



Midpeninsula Regional
Open Space District

Meeting 11-02

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

January 12, 2011

AMENDED MINUTES

SPECIAL MEETING

I. ROLL CALL

President Hassett called the Special Meeting to order at 5:02 p.m.

Members Present: Pete Siemens, Nonette Hanko, Cecily Harris, Jed Cyr, Curt Riffle
(arrived at 5:03 p.m.) and Larry Hassett

Members Absent: None

Staff Present: General Manager Steve Abbors, General Counsel Sue Schectman,
Administrative Services Manager Kate Drayson, Human Resources
Analyst Annetta Spiegel, Human Resources Technician Sonya Siebe,
Accounting Specialist Bunny Congdon, and Operations Manager David
Sanguinetti

II. CLOSED SESSION

The Closed Session commenced at 5:02 p.m. and concluded at 6:32 p.m.

REGULAR MEETING

I. ROLL CALL

President Hassett called the Regular Meeting to order at 7:00 p.m.

Members Present: Jed Cyr, Nonette Hanko, Cecily Harris, Curt Riffle, and Pete Siemens

Members Absent: None

Staff Present: General Manager Steve Abbors, General Counsel Sue Schectman, Public Affairs Manager Rudy Jurgensen, Planning Manager Ana Ruiz, Operations Manager David Sanguinetti, Real Property Manager Mike Williams, Administrative Services Manager Kate Drayson, Interim Assistant General Counsel James Atencio, Skyline Area Superintendent Brian Malone, Human Resources Analyst Annetta Spiegel, and District Clerk Michelle Radcliffe.

President Hassett stated that there were no reportable items from Closed Session held on January 6, 2010, for Agenda Item Number #1 and no reportable items from Closed Session held on January 12, 2011, for Agenda Item Number #1.

II. ORAL COMMUNICATIONS

There were none.

III. ADOPTION OF AGENDA

Motion: Upon motion by Director Cyr, seconded by Director Riffle, and unanimously passed, the Board approved adoption of the agenda as amended. (Vote: 6-0-0)

IV. ADOPTION OF CONSENT CALENDAR

Motion: Upon motion by Director Riffle, seconded by Director Cyr, and unanimously passed, the Board approved adoption of the Consent Calendar to approve the **FY 2010-11 Annual Claims List; Renewal of Investment Authority and Annual Investment Report; Authorized to Change the District's Designation of Authorized Signatories for District Bank Accounts, Investment Funds, and for Access to the District's Safe Deposit Boxes, Minutes of November 17, 2010, and November 29, 2010, as amended;** and **Revised Claims 11-01.** (Vote: 6-0-0)

V. BOARD BUSINESS**A. Agenda Item 6 – Determine Process for Filling the Ward 2 Vacancy for the Term Commencing January 3, 2011 through January 6, 2013 – (R-11-05)**

General Manager Steve Abbors explained that the Board had to decide whether to fill the Director of Ward 2 vacancy by appointment or by special election. He noted that if it is decided to fill the vacancy by calling a special election, the cost for the special election would be approximately \$556,000 based on information provided by the Santa Clara County Registrar of Voters Office. Mr. Abbors further explained that if it is decided to fill the vacancy by appointment, the Board may choose an applicant from the eligible applicant list previously approved by the Board. He reminded the Board that an extensive search and screening process was conducted in November 2010 and that they may choose an eligible applicant from that process.

Director Riffle stated that he does not recommend that the vacancy be filled by a special election because it is not a prudent expenditure of public money and that the District does not have the funding to have a special election at that cost. Brief discussion ensued on the legal requirement that the term of the incoming Director ends in January 2013.

Motion: Upon motion by Director Cyr, seconded by Director Siemens, and unanimously passed, the Board determined to fill the vacancy of Director of Ward 2 by appointment. (Vote: 6-0-0)

President Hassett opened nominations for Director of Ward 2 and Director Hanko nominated Yoriko Kishimoto. Director Riffle seconded the nomination and stated that the Board did go through a rigorous screening process and felt that they had a great list of applicants to choose from. President Hassett called for other nominations and no other nominations were made.

Motion: Upon motion by Director Cyr, seconded by Director Siemens, and unanimously passed, the Board closed nominations for Director of Ward 2. (Vote: 6-0-0)

By a vote of 6 to 0, the Board moved to appoint Yoriko Kishimoto as Director of Ward 2 for the term commencing January 3, 2011 through January 6, 2013.

District Clerk Michelle Radcliffe administered the Oath of Office to Director Kishimoto.

B. Agenda Item 7 – Election of Board of Director Officers for Calendar Year 2011 – (R-11-03)

Ms. Radcliffe reviewed the voting procedures for the election of officers for the Board of Directors for Calendar Year 2011 and Director Hassett called for nominations for Board President. Director Siemens nominated Director Hassett for President and Director Hanko seconded the nomination. No further nominations were presented.

Motion: Upon motion by Director Siemens, seconded Director Riffle, and unanimously passed the nominations for Board President were closed. (Vote: 7-0-0) By a vote of 7 to 0, the Board elected Director Hassett as Board President for Calendar Year 2011.

President Hassett called for nominations for Board Vice President. Director Cyr nominated Director Riffle for Vice President and Director Hanko seconded the nomination. No further nominations were presented.

Motion: Upon motion by Director Siemens, seconded by Director Hanko, and unanimously passed, the nominations for Board Vice President were closed. (Vote: 7-0-0)

By a vote of 7 to 0, the Board elected Director Riffle as Board Vice President for Calendar Year 2011.

President Hassett called for nominations for Board Treasurer. Director Hanko nominated Director Siemens for Board Treasurer and Director Riffle seconded the nomination. No further nominations were presented.

Motion: Upon motion by Director Harris, seconded by Director Kishimoto, and unanimously passed, the nominations for Board Treasurer were closed. (Vote: 7-0-0)

By a vote of 7 to 0, the Board elected Director Siemens as Board Treasurer for Calendar Year 2011.

President Hassett called for nominations for Board Secretary. Director Hanko nominated Director Harris for Board Secretary and Director Riffle seconded the nomination. No further nominations were presented.

Motion: Upon motion by Director Siemens, seconded by Director Hanko, and unanimously passed, the nominations for Board Secretary were closed. (Vote: 7-0-0)

By a vote of 7 to 0, the Board elected Director Harris as Board Secretary for Calendar Year 2011.

C. Agenda Item 8 – Appointment of Administration and Budget Committee Members for Calendar Year 2011 (R-11-04)

President Hassett announced that he is appointing Directors Riffle, Siemens, and Kishimoto as member of the Administration and Budget Committee (ABC) for Calendar Year 2011.

Motion: Upon motion by Director Cyr, seconded by Director Hanko, and unanimously passed, the Board approved President Hassett's appointments to the ABC for Calendar Year 2011. (Vote: 7-0-0)

President Hassett thanked the outgoing ABC members for their work in Calendar Year 2010.

- D. Agenda Item 9** – Authorization to Amend a Contract with David J. Powers and Associates (DJP&A) for CEQA Consultant Services for the Cooley Landing Project at Ravenswood – (R-11-08)

Director Riffle recused himself from this agenda item. Open Space Planner II Tina Hugg provided an overview of the contract amendment with David J. Powers and Associates. She stated that the reason for the contract amendment is for an additional \$5,655 to provide California Environmental Quality Act (CEQA) consultant services for the Cooley Landing Project at Ravenswood Open Space Preserve for a total contract amount not to exceed \$30,000. Brief discussion ensued.

Motion: Upon motion by Director Siemens, seconded by Director Harris, and unanimously passed, the Board authorized to amend the contract with David J. Powers and Associates for CEQA Consultant Services for the Cooley Landing Project at Ravenswood Open Space Preserve. (Vote: 6-0-0; Recused: Riffle)

- E. Agenda Item 10** – Award of Contract for Dyer Garage and Determination that the Project is Categorical Exempt from the California Environmental Quality Act (CEQA) – (R-11-09)

Skyline Area Superintendent Brian Malone provided an overview of the Dyer Garage Roof Structure project located in the La Honda Open Space Preserve and reported that the District discovered asbestos in the roof structure. He explained that the purpose of the contract is to seek a contractor to remove the toxic materials from the structure. He presented an overview of the structure and stated that the District received four bids on the project. Mr. Malone stated that the lowest bid received was from IMR Contractors and that the project will be budgeted between FY2010-11 and FY2011-12. Lastly, he reported that next step of the process is to hold a pre-construction meeting on January 28th and that during the construction work, permitted access to La Honda Open Space Preserve will not be allowed.

Director Kishimoto questioned if the District had a construction demolition policy and asked if scraps will be recycled. Mr. Malone responded that the District recycles and re-uses materials as much as possible but for this particular project it will be up to the contractor on how materials are disposed. Brief discussion was held on “green” construction and the contingency amounts built into District contracts. Mr. Abbors stated that policies regarding construction demolition and the contingency amounts on District contracts will be researched and that staff will return to the Board with more information.

Public Comment: Charles Castrovinci asked District staff if the environmental permitting took place and Mr. Malone responded that the District has followed all permitting requirements.

Motion: Upon motion by Director Siemens, seconded by Director Hanko, and unanimously passed, the Board authorized to award the contract for the Dyer Garage Roof Structure Project to IMR Contractors. (Vote: Approved 7-0-0)

F. Agenda Item 11 – Presentation of District’s Classification and Compensation Study Methodologies, Findings and Recommendations by Koff and Associates – (R-11-06)

Mr. Abbors introduced consultant Katie Kaneko of Koff and Associates. Ms. Kaneko provided an update on the classification and compensation study and explained that a survey of thirteen agencies was conducted to gather information on classification, compensation and benefits. She stated that the information gathered would be used to benchmark classifications, compensation, and benefits of similar classifications within the District. Ms. Kaneko further explained that District staff has been notified of the benchmarked information and that the Board will have their final recommendation on the District’s classification and compensation structures in mid-February.

Discussion was held on whether the information gathered would change due to the economy and Ms. Kaneko explained that the data gathered would not be different and that the surveyed agencies were asked if there were any future plans to change salary structures. Brief discussion ensued.

No action taken by the Board.

VI. INFORMATIONAL REPORTS

COMMITTEE REPORTS

Director Hanko reported that the Legislative, Funding and Public Affairs Committee met on January 11th to hear a report on the Legislative Program for FY2010-11 and for FY2011-12. She also reported that the Committee discussed the District’s 40th Anniversary Coffee Table Book and that the Committee will have recommendations for the title of the book, quotes to be included in the book, and potential guest authors to write the “foreward” of the book. She stated that the Committee’s recommendations will be brought to the Board at a future meeting.

STAFF REPORTS

Real Property Manager Mike Williams reported that the Board received a number of closing memos regarding properties purchased at the end of Calendar Year 2010 and that the District will apply for a Coastal Conservation Grant for the Silva Property.

Operations Manager David Sanguinetti reported the eucalyptus trees at Pulgas Ridge Open Space Preserve have been removed and that staff has trimmed remaining trees to be used as shade for the dogs. He reported that he has not received any further complaints or concerns. Lastly, Mr. Sanguinetti reported that the dog waste program is improving and that there were lessfewer bags being left behind at the preserves. He stated that staff will consider expanding the dog waste program to the other preserves.

Mr. Abbors reported that he and Public Affairs Manager Rudy Jurgensen took a tour of the Skyline area with Assembly member Paul Fong and his aide. He reported that Mr. Fong is sponsoring a bill to ban shark finning, which is done to create a popular Asian dish called Shark fin soup, and that the bill is important to the District because the District has two

preserves that have sharks. Lastly, Mr. Abbors reported that on January 11th, he gave a presentation to the Peninsula Open Space Trust (POST) regarding the District's budget and finances.

DIRECTOR REPORTS

The Directors submitted their compensable meeting forms to the District Clerk and no other reports were given.

Director Riffle reported that he was out on District land 39 times last year for a total of 208 miles and that he assisted in an equestrian emergency on Christmas Eve.

Director Harris stated that she visited Pulgas Ridge Open Space Preserve and asked a question about a "No Bicycles" sign located on a gate.

Director Kishimoto reported that she hiked Russian Ridge Open Space Preserve and Mindego Trail. She also reported that she took a tour of Los Altos Hills Open Space and announced that the Friends of CalTrain will hold a summit on January 29th.

President Hassett reported that he hiked Monte Bello Open Space Preserve and the White Oaks Trail. He also shared an anecdotal story on an accident he encountered as a volunteer fire fighter.

VII. ADJOURNMENT

President Hassett adjourned the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:20 p.m.

Michelle Radcliffe, CMC
District Clerk