskulak spoke in support for the transition and the current staff.

President Kishimoto asked the Board if the Directors would like to continue the item and request staff to provide more information about financial control, or to pass the item.

Mr. Jaskulak spoke on the timing of the proposed departments merger and the Fiscal Year end.

Ms. Ruiz spoke of the upcoming vacancy in the small department. Ms. Ruiz stated she will send an FYI memo to the Board with steps the District will take to make sure the person in the Budget and Finance Manager position becomes a strong financial control person for the District.

Director Holman asked clarification on staff's response of customer service to her question and who is the customer. Director Holman asked Chief Financial Officer, General Manager, and Controller for input and suggested for the Action Plan and Budget Committee to review the proposed departments merger.

Director Riffle spoke in support for moving forward with the proposed departments merger, including under the guidance of the Controller.

Director Kersteen-Tucker spoke in support for moving forward with the proposed departments merger. Director Kersteen-Tucker requested an FYI memo from the Controller on the proposed departments merger.

President Kishimoto stated the Board can review the Budget and Finance structure when the Financial and Operational Sustainability Model (FOSM) refresh is brought to the Board of Directors.

Director Riffle asked and received confirmation that staff consulted with the FOSM consultant on the proposed department structure.

President Kishimoto requested Mr. Foster provide a written follow-up report to the Board.

Mr. Foster confirmed he will send a follow-up report to the Board.

Director Cyr expressed concern about the haste due to a vacancy and stated preference to have more time and flexibility to consider restructures. Director Cyr stated support for the proposed departments merger and hope to fill it competently in a reasonable amount of time.

Director MacNiven spoke in support of the proposed departments merger.

Director Gleason spoke wanting to see more information integrated into the reports rather than presented to the Board at meetings. Director Gleason asked if the District is targeting the right level of experience for the Finance Supervisor given the Controller comments.

Mr. Foster explained the financial control part of the Budget and Finance Manager role is different and expressed willingness to work with the person.

Mr. Jaskulak described his experience working with the proposed new Budget and Finance Manager related to procurement, system conversion, and data review, and stated the person has held previous roles in reconciliation, treasury, wire transfer, and bond payments. Mr. Jaskulak acknowledged the person does not have experience in beginning-to-end accounting, but Mr. Jaskulak will work with the person through that learning curve.

President Kishimoto commented it is a tough labor market for finance positions.

Mr. Jaskulak stated, based on attended conferences sessions, there is a shortage of financial workers in public and private labor markets and people are leaving finance.

Public comment opened at 4:44 p.m.

Ms. Lumina-Hsu reported there were no public speakers.

Public comment closed at 4:44 p.m.

Director Holman thanked the Board for the discussion and the staff for providing additional information. Director Holman echoed Director Kersteen-Tucker's recommendation for a memo from the General Manager and the Controller for a successful transition.

Director Kersteen-Tucker confirmed the request for a memo and asked the General Manager to explain the memo contents.

Ms. Ruiz stated the follow-up memo will contain information on how to position the restructuring and employee who fills the position for success.

Director Kersteen-Tucker requested two separate memos, one from the General Manager and one from the Controller.

Director Holman requested a friendly amendment to the motion and Director Kersteen-Tucker supported the amendment.

Director Riffle requested the Clerk to confirm the motion with the amendment before the Board.

Ms. Lumina-Hsu stated the motion before the Board is to move General Manager's Recommendation with the caveat there will be two separate memos, one from the General Manager and one from the Controller, that further explains the roles and necessary steps needed to make a successful transition and restructuring.

**Motion:** Director Riffle moved, and Director MacNiven seconded the amended motion to move General Manager's Recommendation with the caveat the Board will be provided two follow-up memos, one from the General Manager and one from the Controller, that further explains the roles and necessary steps needed to make a successful transition and restructuring of the Budget and Analysis Department and Finance Department into the Budget and Finance Department.

**ROLL CALL VOTE: 7-0-0**

### **BOARD BUSINESS**

#### **5. Hawthorns Area Plan — Approval of Technical Reports and Public Access Working Group Structure and Recruitment Process (R-23-44)**

Ms. Ruiz provided an introduction and background information on the Hawthorns Area Plan.

Planner II/Resource Management Specialist I Arianna Nuri presented the staff presentation on the Hawthorns Area Plan, project goals and objectives previously approved by the Board and described the purpose of the proposed Public Access Working Group (PAWG), the existing conditions and opportunities and constraints report, including natural resources, public access, local and regional connectivity, historic and cultural resources, aesthetics, and operations and maintenance.

Director Riffle requested additional information of the Peninsula Open Space Trust (POST) easement on the property and if there are any constraints for future planned uses.

Ms. Nuri stated the conservation easement does prohibit some uses such as commercial grazing or additional development, however it does allow for low intensity recreational opportunities consistent with what the District offers at other preserves: a parking area, and amenities and facilities that will sustain the public access.

Director Riffle requested and received confirmation that the easement will allow the District to complete desired projects.

Mr. Nuri confirmed staff has worked with POST on understanding the language in the easement and the District is interpreting the easement correctly.

Planner III Ashley Mac continued the staff presentation and presented the transportation study objectives, data collection and background review; the existing transportation conditions memo, including traffic volume, existing multimodal access, and line of sight assessments; public access framework, including considerations related to the protection of natural resources, cultural resources, and aesthetic resources, as well as important factors required for public access and operations and maintenance.

Director Riffle requested additional information on providing on-site parking for preserve users.

Senior Planner Tina Hugg stated there is an unknown demand on parking spaces and often agencies will fit as many parking spaces into an area as allowed. Currently, staff does not know the demand and it will depend on the use, and connections to local trails, which can change demand.

Director Riffle asked if lessons learned from the Rancho San Antonio and Purisima Creek Redwoods Open Space Preserves Multimodal Access Studies are incorporated into the Hawthorns Area Plan.

Ms. Hugg confirmed the project includes multimodal opportunities for what is feasible and functional based on the site, location, and jurisdiction.

Director Holman asked and received confirmation that off-site parking collaborations are being considered.

Director Holman asked if traffic, and traffic in consideration of fire danger and exits, will be brought to the PAWG.

Ms. Hugg confirmed the topics will be discussed by the PAWG and are also discussed in the existing conditions and restraints report, acknowledging concerns about parking overflow into local neighborhoods.

Director Holman thanked staff for acknowledging the parking challenges.

Director Kersteen-Tucker commented that opening Hawthorns to public access may cause increase parking at the top of Skyline Boulevard. Director Kersteen-Tucker asked if the project has looked at or will look at the effect on parking at Windy Hill Open Space Preserve.

Ms. Hugg explained the project is focused on the Hawthorns area and the needs the particular site serves and confirmed the project is not expected to look at indirect effects on Windy Hill Open Space Preserve and parking.

Director Kersteen-Tucker requested staff take it into consideration additional parking demand at Windy Hill Open Space Preserve.

Ms. Hugg continued the staff presentation on the Hawthorns Public Access Working Group (PAWG) purpose, composition, and the feedback received by the Planning and Natural Resource (PNR) Committee. The PAWG composition would include representation from District ward stakeholders, interest area representatives, board liaison, town liaison, and meeting facilitator.

Director MacNiven asked if there will be diversity representation, such as partners from Latino Outdoors or Vida Verde, for interest area representatives.

Ms. Hugg stated interest area representatives is a mix of community members from neighborhoods and representatives outside of the area.

Director MacNiven requested additional outreach for prospective candidates for underrepresented groups.

Ms. Hugg explained Diversity, Equity, and Inclusion (DEI) is incorporated as one of the baseline conditions for the working group representation. Ms. Hugg requested clarification if DEI is to be included as a new composition or considered as a criterion.

Director MacNiven stated if DEI is considered, it does not need to be a separate composition.

Ms. Hugg confirmed that staff will discuss internally on incorporating DEI in the recruitment process.

President Kishimoto requested and received additional information on the list of criteria that takes DEI into consideration.

Director MacNiven requested and received clarification on the frequency of meetings. Director MacNiven requested the questionnaire include a section for an applicant's time availability/commitment.

Director Gleason requested confirmation if the District Ward Stakeholders increase, the Interest Area Representatives decreases.

Ms. Hugg confirmed the PAWG would be composed of an odd number of voting members to prevent an impasse on decision making.

Director Gleason asked if there are pros and cons with a larger or smaller group.

Ms. Hugg explained previous experience with 11 to 13 working groups representatives and that larger groups result in more difficult logistics with scheduling tours and meetings,

Director Holman requested and received information on the La Honda Open Space Preserve PAWG meeting schedule.

Director Holman asked if the La Honda PAWG had an alternate.

Ms. Hugg confirmed there was no alternate.

President Kishimoto asked how the chair of the PAWG is selected.

Ms. Hugg explained that based on lessons learned from La Honda PAWG, there would be co-chairs. The La Honda PAWG recommended having the group meet a few times first to get to know each other prior to selecting a chair. The first meeting would be an introduction to the project, second meeting would be a site tour, and at the third meeting the group would be asked to select a chair.

Ms. Hugg continued the staff presentation on the District Ward Stakeholder Recruitment Process and provided two options for Board consideration.

Director Kersteen-Tucker asked if the four ward stakeholders recommendation came from the La Honda PAWG.



Ms. Hugg stated the number four was tailored to the project site size: two from San Mateo County and two from Santa Clara County.

Ms. Ruiz explained Hawthorns is a smaller property and may have a smaller regional draw.

Ms. Hugg clarified the La Honda PAWG restriction on where the ward stakeholders were from was removed.

Director Kersteen-Tucker supported Option 1 to have seven ward stakeholders, and if the Board selected Option 2 to have four ward stakeholders, there be an assurance that two representatives will be from San Mateo County.

Director Gleason supported Option 1 to have seven ward stakeholders and agreed with Director Kersteen-Tucker to ensure San Mateo County representation.

Director Holman commented if the Board selects Option 2, the Interest Area Representatives should increase to seven.

Director Cyr stated seven ward representations would be representative of the entire District as Hawthorns is close to Portola Valley and is of high interest to the local constituents.

President Kishimoto asked and received confirmation that interested parties will know if they are selected by the Directors as the ward stakeholder representative, and parties can apply to the interest area representatives if they are not selected.

Ms. Hugg continued the staff presentation on the Interest Area Representative Selection for Interviews and provided three scenarios for Board consideration.

Director Kersteen-Tucker asked why fifteen applicants would trigger an ad hoc committee.

Ms. Hugg stated the PNR Committee selected the threshold based on the level of effort to review applications.

Director Kersteen-Tucker stated a preference for Scenario 2 regardless of the number of applicants.

Director MacNiven stated her preference to have broader representation.

President Kishimoto stated a preference for Scenario 3.

Director Kersteen-Tucker stated an Ad Hoc Committee may increase staff work.

Director Cyr stated he is not necessarily looking for a person who resides near Hawthorns, but would fit the working group as part of the goals for the preserve.

President Kishimoto asked and received additional information on the Interest Area Representatives.

President Kishimoto asked and received confirmation if the application will have area interests listed.

Director Riffle asked and received confirmation the scenarios presented to the Board includes PNR Committee feedback and recommendation.

Director Gleason confirmed the presented scenarios include the PNR Committee recommendations.

Public comment opened at 6:11 p.m.

Rita Comes spoke in support of the project.

Kristi Corley spoke in support of the project, requested additional public tours, expressed concerned of the traffic study conducted in 2022 than 2023, and asked clarification on resident applicants on Town of Portola Valley Commissions and Hawthorns PAWG applicants.

David Moss spoke in support of the project and regional trail connections.

Jeff Greenfield spoke in support of the project and regional trail connections and expressed appreciation that parking is being considered.

Public comment closed at 6:23 p.m.

Ms. Nuri stated docent led tours are offered on a quarterly basis. Outcomes of the neighborhood meeting held at the Town of Portola Valley Community Hall can be found in section 5 of the Existing Opportunities and Constraints report: *Public Engagement*, subsection 5.2 *Neighborhood Meeting*.

Ms. Hugg explained interest areas representatives and the role of Town committee, council, and commission representatives. The Town will have regulatory authority over the Hawthorns Area Project in the future. There are 17 committees in Town of Portola Valley. Staff discussed with then Town Manager Jeremy Dennis on how to bring the project to the committees and the Town of Portola Valley Ad Hoc Committee method was selected as the preferred approach. Mr. Dennis worked with the chairs of the Committees for composition of the Ad Hoc Committee and the members have alternates. PAWG members will be members of the public and should not have regulatory or advisory oversight over the project.

Ms. Hugg stated the District is working with the Town of Portola Valley for the Town's traffic counts and staff received recent traffic counts. Staff is completing data collection and are waiting for more results from the Town. Staff is also conducting a data collection in April at Windy Hill Open Space Preserve, Thornewood Open Space Preserve, and Roberts Market.

President Kishimoto directed the General Manager's Recommendation be brought to motion.

**Motion:** Director Holman moved, and Director Riffle seconded the motion to

1. Approve the following technical reports as recommended by the Planning and Natural Resources Committee:
  - a. Hawthorns Area Existing Conditions/Opportunities and Constraints Report

- b. Hawthorns Area Existing Transportation Conditions Technical Memo
- c. Hawthorns Area Public Access Framework

**ROLL CALL VOTE: 7-0-0**

- Motion:** President Kishimoto moved, and Director Kersteen-Tucker seconded the motion to
2. Approve the Hawthorns Area Public Access Working Group composition (comprised of Ward Stakeholders and Interest Area Representatives as voting members and Board Liaison and Town Liaison as non-voting members) and the recruitment and formation strategy as recommended by the Planning and Natural Resources Committee and specifically determine the following:
    - a. 7 Ward Stakeholders and associated recruitment method
    - b. 6 Interest Area Representatives

**ROLL CALL VOTE: 7-0-0**

(Recommendation 2. c. *Application review and interview process for Interest Area Representatives* was not voted upon, the Directors discussed and agreed this recommendation would be incorporated into General Manager’s Recommendation 4.)

- Motion:** Director Riffle moved, and Director Kersteen-Tucker seconded the motion to
3. Authorize the Board President to appoint the Board Director of Ward 6, where the Hawthorns Area is located, as the Board liaison for the Hawthorns Area Public Access Working Group.

**ROLL CALL VOTE: 7-0-0**

- Motion:** Director Riffle moved, and Director Cyr seconded the motion to
4. Approve the formation of an Ad Hoc Committee of the Board of Directors to review Public Access Interest Area Representative applications at the discretion of the Board President in consultation with the General Manager. Consistent with other recent Ad Hoc Committees of the Board of Directors, these meetings would be compensable.

**ROLL CALL VOTE: 7-0-0**

Director Holman requested and received confirmation that the composition of the PAWG is incorporated in General Manager’s Recommendation 2.

Ms. Hugg reviewed the schedule for the Hawthorns Area PAWG.

Director Holman requested a copy of the schedule be sent to the Board.

Director Cyr stated he will not be able to attend the June 21 meeting.

Director Kersteen-Tucker asked and received confirmation there is no application for the Ward Representative.

**INFORMATIONAL MEMORANDA**

- Measure AA and Vision Plan Trail Updates

Director Gleason thanked staff for the Measure AA and Vision Plan Trail Updates memo.

President Kishimoto echoed Director Gleason's comments.

### **INFORMATIONAL REPORTS**

#### **A. Committee Reports**

Director MacNiven stated at the April 25 Legislative, Funding, and Public Affairs Committee (LFPAC) meeting, the Committee added 13 legislative updates to the original list of 30. There was discussion on Assembly Bill 86 regarding the merging of housing needs with environmental needs, and a bill for first generation pesticides was added to the list.

Director Cyr reported he was unable to attend LFPAC and expressed appreciation of Director MacNiven's report.

Director Kersteen-Tucker stated Committee members also discussed ways for the Board to be more involved in the Legislative program and how to have more face time with representatives.

#### **B. Staff Reports**

Mr. Jaskulak reported fixed rating agencies reaffirmed the District's AAA rating and since the District paid off the financing authority, the District does not have any AA.

Mr. Jaskulak provided an update on the first wave of FOSM interviews occurring April 25 to 27 and the following week. Individual Board interviews will be scheduled during the second wave. In late May, the consultant will have focused group interviews for programs deep dives.

Director Riffle requested a list of questions prior to interviews.

Mr. Jaskulak confirmed a list will be sent to the Board Directors.

Ms. Ruiz invited the Board to view Supervisor Joe Simitian Lehigh Updates in the District's Green Room, which began at 6:30 p.m.

#### **C. Director Reports**

Director Gleason hiked with docents in Sierra Azul Open Space Preserve.

Directors Kersteen-Tucker and Riffle received a briefing from Ryan McCauley and Kori Skinner on the Ward 7 public interest public survey and communications.

Director Riffle toured the proposed Eberhard acquisition and met with the owner and a potential funder. Director Riffle attended the April 22 Wildlife Conservation Expo, a collection of 70 conservation organizations from around the world. Director Riffle attended the District's Wildflower Training on April 25 and thanked staff for hosting the training.

President Kishimoto reported the third Brown Bag with speaker Bernali Ghosh was presented on April 26 and the District also partnered with the Native Plant Society to promote the event.

Director Gleason and Cyr spoke in appreciation of the presentation and speaker.

President Kishimoto, Director Gleason, and staff reported hosting Assemblymember Gail Pellerin at Mount Umunhum in Sierra Azul Open Space Preserve. President Kishimoto reported attending the Bay Conservation and Development Commission meeting on April 1.

**ADJOURNMENT**

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:55 p.m.

Loana Lumina-Hsu  
Acting Deputy District Clerk