



Midpeninsula Regional  
Open Space District

**Meeting 11-03**

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

**January 26, 2011**

**AMENDED MINUTES**

**SPECIAL MEETING**

**I. ROLL CALL**

President Hassett called the Special Meeting to order at 5:30 p.m.

Members Present: Pete Siemens, Cecily Harris, Jed Cyr, Yoriko Kishimoto, Curt Riffle and Larry Hassett

Members Absent: Nonette Hanko

Staff Present: General Manager Steve Abbors, General Counsel Sue Schectman, Labor Negotiator Deborah Glasser-Kolly, Administrative Services Manager Kate Drayson, Human Resources Analyst Annetta Spiegel, Accounting Specialist Bunny Congdon, and Operations Manager David Sanguinetti.

**II. CLOSED SESSION**

The Closed Session commenced at 5:30 p.m. and concluded at 6:50 p.m.

**REGULAR MEETING**

**I. ROLL CALL**

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

Members Present: Jed Cyr, Cecily Harris, Yoriko Kishimoto, Curt Riffle, Pete Siemens, and Larry Hassett

Members Absent: Nonette Hanko

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, Open Space Planner II Matt Baldzikowski, Senior Real Property Planner Sandy Sommer, and District Clerk Michelle Radcliffe.

President Hassett stated that there were no reportable items from Closed Session Agenda Items Number 1 and Number 2.

**II. ORAL COMMUNICATIONS**

There were none.

**III. SPECIAL ORDERS OF THE DAY**

General Manager Steve Abbors reported that a Resolution to honor the retirement of East Bay Regional Parks District's General Manager Pat O'Brien is being brought forward to the Board for consideration and he announced that a retirement event is being held for Mr. O'Brien on Saturday, January 29<sup>th</sup> in Richmond.

**Motion:** Upon motion by Director Cyr, seconded by Director Harris, and unanimously passed, the Board approved the resolution to honor the retirement of East Bay Regional Parks District General Manager Pat O'Brien. (Vote 6-0-0; Absent: Hanko)

**IV. ADOPTION OF AGENDA**

President Hassett announced that Agenda Items No. #1 through #7 would be heard first and that the Board will adjourn to the Special Meeting of the Midpeninsula Regional Open Space District Financing Authority to accommodate Supervisor Kniss' schedule.

**Motion:** Upon motion by Director Cyr, seconded by Director Siemens, and unanimously passed, the Board adopted the agenda as amended. (Vote: 6-0-0; Absent: Hanko)

**V. 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; Annual Dedication Report, Minutes of December 8, 2010, and December 9, 2010, as amended; and Revised Claims 11-02.** (Vote: 6-0-0; Absent: Hanko)

**VI. BOARD BUSINESS**

- A. Agenda Item 6** – Appointment of Standing and Ad Hoc Committee Members for Calendar Year 2011 (R-11-13)

President Hassett briefly explained that his Committee recommendations were intended to balance the work load of staff and the Directors. Director Riffle expressed appreciation on the due diligence President Hassett and staff on providing feedback to the Committee recommendations.

**Motion:** Upon motion by Director Riffle, seconded by Director Kishimoto, and unanimously passed, the Board approved the appointment of Standing and Ad Hoc Committee members for Calendar Year 2011. (Vote: 6-0-0, Absent: Hanko)

- B. Agenda Item 7** – Appointment of District Representatives to the Governing Board of the Midpeninsula Regional Open Space District Financing Authority (R-11-01)

**Motion:** Upon motion by Director Cyr, seconded by Director Siemens, and unanimously passed, the Board approved the appointment of District representatives to the Governing Board of the Midpeninsula Regional Open Space District Financing Authority. (Vote: 6-0-0; Absent: Hanko)

- C. Agenda Item 8** – Award of Contract to Complete Remediation Design and Perform Construction Oversight for the Remediation of Mercury Mine Waste at Hicks Flat within Sierra Azul Open Space Preserve (R-11-19)

Open Space Planner II Matt Baldzikowski presented an overview of Hicks Flat within the Sierra Azul Open Space Preserve and provided background information on the remediation work to be conducted at the mercury mine waste site. He explained that the District received four bids for the work and that it was determined that GEOCON Consultants submitted the proposal with the best combination of expertise, staffing, and project approach, as well as a competitive fee to provide the remediation work required.

Director Riffle asked how the District determines how contractors are chosen and General Counsel Sue Schectman explained that the Board established a policy determining criteria for contract selection. She further explained that state statute prevents the District from choosing certain categories of professional consultants based on cost alone, and that the District is required to evaluate proposals based on each firm's expertise, project experience and other factors. Cost is then considered in negotiating a contract with the firm considered most qualified.

Director Harris asked if the contingency amount included in the contract would be enough to cover the project costs since the District does not know what kind of remediation work will be needed at the site. Mr. Baldzikowski explained that the recommended contingency amount (12% of contract amount) has been sufficient for similar projects in the past and that if the contingency amount was not sufficient, staff will need to go to the Board to authorize more funding. Brief discussion ensued.

**Motion:** Upon motion by Director Siemens, seconded by Director Riffle, and unanimously passed, the Board authorized the award of contract to GEOCON Consultants to complete remediation design and perform construction oversight for the remediation of mercury mine waste at Hicks Flat within Sierra Azul Open Space Preserve. (Vote: 6-0-0; Absent: Hanko).

The Regular Meeting of the Midpeninsula Regional Open Space District adjourned at 7:27 p.m.

## **VII. MIDPENINSULA REGIONAL OPEN SPACE DISTRICT FINANCING AUTHORITY BUSINESS**

President Hassett called the Special Meeting of the Midpeninsula Regional Open Space District Financing Authority to order at 7:27 p.m. with Directors Hassett, Kishimoto, Siemens, Riffle and Supervisor Kniss present.

- A. Agenda Item 1** – Confirmation of the Officers of the Midpeninsula Regional Open Space District Financing Authority for Calendar Year 2011 (R-11-15)

**Motion:** Upon motion by Director Kishimoto, seconded by Director Cyr, and unanimously passed, the Board confirmed the officers of the Midpeninsula Regional Open Space District Financing Authority for Calendar year 2011. (Vote: 5-0-0)

- B. Agenda Item 2** – Acceptance of the Authority Controller's Annual Financial Report of the Midpeninsula Regional Open Space District Financing Authority (R-11-07)

**Motion:** Upon motion of Supervisor Kniss, seconded by Director Riffle, and unanimously passed, the Board accepted the Authority Controller's Annual Financial Report of the Midpeninsula Regional Open Space District Financing Authority. (Vote: 5-0-0)

President Hassett acknowledged Supervisor Kniss and thanked her for coming to the annual meeting of the Authority.

The Regular Meeting of the Midpeninsula Regional Open Space District Finance Authority adjourned at 7:31 p.m.

## **VIII. BOARD BUSINESS**

President Hassett reconvened the Regular Meeting of the Midpeninsula Regional Open Space District at 7:31 p.m. with Directors Cyr, Harris, Kishimoto, Hassett, Siemens, and Riffle present.

**D. Agenda Item 9 – Legislative Program for FY2011-12 (R-11-21)**

Public Affairs Manager Rudy Jurgensen provided a summary of the District's Legislative Program for FY2010-11 and gave an overview of the program for FY2011-12. Discussion was held extending the repayment period for the District's 20 year promissory notes to 30 years. Mr. Abbors explained that extending the note repayment period can extend the District's ability to purchase land.

Discussion ensued on the top three legislative priorities of the District and Director Riffle stated that a future funding measure for the District should be a priority. Mr. Abbors stated that a future funding measure is a priority and that the District will need to define what the funding measure will entail and ensure that the public understands it. Director Kishimoto asked that staff keep a look out for legislation regarding climate change.

**Motion:** Upon motion by Director Siemens, seconded by Director Cyr, and unanimously passed, the Board accepted the District's Legislative Program for FY2011-12. (Vote: 6-0-0; Absent: Hanko)

**VI. INFORMATIONAL REPORTS****COMMITTEE REPORTS**

Director Riffle reported that the Administration and Budget Committee met on January 27~~5~~, 2011, and stated that District Controller Mike Foster provided a report on the District's finances. He also reported that the Committee received a presentation on the District's first five-year forecast and that staff presented recommendations for the Board to consider at a future Board meeting.

**STAFF REPORTS**

Planning Manager Ana Ruiz reported that staff sent the Board an e-mail providing an update on the Mount Umunhum Remediation and Restoration project and reported that a notice was sent to neighbors along Mount Umunhum Road as well. Ms. Ruiz also reported that staff is in the process of submitting a grant application to the Five Star Restoration Grant Program to conduct work on two ponds located on the Driscoll Ranch property.

Mr. Abbors reported that he met with Peninsula Open Space Trust (POST) and stated that Audrey Rust had announced her retirement from POST. He further reported that POST Vice President Walter Moore will succeed Ms. Rust.

Director Riffle questioned whether staff's attendance at Board meetings is a good use of staff time and brief discussion ensued. Mr. Abbors stated he would speak with the Management Team to gather input and will provide an update at the next Board meeting.

**DIRECTOR REPORTS**

The Directors submitted their compensable forms to the District Clerk.

Director Riffle offered to assist in any District events honoring Ms. Rust's retirement.

Director Harris reported that she hiked the Sierra Azul Open Space Preserve with the Sierra Day Hikers and that the group hiked a total of twenty miles.

Director Kishimoto stated she would also be in support of any District events honoring Ms. Rust's retirement and asked the General Manager if a Board retreat would be scheduled. Mr. Abbors asked the Board to send suggestions on topics that could be discussed at a Board retreat to the District Clerk.

Director Cyr commented that he favored receiving District incident reports on a semi-annual basis rather than monthly.

President Hasset reported that he participated in a snow hike along Marta's Creek and shared his experiences with the Board. He also reminded the Board that any recognition events for Ms. Rust will be evaluated in the Legislative, Funding and Public Affairs Committee.

**VII. ADJOURNMENT**

President Hasset adjourned the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:39 p.m.

Michelle Radcliffe, CMC  
District Clerk