



Midpeninsula Regional
Open Space District

March 12, 2014
Board Meeting 14-08

SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office
330 Distel Circle
Los Altos, CA 94022

March 12, 2014

APPROVED MINUTES*

SPECIAL MEETING – STUDY SESSION

I. CALL TO ORDER

President Harris called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 5:34 p.m.

II. ROLL CALL

Members Present: Jed Cyr, Cecily Harris, Larry Hassett, and Curt Riffle

Members Absent: Nonette Hanko, Yoriko Kishimoto, and Pete Siemens

Staff Present: General Manager Steve Abbors, Assistant General Manager Kevin Woodhouse, General Counsel Sheryl Schaffner, and District Clerk Jennifer Woodworth

III. BOARD BUSINESS

Data Gathering Results of the District's 2013-14 Compensation Study Update (R-14-17)

Director Siemens arrived at 5:36 p.m.

Assistant General Manager Woodhouse presented the staff report. Mr. Woodhouse described the obligations under the Field Employees Association Memorandum of Agreement and Committee and Board Approval of the Comparator Agencies. Mr. Woodhouse explained the use of benchmark positions and those positions whose compensation is determined through an internal alignment process. Mr. Woodhouse explained the process used to solicit employee review and comment on the preliminary data. Mr. Woodhouse summarized the data gathered by Koff & Associates and compared it to the 2010 results. Mr. Woodhouse explained that the integrity of a compensation study may be compromised when different agencies are used as comparators as was done between the 2010 and 2013 studies. Mr. Woodhouse stated that it is proposed that the report be accepted at the March 26th Board meeting with implementation determinations to be

*Approved by the Board of Directors on March 26, 2014

made at a later date. Finally, Mr. Woodhouse stated that staff is recommending the Board direct the Action Plan & Budget Committee develop Employee Compensation Guiding Principles for full Board consideration.

Director Riffle inquired as to how the District compares to other agencies as it pertains to the number of positions within a range of +/- 5% of the median.

Katie Kaneko of Koff & Associates explained that a majority of the positions at the District is relatively close to the median, which is preferred for compensation studies.

Director Riffle suggested that the Board may want to determine that as part of the Employee Compensation Guiding Principles that the District maintains the right to provide compensation for specific positions that is not in line with future compensation studies.

Director Siemens commented on the effect on employee salary and employee benefits as CalPERS costs transfer from an employee benefit to a deduction from employee salary.

Director Riffle inquired if other agencies have Employee Compensation Guiding Principles.

Ms. Kaneko reported that other agencies do develop guiding principles but they vary widely.

Public comment opened at 6:20 p.m.

Brendan Dolan, Lead Open Space Technician, described the graphic provided by the Field Employees Association displaying the number of District staff positions 5% above or 5% below the median for their benchmark positions.

Alex Hapke, Secretary of the Field Employees Association, stated the Field Employee Association's recommendation that the County of Riverside be removed as a comparator agency based on its distant location, lower median income and housing costs, and it not being required to provide a fourth match for several benchmark positions. Mr. Hapke also stated that total compensation be used for the 2013-14 Compensation Study to determine salary and benefits because 62% of District employees are more than 5% undercompensated.

Brad Pennington, Field Employees Association President, stated that total compensation should be used when implementing the Compensation Survey results because the results show that more than half of District staff is undercompensated.

Brendan McKibbon, a member of the Field Employees Association, spoke against the use of the median compensation as a guiding principle. Mr. McKibbon inquired if the District is average, the work done by the employees is average and whether the District expects the work to be done by District employees is expected to be average.

Public comment closed at 6:34 p.m.

Director Hassett expressed his support for the development of Employee Compensation Guiding Principles by the Action Plan & Budget Committee.

Director Riffle inquired as the effect of adding or removing comparator agencies from the study.

Ms. Kaneko explained that if the Board's objective is to see how the market has changed since the last compensation study, then the same comparators should have been used. However, during the 2010 Compensation Study, it was acknowledged that the agencies used at that time did not provide as accurate information for benchmark comparisons as the comparator agencies currently being used.

Director Riffle inquired as to the benefits pros and cons of salary versus compensation.

Ms. Kaneko explained that salary and total compensation should both be studied. Ms. Kaneko stated that her firm's recommendation for the previous compensation study was to look at benefits separately from salary. At that time, benefits were slightly below the market, and they are now more below market. These two should be looked at separately.

Director Siemens asked that Ms. Kaneko provide information in her final report outlining areas where the District has lower benefits.

Director Riffle stated that the District wants to attract and maintain the best people but must weigh that goal against public accountability. Director Riffle stated his opinion this can be looked at by developing guiding principles.

Motion: Director Siemens moved, and Director Cyr seconded the motion to direct the Action Plan and Budget Committee to develop Employee Compensation Guiding Principles for full Board consideration during Fiscal Year 2014-15 and prior to Board consideration of implementation of any compensation changes based on the results of the 2013-14 Compensation Study Update.

General Manager Steve Abbors commented that the organization must continue to make decisions that allow the District to remain sustainable. Mr. Abbors also commented on the use of different comparators from study to study and the importance of using the same comparator agencies for each subsequent study. Mr. Abbors stated that the median is not the same as the average, and his belief that none of the District's employees are average. Finally, Mr. Abbors commented that the District may need to look at employee benefits.

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

Director Hassett thanked Ms. Kaneko and staff for their work on this project.

V. ADJOURNMENT

President Harris adjourned the Special Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:54 p.m.

REGULAR MEETING

I. CALL TO ORDER

President Harris called the Regular Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 7:15 p.m.

II. ROLL CALL

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

Members Absent: Nonette Hanko and Yoriko Kishimoto

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, General Counsel Sheryl Schaffner, Administrative Services Manager Kate Drayson, Natural Resources Manager Kirk Lenington, Senior Resource Management Specialist Cindy Roessler, Resource Management Specialist I Joel Silverman, Acting Operations Manager Brian Malone, Senior Management Analyst Gordon Baillie, and District Clerk Jennifer Woodworth

III. ORAL COMMUNICATIONS

No speakers were present

IV. ADOPTION OF AGENDA

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

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

V. CONSENT CALENDAR

- 1. Approve Minutes of the Special and Regular Board Meetings of February 26, 2014**
- 2. Approve the Revised Claims Report**
- 3. Contract Extension with the California Pension Group, LLC., for Legislative Consulting Services Related to Public Employee Pensions (R-14-44)**

General Manager's Recommendation: Authorize a contract extension with the California Pension Group, LLC., as follows: (1) Extend the contract by twelve months to March 31, 2015. (2) Increase the existing \$22,000 contract amount by \$12,000 to a not-to-exceed total amount of \$34,000 for legislative consulting services related to potential legislative changes in employee pensions.

- 4. Resolution Supporting Assembly Bill 1799 (R-14-57)**

General Manager's Recommendation: Adopt the attached Resolution supporting Assembly Bill 1799, which would make substantive improvements to the Planning and Zoning Law and eliminate an overly burdensome requirement to government entities or special district while ensuring the long-term stewardship of mitigation lands.

Public hearing opened at 7:17 p.m.

No speakers present.

Public hearing closed at 7:17 p.m.

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

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

VI. BOARD BUSINESS

5. San Carlos Wheeler Plaza Project, Disposal of Former Redevelopment Agency Property and Entry into Related Compensation Agreement (R-14-51)

Assistant General Manager Ana Ruiz presented the staff report summarizing the planned Wheeler Plaza project and explained the requirement of San Carlos to enter into agreements with the affected government agencies to approve the transfer. Ms. Ruiz explained that any positive or negative fiscal impact to the District is projected to be minimal.

Al Savay, City of San Carlos Community Development Director, explained that the properties proposed for development are being sold for a minimal amount to further the development of the project.

Director Harris commented that members of the San Carlos community are in favor of the project.

Public hearing opened at 7:27 p.m.

No speakers were present.

Public hearing closed at 7:27 p.m.

Motion: Director Cyr moved, and Director Riffle seconded the motion to adopt a Resolution consenting to the sale of the Wheeler Plaza Project site in the City of San Carlos and authorizing the General Manager to enter into a Compensation Agreement with the City of San Carlos and its Successor Agency.

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

6. Revised Claims Report Format and Changes to Payment Approval Process (R-14-54)

Administrative Services Manager Kate Drayson presented the staff report stating the Action Plan and Budget Committee's recommendation for full Board approval of the changes. Ms. Drayson explained that it is recommended that the Board authorize the General Manager to pay all claims under \$25,000, which would be brought to the Board for ratification after payment and significantly reduce the need for urgent checks.

Public hearing opened at 7:36 p.m.

No speakers were present.

Public hearing closed at 7:36 p.m.

Motion: Director Riffle moved, and Director Siemens seconded the motion to approve the proposed changes to the Claims Report format and adopt a resolution authorizing the General Manager or designee to approve the payment of Claims up to \$25,000.

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

7. Cooperative Agreement with Calflora to Develop the Weed Manager Database and a Customized Pest Database for the District (R-14-47)

Senior Resource Management Specialist Cindy Roessler presented the staff report describing the use of a database to track pests on District properties as part of the Integrated Pest Management Program. Ms. Roessler provided examples of how the database could be used as it applies to the District, allowing for staff to track trends, complete research quickly, and increased ability to track and control for invasive plants and herbicide use.

Director Riffle inquired if additional staff would be needed to maintain the database.

Ms. Roessler explained that the data is currently being collected for the Environmental Impact Report for the Integrated Pest Management Program, which Calflora may be able to input immediately. She does not anticipate an excessive amount of data entry above what is currently being done, but any increase is primarily related to tracking for the District's tenants' properties, which is a requirement under the Integrated Pest management Program.

Public hearing opened at 8:01 p.m.

No speakers were present.

Public hearing closed at 8:01 p.m.

Motion: Director Siemens moved, and Director Cyr seconded the motion to authorize the General Manager to approve a cooperative agreement with Calflora for a total not-to-exceed amount of \$31,000 to develop the Weed Manager Database, also customized as a pest database, for the District's Integrated Pest Management Program.

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

8. Status Report on Resource Management Grant Program (R-14-55)

Resource Management Specialist I Joel Silverman presented the staff report. Mr. Silverman outlined the Resource Management Grant Program's purpose and guidelines, reviewed several of past grant award recipients' projects, and new grant award recipient projects

Director Riffle inquired as to the number of grant applications received and if staff believes that the District should potentially fund additional grants.

Mr. Silverman explained that staff is currently balancing funding limitations as well as limits on staff time to manage the grant programs. In future years, staff may be able to manage additional grants.

Director Harris suggested that the grant recipients be announced on the District's website.

Public hearing opened at 8:26 p.m.

No speakers were present.

Public hearing closed at 8:26 p.m.

No Board action necessary.

9. Calendar Year 2013 Field Enforcement Activity Report and Ten-Year Field Activity Summary (R-14-08)

Senior Management Analyst Gordon Baillie presented the staff report summarizing increases in District and non-District violations including marijuana cultivation, parking violations, and dog off-leash violations. Mr. Baillie also described the most frequent violations for 2013 and the number of fatalities to which staff responded.

Director Riffle inquired if staff has noticed definite trends based on the information in the database.

Acting Operations Manager Brian Malone reported staff has noticed an increased trend in marijuana cultivation and continues to provide notice to the public regarding these dangers.

Public hearing opened at 8:47 p.m.

Alexander Hapke, Skyline Ranger, commented on trends in the Skyline area stating that due to a lack of rain, warm temperatures, and additional daylight hours, dog off-leash violations and cyclists without helmets often increase, but violations in areas which are off-limits based on weather conditions will often decrease because more areas of the preserves are open due to the warm, dry weather.

Public hearing closed at 8:50 p.m.

No Board action necessary.

VII. STAFF REPORTS

Assistant General Manager Ana Ruiz reported that the District is responding to suggested implementation recommendations resulting from the recent Santa Clara County Local Agency Formation Commission Service Review.

Assistant General Manager Kevin Woodhouse reported that he represented the District in a meeting with Pacific Gas & Electric, Committee for Green Foothills and San Mateo County regarding the pipeline potentially running through Edgewood. Pacific Gas & Electric will be further evaluating their analysis of the proposed pipeline.

General Manager Steve Abbors reported that he met with the new Executive Director of Audubon Society and attended several local city council meetings to discuss the Vision Plan process and information related to the funding measure.

VIII. DIRECTOR REPORTS

The Board submitted their compensatory forms to the District Clerk.

Director Hassett reported that he visited the newly opened El Corte de Madera parking lot.

Director Cyr reported that he recently hiked in Pulgas Ridge and Coyote Ridge.

Director Riffle reported that he gave a presentation to the Kiwanis Club of Los Altos and worked at the Mountain View Art and Wine Festival. Director Riffle also reported that he attended the first day of the Council of California Land Trusts Conference.

Director Harris reported that she spoke to the Redwood City Council earlier in the week and plans to speak to the San Carlos City Council in April.

Director Siemens reported that he made a presentation to the Saratoga City Council and attended the Santa Clara County Special Districts Association quarterly meeting.

IX. ADJOURNMENT TO CLOSED SESSION

President Harris adjourned the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District into a Closed Session at 9:08 p.m.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. (GOVERNMENT CODE SECTION 54956.9(d)(1))

Name of Case: *Midpeninsula Regional Open Space District v. County of Santa Clara, et al.* (Lehigh Quarry CEQA Matter)
Santa Clara County Superior Court Case No. 1-12-CV-236881

X. ADJOURNMENT

President Harris adjourned a Closed Session of the Board of Directors of the Midpeninsula Regional Open Space District at 10:25 p.m.

Jennifer Woodworth, CMC
District Clerk