

Midpeninsula Regional Open Space District

Board Policy Manual

Public Notification	Policy 1.09 Chapter 1 – Administration & Government
Effective Date: 8/26/81	Revised Date: 11/13/13
Prior Versions: 9/13/83, 9/10/86, 2/8/95, 8/14/96, 3/2/97	

The purpose of the Public Notification Policy is to ensure that a concentrated effort is made to inform surrounding landowners and interested members of the public of District activities which may interest or affect them, such as land acquisitions, including possible uses of eminent domain, grant applications, and land use planning projects and workshops. It is not the purpose of this policy to adopt any legal notice requirements. Rather, the purpose of this policy is to supplement any public notice required by law and to provide the broadest opportunity for public participation in and input on various District issues. Failure to comply with this policy shall not affect the validity of any action taken by the District

The requirement for public notice under this policy shall be advisory only, and the failure to give such notice in any particular instance shall not affect the validity of any action taken. Any property owner lists used for the purpose of notification will be based on the most recent microfiche obtained by the District as provided by the appropriate county assessor's office.

This notification policy may, at the discretion of the General Manager or as desired by the Board of Directors, be supplemented with additional publicity¹ via press releases, internet postings, advertisements, special mailings, or other methods to reach a wider public audience.

1. Land Acquisition

The Following means of public notification will be utilized for proposed acquisition of real property, including notification of consideration of a preliminary Use and Management Plan. (For any transaction involving the sale, exchange, long-term lease [more than one (1) year in length] or other disposition of interest(s) in existing District lands, see the notification procedure in item number 5, Land Use Planning)²

- a) Notification of owner or owner's representative shall be by a method as deemed appropriate by staff for the particular negotiation situation.
- b) The Agenda Notice³ for the meeting at which the proposed acquisition will be discussed shall be mailed to the press, individuals, and organizations⁴ that subscribe to agendas.
- c) Publicity may be initiated in advance of a meeting, as deemed appropriate by staff or directed by the Board.
- d) For regular Board or committee meetings, posting of a meeting notice on the district office door at least 72 hours prior to the meeting at which the proposed acquisition will be discussed.

- e) Notification⁵ to owners of lands surrounding⁶ the property being acquired, lands contiguous to the main access road⁷ to the property being acquired (unless the main access road is a pass through the property being acquired, under a recorded easement.
- f) Notification³ to Clerk of the city (or county if in an unincorporated area) within whose jurisdiction the land is located.

2. Condemnation

The following means of public notification will be utilized for proposed condemnation of real property:

- a) At least fifteen day written notification to the owner of the affected property prior to adoption of a resolution of necessity to allow for written response as provided by State law.
- b) The Agenda Notice⁸ for the meeting at which the proposed action will be discussed shall be mailed to the press, individuals, and organizations⁴ that subscribe to agendas
- c) Publicity may be initiated in advance of a meeting, as deemed appropriate by staff or directed by the Board.
- d) For regular Board or committee meetings, posting of a meeting notice on the District office door at least 72 hours prior to the meeting at which the proposed action will be discussed.
- e) Special Notice⁸ to owners of lands surrounding⁶ the affected property, lands contiguous to the main access road⁷ to the affected property (unless the main access road is a publicly maintained road), and lands where the owners' main, private access road⁷ passes through the affected property, under a recorded easement
- f) Notification³ to Clerk of the city (or county if in an unincorporated area) within whose jurisdiction the land is located.
- g) Public hearing(s) as required by State law and District policies and procedures.

3. Grant Applications for Land Acquisitions

The following means of public notification will be utilized for proposed grant applications for acquisition of real property, and/or for proposed amendments to applications:

- a) In cases where a specific property's ownership is identified in the grant application agenda report⁹, notice shall be mailed to that owner by 5:30 P.M. fifteen (15) days before the meeting at which the grant application is scheduled to be discussed. The General Manager has the authority to delay mailing of notice until not later than 5:30 P.M. five (5) days before the meeting, if the General Manager determines that giving longer notice would be detrimental to negotiations with the landowner or is necessary because of grant deadlines. The General Manager also has the authority to provide for shorter notice than five (5) days if the General Manager determines that it is necessary in order to meet timing requirements for grants, and also if the property owner has actual notice and an opportunity to appear before the Board at the meeting.
- b) The Agenda Notice³ for the meeting at which the proposed grant application will be discussed shall be mailed to the press, individuals, and organizations⁴ that subscribe to agendas
- c) Publicity may be initiated in advance of a meeting, as deemed appropriate by staff or directed by the Board

- d) For regular Board or committee meetings, posting of a meeting notice on the district office door at least 72 hours prior to the meeting at which the proposed grant application or amendment to an application will be discussed.
- e) Notification³ to Clerk of the city (or county if in an unincorporated area) within whose jurisdiction the land is located.

4. **Annexations**

In the event of a proposed annexation of land into the District, and agenda notice³ will be sent to owners of property surrounding⁶ the lands being considered for annexation. Legal notice of any proposed annexation will be handled in the manner required by the Local Agency Formation Commission (LAFCO) having jurisdiction.

5. **Land Use Planning**

The following means of public notification will be utilized for a proposed Interim or Comprehensive Use and Management Plan or Trail Use Element review, adoption, amendment, public workshop, or the sale, exchange, long –term lease (more than one year in length), or other disposition of any interest(s) in district property. At the General Manager’s discretion, public notification of land use planning issues may be reduced in scope if it is determined that the issue is of limited concern or importance, which decision shall be included in the staff report to the Board of Directors.

The Board will consider tentative adoption of all planning matters at noticed, public Board meeting(s). Final adoption of a planning proposal will be considered by the Board at a subsequent noticed Board meeting, to take place no sooner than the second meeting following the meeting at which tentative adoption is approved. There are at least four points during which the public has the opportunity to comment verbally or in writing on planning proposals before the Board: 1) prior to tentative adoption, based on these notification policies and possible public workshops; 2) during the meeting(s) at which final adoption is considered, and; 4) during the meeting(s) at which final adoption is considered.

- a) Notification³ to owners of lands surrounding⁶ the preserve or preserve area where a proposed Interim or Comprehensive Use and Management Plan or Trail Use Element⁹ review, adoption, amendment, public workshop, or a decision to dispose of any interest in District real property is scheduled.
- b) The Agenda Notice³ for the meeting at which the proposed issue will be discussed shall be mailed to the press, individuals, and organizations⁹ that subscribe to agendas.
- c) Publicity may be initiated in advance of a meeting, as deemed appropriate by staff or directed by the Board.
- d) For regular Board or committee meetings, posting of a meeting notice on the District office door at least 72 hours prior to the meeting at which the proposed project will be discussed.
- e) Notification³ of persons and organizations⁹ which have requested notification regarding a particular topic for which the Board has decided a mailing list should be maintained.
- f) Notification³ to Clerk of the city (or county if in an unincorporated area) within whose jurisdiction the land is located.
- g) Posting on site, where deemed helpful by staff.

NOTE: Each Preliminary Use and Management Plan included in an acquisition report (including an exchange of land or interest in real property) shall be placed on the agenda for final approval following close of escrow, only if public comment or changes to the Preliminary Use and management Plan occurred during the initial discussions of the report. Final approval of other Use and Management Plans and Plan reviews and any other land use actions or reviews (except for hazards or other emergencies(including the sale, long-term lease (more than one year in length), or other disposal of any interest(s) in District property, (other than an exchange of land or interest in real property(shall be placed on the earliest upcoming regular agenda, no sooner than the second meeting following the meeting at which the item is first heard, for final approval, as determined to be feasible by staff and if required.

¹ Publicity may consist of any combination of typical public relations methods for generating public awareness of and interest in District activities. These may include press releases, internet postings, email notifications, advertisements, flyers, special mailings, personal contact, or other methods.

² A Preliminary use and management Plan consists of use and management recommendations developed and approved at the time of acquisition of real property. These plans normally represent a status quo approach to use and management, with emphasis on securing the site and establishing a timeline for environmental enhancements and development of amenities for providing public access. An exchange of land or interest in real property is considered an acquisition and includes a Preliminary Use and Management Plan.

An Interim Use and Management Plan is usually a refinement of a Preliminary Use and Management Plan, and in some cases is also an accumulation of the Preliminary Use and Management Plans for a number of acquisitions comprising a preserve. The Interim Plan is most commonly prepared for preserves which consist of non-contiguous parcels, have use limitations, or are likely to be subject to relatively frequent changes in boundary alignments.

A Comprehensive Use and Management Plan is a detailed plan addressing all aspects of use and management. It is prepared for preserves in which public use, environmental, or land use issues need attention. The Comprehensive Plan is based on a resource analysis and public input, and evaluates potential uses as well as historical and existing uses. It represents both long- and short-term goals, with the focus of specific short-term recommendations being the tasks to be completed within three years.

The Trail use Element of a Use and Management Plan is the segment of the plan which deals only with trail use issues, and contains the description and use designations for existing and proposed trails. It is in the Trail use Element that the final decisions are made about which uses (hiking, bicycling, horseback riding, dog access) should be allowed on each trail.

The sale, long-term lease (more than one year in length), or other disposal of any interest(s) in District property, other than an exchange of land or interest in real property, would be completed by the adoption of a resolution by the Board of Directors, ordinarily to take place no sooner than the second meeting following the meeting at which the time is first heard. However, the Board may determine that there is a need to take action at the first meeting at which the item is heard.

³ Agenda Notice: Normally mailed by 5:30 P.M. five (5) days in advance of a meeting (Friday before a Wednesday meeting), but generally not less than 72 hours before the meeting, except when shorter notice for a Special Meeting is necessary, as provided by law and the District's Rules of Procedure. The Board shall note in the minutes of the Special Meeting the reason shorter notice was required.

⁴ Staff to contact known neighborhood associations annually to advise that they can subscribe to the District's agendas for an established fee.

⁵ The timing of this notification is the same as for an agenda item notice, but may be deferred by the General Manager until the purchase contract for the property being acquired has been signed by the seller.

⁶ For the purposes of the District's public notification, "surrounding" properties shall be defined as those properties which share an edge, corner, or boundary with District lands, or which are located across a two-lane (or narrower) city, county, or private roadway from District lands. If any of these properties are publicly-owned land, then the next nearest privately-held property will be notified for purposes of this policy.

⁷ Posting of notices on the access road may be substituted for a mailed notice if a significant or excessive level of additional research is necessary to determine the owners of recorded access easements, or if it is impractical to mail notices.

⁸ Special Notice: Mailing by 5:30 P.M. eight days in advance of a meeting (Tuesday of a week before a Wednesday meeting), with the General Manager having authority to delay mailing of notice until not later than 5:30 P.M. five days before the meeting if the General Manager determines that giving longer notice would be detrimental to negotiations with the land owner.

⁹ Except those situations where the specific property has previously come to Board attention in public session and 1) a resolution for a grant application was adopted and there was no owner objection, or 2) a resolution for a grant application was adopted and as a result, the District received the requested grant, or 3) a resolution of public necessity has been adopted.