



SPECIAL MEETING

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

Wednesday, November 20, 2024

*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 MacNiven called the special meeting of the Midpeninsula Regional Open Space District to order at 5:01 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 – Closed Session	General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, District Clerk/Assistant to the General Manager Maria Soria, Planner III Aaron Peth, Real Property Manager Allen Ishibashi
Staff Present – Special Meeting	General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Shaylynn Nelson, Land & Facilities Manager Brandon Stewart, Senior Planner Gretchen Lausten, Planning Manager Jane Mark, Natural Resources Kirk Lenington, and Senior Capital Project Manager Mark Brandi

President MacNiven announced that 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.

**1. CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code Section 54956.8)**

Property: San Mateo County APNs: 086-340-010, 020, 030, 040, 050, 070, 080, 090, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 230, 240, 280, 300 and 320

Agency Negotiator: Aaron Peth, Planner III

Negotiating Party: Ben Wright, POST

Under Negotiation: Purchase Terms

Public comment opened at 5:03 p.m.

District Clerk/Assistant to the General Manager Maria Soria reported no public comments were submitted for the closed session.

Public comment closed at 5:03 p.m.

The Board convened into closed session.

Closed session ended at 6:00 p.m.

Open session opened at 6:02 p.m.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

CONSENT CALENDAR

Director Riffle appreciated the quarterly check-ups and the granularity of the changes.

Public comment opened at 6:05 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 6:05 p.m.

Motion: Director Riffle moved, and Director Kersteen-Tucker seconded the motion to approve the Consent Calendar.

ROLL CALL VOTE: 7-0-0

2. Quarter 1 Proposed Budget Amendments for the Fiscal Year ending June 30, 2025 (R-24-140)

General Manager's Recommendation: Adopt a resolution approving the proposed Quarter 1 budget amendments for the fiscal year ending June 30, 2025.

3. Renaming one section of the Ridge Trail as Badger's Byway and extending the Fog Drift Vista Trail name on another section, all within Russian Ridge Open Space Preserve (R-24-141)

General Manager's Recommendations:

1. Rename a 1.2-mile segment of the Ridge Trail to "Badger's Byway" to highlight the presence of American Badger in Russian Ridge Open Space Preserve.
2. Rename a 0.2-mile segment of the Ridge Trail to "Fog Drift Vista" to provide continuity with the existing 0.5-mile Fog Drift Vista Trail.

BOARD BUSINESS

4. Selection of a Long-term Use and Management Option for the Bear Creek Stables Site (R-24-142)

General Manager Ana Ruiz provided opening remarks. She acknowledged the strong attendance of the equestrian community members and their supporters. She emphasized that the policy decision before the Board is not about the value of horses or their benefits but whether the continued operation of Bear Creek Stables (BCS) aligns with the District's mission and the purpose for which the agency was formed, particularly when considering the substantial investment in capital funds, operational costs, and staff capacity. This decision must be made in light of the District's other priorities such as rare and threatened species protection, climate resilience, wildlife connectivity, and equitable access to nature. The Board's role is to determine how best to allocate resources to support the District's mission. She stated that the Board will review several options for the long-term use and management of BCS. Despite the Committee's and staff's best efforts to reduce the costs of the original repair plan, both Option 1(a) the Bear Creek Stables Ad Hoc Committee option (\$8.6M) and Option 1(b) staff modified version of the Ad Hoc Committee's option (\$7.6M) exceed the \$5.6M Measure AA allocation. Additionally, there are ongoing operating costs. To keep the stables operating over the long term the District would need to allocate approximately \$300,000 per year, plus annual inflation, which includes 1.3 full-time equivalent staff position that has been identified. It is uncommon for the District to allocate such resources to a specific user group. The closest comparison is Deer Hollow Farm, which benefits from support from multiple public agencies and a nonprofit, while also providing broader public access. In addition, the Board is also considering two more options, Option 1(c) a horse experiential option, and Option 1(d) which is to close the stable. The Board will also need to decide whether horse boarding and equestrian programs fall within the District's purpose, considering the 750,000 residents within its jurisdiction.

Assistant General Manager Susanna Chan presented the selection of a long-term use and management option for the BCS. The presentation included the site history, project background, and a summary of the May 14, 2024, Board deliberation and direction. It also detailed the formation and process of the Bear Creek Stables Ad Hoc Committee (Committee), which consists of Directors Gleason (Chair), Holman, and Riffle. The Committee established three working groups, each led by one of the Directors, to address specific areas: operation and programming, site design, architecture and engineering, and fundraising and partnerships. Ultimately the Committee developed a joint set of recommendations that is before the Board. She then introduced the Committee to present their recommendation.

Director Gleason provided opening remarks and expressed appreciation for staff and the working groups for their time. He asked the Board to envision BCS as a hub for diverse, meaningful

education experiences, drawing people from various backgrounds to engage with nature and animals. He highlighted the potential for the stables to foster community focused programming aligned with the District's mission, where visitors could learn about the environment and enjoy immersive interactions with the working stables. The plan also shifts to a nonprofit management model that would be able to fundraise to support programs and community benefits. He explained the Committee collaborated with staff to revisit the site plans aligning them with programming goals, resulting in cost savings and improved site functionality. Options 1(a) and 1(b) are under consideration: one is more visionary and the other more incremental, both compatible with programming management. The fundraising approach defers non-essential items, making them contingent on future fundraising. This phased implementation allows the nonprofit time to demonstrate its management capabilities, initiate programming, and meet initial fundraising goals before significant investments are made by the District. Lastly, he stated that BCS is a great asset for the community and hopes the Board supports the Committee's recommendation.

Peggy Kaufmann presented on behalf of the Operations and Programming Working Group. She outlined the Working Group's vision for prioritizing public programming to attract a broader and more diverse public who may not otherwise go to BCS. The program aims to attract people interested in horses and the site's history. She emphasized the benefits of a nonprofit management model, which would handle day-to-day stable operations, and would plan and execute the public programming in a financially viable manner. The District would continue to maintain the defensible space and roads to support ongoing operations. Furthermore, she described how programming would focus on exploring the natural and human history of the site, and that courses would bring in more diverse audiences such as teens and underrepresented members of the community that perhaps do not hike or bike. Ms. Kaufmann went into detail plans for Phase 0 and Phase 1.

Director Holman provided opening remarks for the Site Design, Architecture, and Engineering (SDAE) Working Group. She reported on the process that informed the SDAE with additional input from the two other working groups, County staff, commercial contractors, and District staff. Their efforts were guided by the District's mission statement, Bear Creek Preserve Plan, and Bear Creek Stables Plan. The SDAE's key objectives included minimizing environmental impact, ensuring safety and site circulation, site efficiencies that would lead to cost savings, removing paved areas in favor of gravel roadways for equine safety, and maximizing the program space to create diverse program area, additionally, satisfying the fire requirements for the roads and circulation. The SDAE evaluated building reuse versus replacement, retaining the BCS cultural character, and increasing access to more people. She noted that staff and working groups came into an area of agreement on all but two areas that will be discussed further into the presentation. Pamela Warren a member of the SDAE continued the presentation and went into detail of the lower program area for Phase 0 and Phase 1.

Director Holman highlighted potential cost savings of approximately \$2M compared to the May 14 repair plan. Additional savings could come with additional exploration from eliminating retaining walls at the upper roadway, repurposing on-site excavation dirt for water runoff management, and consolidating caretaker and ADA facilities near the leach field to reduce plumbing infrastructure costs. Utilizing smaller hay barns under 500 square feet, that do not require sprinkler systems, also contributes to savings. Volunteers were identified as a resource to offset costs, particularly for Phase 0 work valued at \$105K-\$160K. She also emphasized the potential 30-50% cost savings if the nonprofit organization managed construction. The SDAE

recommended Plan 1(a), which prioritizes primary access via the upper road to enhance safety by separating vehicles from the program area.

Director Riffle introduced the Fundraising and Partnerships Working Group (Fundraising). Fundraising spoke with approximately 80 organizations similar to BCS to learn how their success could be applied to make a BCS nonprofit successful. Marcie Colonna presented on behalf of the Fundraising. Fundraising recommended that a nonprofit operates BCS with revenue from 1) boarding and programs and 2) fundraising and grants. She reviewed the research performed by Fundraising to raise money and secure partnerships and outlined the goals. She explained funding, grants, and partnerships is envisioned to be the responsibility of the nonprofit, with the assistance of a fundraising consultant.

Director Gleason presented on the Committee's proposal for the phasing of BCS. He emphasized that the overall goal is to deliver community programming which serves a broad and diverse set of people by providing immersive experiences. Phase 0 will give the nonprofit time to establish itself and reach milestones before the District needs to spend large sums of money. Phase 1 is intended to be a sustainable solution. Phase 2 includes projects which are not essential to success, such as the renovation of Tevis Barn. He concluded by summarizing the key recommendations.

President MacNiven requested to play a video that was submitted by Erfert Fenton in support of BCS and the type of public programming that could potentially be offered.

Rick Parfitt, President of the Friends of Bear Creek Stables (FBCS) Board of Directors, provided a brief overview of FBCS and explained that they support the recommendations forwarded to the Board by the Committee. He explained the FBCS Board of Directors passed a resolution declaring an interest in being considered to be the nonprofit to operate BCS. He concluded by emphasizing the advantages of having a nonprofit operator and stressing the importance of an agreement between the District and operator.

Ms. Chan continued the staff presentation with Option 1(b) Staff-modified Site Plan Option. This option recommends to continue boarding and programming, applying the recommendation from the Committee in terms of phasing, management and operations of BCS. While staff and the Committee were able to reach an agreement for most recommendations, a few exceptions arose which led to the staff recommendation of an alternate site plan modified by staff. Staff's recommendations deviated from the Committee recommendations include: 1) only allowing very low-intensity programming at Acorn Meadow due to its proximity to the riparian corridor and providing clear delineation of the riparian corridor, 2) widening the lower access road, instead of the upper road, to comply with the County's 24' fire access requirement, and 3) placing the caretaker house near Tevis Barn rather than the leach field.. Ms. Chan reviewed the Phase 0 and Phase 1 cost comparison with Option 1(a) being \$8,654,320 and Option 1(b) amounting to \$7,573,620. The primary cost difference is the result of the costs associated with the upper road improvements. Ms. Chan further noted that both Options 1(a) and (b) are significantly cheaper than the original May 14, 2024 repair plan due to cost savings resulting from value engineering and deferring project elements to future phases.

Assistant General Manager Brian Malone continued the presentation with the annual District costs for BCS repair and maintenance under Options 1(a) and (b). He explained that in addition to the capital costs the Board also needs to consider the ongoing operational costs to the District

and public. The total ongoing, annual operating cost is approximately \$300K which is negotiable depending on the operator. The costs were estimated using the Committee's report for the vision of BCS and by using the model of Deer Hollow Farm which the District is responsible for repair and maintenance of the structures and facilities. He reviewed the costs associated with the \$300K and then compared the annual operating costs and revenues based on the current agreement and Committee option with a nonprofit model. He stated when considering offsets for a percentage of revenue, a concessionaire would be focused on profit programs while a nonprofit would have less profit generating programs.

Ms. Chan continued the presentation by reviewing Option 1(c) Horse Experiential Opportunities Option. No boarding or standard programming would occur under this option. Different iterations could be considered, one concept would be to bring 2 to 3 horses on site for limited interpretation and horse exposure. A use permit may still be required depending on the programming offered, which would cost approximately \$3-3.5 million. She stated most of the site would be restored. Option 1(d) Close Stables Option consists of removing the majority of structures, potentially only leaving Tevis Barn. The site would be restored and there would be no public vehicular access to the stable site. The cost for restoring the site is between \$1-2M, which would increase if the Board directed improvements for Tevis Barn. Ms. Chan summarized the fiscal impacts for each of the four recommendations.

Director Kersteen-Tucker inquired about the trade-offs to the FY25-26 projects and programming if the Board selected Options 1(a) and (b) to maintain stables and/or operate boarding.

Mr. Malone explained staff will compile a list of high priority projects which may be deferred or slowed down if the Board selects Options 1(a) or (b).

Director Kersteen-Tucker asked if the programming impacts from May would be comparable to the impacts if Options 1(a) and (b) are approved.

Mr. Malone confirmed and explained if District staff needs to temporarily take over BCS operations it would affect normal operations and fuel management. However, if the Board approved options 1(a) or 1(b), the District would look into increasing staffing levels, which would increase costs but allow operations to move forward. He mentioned that it would be a big project for the Planning and Engineering & Construction departments to take on and that this project would become a high priority, likely resulting in lower-priority projects being removed from the action plan.

Director Kersteen-Tucker asked for clarification that if options 1(a) or (b) is selected, the Board would not know which projects would be impacted.

Mr. Malone stated that the Board would decide which lower priority projects would drop off the action plan with staff making recommendations.

Director Gleason suggested that the best solution would be to hire a competent professional stable manager on a temporary basis, rather than having the District take on that role directly.

Director Kishimoto asked how many stalls are expected in Phases 0, 1, and 2.

Mr. Malone reported that approximately 50 paddocks could be installed during Phase 0 without requiring major improvements. He added that there is a grandfathered capacity for up to 72 horses, which could be considered in the future. However, this is more likely to happen beyond Phase 1, as no significant improvements are planned for the boarder area in Phase 1.

Director Kishimoto inquired what public benefit could be expected at BCS.

Director Gleason stated that the Working Group believes that 30 horses would be a sustainable number. While it could be expanded, the Working Group focused on determining what would be necessary for the nonprofit to sustain itself. As for the visitation the projections annually are expected to be 300 visits for Phase 0, 700 for Phase 1, and 1,400 visits for Phase 2, which are nature focused visits. He also noted that completion of the north parking lot at Bear Creek may attract walk-in traffic. The working groups also discussed placing ambassador horses in the lower area for general public viewing so that there is not a need to go to the boarder area.

Director Kishimoto asked if it is expected that every horse would take part in the programs.

Director Gleason responded that it is not reasonable for every horse to have the same role but suggested that incentives could encourage boarders to participate. For instance, boarders whose horses are used for programs might receive a reduced rate. Some boarders could also volunteer their time, while others might opt to pay the full rate.

Director Kishimoto recalled that years ago boarders expressed not wanting the public anywhere near their horses. She emphasized that any horse boarded at a publicly owned stable should be able to handle being around public and sensitive horses should board at a private stable.

Director Kersteen-Tucker asked for clarification if there would be a reduced boarding fee for those boarders willing to participate with their horses in the programs as an incentive.

Director Gleason stated that he was not sure what the best financial approach would be. However, he believes there should be a way to create incentives that encourage boarders to bring their horses forward to support the programming or to get involved in the programs themselves.

Director Kersteen-Tucker inquired who would monitor the incentives.

Director Gleason responded that the nonprofit would be responsible, and they would also setup those incentives in the agreements with the boarders.

Director Kersteen-Tucker asked who would decide on the nonprofit and how would the decision be made, acknowledging the offer from FBCS but suggested that there may be other nonprofits that can bring in expertise or different direction.

Ms. Ruiz stated that the decision would be at the Board's discretion. A proposal from a nonprofit, including their business model, financials and other details would be presented to the Board for consideration and approval. She noted that there may likely not be many nonprofits, so it is likely to be a sole proposal.

Director Kersteen-Tucker expressed concern that only 5 members were on the Fundraising Working Group. She shared her experience working with nonprofits, noting that it is hard to get

people to actually donate money. She asked if the vision is to use volunteers to do environmental education.

Director Gleason stated that Phase 0 would be heavily volunteer based programs, and future phases would be more professional similar to docents.

Director Kersteen-Tucker noted that the difference is docent programs are heavily supported by District curriculum and very prescribed. She asked how will the level of excellence be ensured at BCS using volunteers without staff support.

Director Gleason noted that initially, the nonprofit would rely mostly on volunteers, but if they can raise enough money, they could also hire staff to support the program.

Director Kishimoto asked why the Working Group suggested charging \$700 per month for boarding when Folger Stable, a stable run by another public agency, charges \$1,100 per month.

Director Gleason said different facilities have varying capabilities. There are high-end facilities and BCS is towards the low-end of the range. He stated \$700 is likely too low but the Working Group was attempting to find an amount that would make the basic costs sustainable for expenses like feeding and cleaning.

Director Kishimoto stated that fundraising is difficult and the District does not have a funding source to supplement BCS like other nonprofits. For example, Golden Gate National Parks Conservancy is largely funded through ticket sales for Alcatraz so fundraising is less critical. She inquired how much money FBCS raised in prior fundraisers and whether fundraising is realistic for BCS.

Mr. Malone explained FBCS has raised funds for small improvements such as water tanks for fire suppression but has never been tasked with fundraising for the repair project.

Director Kishimoto requested confirmation that improvements for Phase 2 could not proceed without fundraising.

Mr. Malone confirmed Phase 2 improvements would either be paid through fundraising or not be done.

Director Kishimoto recalled the District had a poor experience with the Umunhum Conservancy which overpromised funds. She inquired whether an off-ramp could be added to Phase 0 to show the progress rather than the Board approving both Phases 0 and 1. She noted that FBCS has only begun to get organized and there is much the Board needs to know before spending time and money to reapply for permits when \$400,000 has already been spent.

Mr. Malone explained the benefit of approving Phase 1 now is staff can begin work. Inflation will escalate costs so it is best to begin work if that is the Board's preferred direction.

Ms. Ruiz emphasized that money raised by a nonprofit would go towards Phase 2 improvements and fundraising relies on the District completing Phase 1 to improve the site to entice funds.

Mr. Malone stated the next steps if the Board approves Options 1(a) or (b) would be for staff to do the prep work with the nonprofit for them to take over operations and meet milestones prior to expending major funds for the construction of Phase 1.

Director Holman stated the Working Group believes that additional cost savings can be identified, with 30%-50% potential cost savings if the nonprofit manages construction.

Director Kishimoto explained that a nonprofit is still required to pay prevailing wage onsite.

Director Holman said that would need to be confirmed by general counsel but there are also other ways money can be saved since nonprofits can negotiate rates in ways a public agency cannot. She suggested that a nonprofit would not require the overhead of staff.

General Counsel Hilary Stevenson confirmed that any project is subject to prevailing wage if it is paid in whole or in part with public funds.

Director Kersteen-Tucker requested to table the idea of using a nonprofit for construction since the current subject matter is complicated enough. She requested clarification that the District will pay for Phases 0-1 and that boarding would continue through the phases with the District subsidizing boarders with public funds through Phase 1.

Mr. Malone replied that it depends what is meant by subsidizing. The District would expend funds for capital costs. The boarder fees typically go to the operator to assist with running the site. Even if the District is doing maintenance, there would still be day-to-day tasks that the operator would cover for basic care, such as mucking stalls.

Director Kersteen-Tucker stated that the original cost cited for repair was approximately \$10.5M and the \$2.5M cost reduction in Options 1(a) and (b) are attributed to deferring key projects, such as improving Tevis Barn, which she had thought was important for programming. She explained the Board is being requested to give a lot of trust that a nonprofit could raise millions of dollars to complete the final Phase 2. She noted the Board needs to be realistic about what cannot be done with Option 1(a) and (b) for the sake of saving \$2.5M. She inquired about the District's liability in the event someone is injured from a horse after the District engaged with a nonprofit operator that uses volunteers' horses.

Ms. Stevenson said the operator would be required to carry appropriate levels of insurance and the District would be named as an additional insured. The operator's policy would be required to pay first in the event of an injury. She noted there is a difference as far as having a nonprofit versus a commercial entity operating a program because a commercial entity has a different level of financial insulation which is a consideration.

Public comment opened at 9:30 p.m.

Chris Swan with the National Center for Equine Facilitated Therapy (NCFT) stated NCFT has made a difference in both local and broader communities by using horses and the natural environment to support those in need. She highlighted the holistic benefits of equine therapy and spoke about the powerful impact that horses have in mental health and resilience programs.

Diane Siemens spoke in support of keeping BCS largely because of her desire to see programming in the southern part of the District. She expressed interest in having a stable, animals, and other things as a resource for people in the southern part of the District.

Kelly Beck shared how the horses and BCS community helped her oldest daughter deal with the stress of having a severely ill sister, as well as the pressures of middle school. She spoke about how her daughter found peace, community, and a deep love of nature through her experiences at the stable. She expressed her hope that future generations will continue to have access to BCS.

Alis Whitman, an alumni of the Goat Program at BCS, represented Mountain School. She emphasized the importance of BCS and how horses foster emotional mirroring, empowering children by validating their feelings. This experience builds resilience as children engage with tasks outside their comfort zones and nurtures empathy through hands-on care for animals.

Director Cyr left the dais at 9:39 p.m. and returned at 9:41 p.m.

Makenzie Wesner with Teen Therapy Center of Silicon Valley spoke about the growing mental health challenges facing youth and highlighted how technology exacerbates those challenges. She advocated for eco- and equine-assisted therapy at BCS, citing its proven benefits. She views the stables as an investment in community well-being and envisions partnering with BCS.

Maria Ristow, Los Gatos Town councilmember, highlighted her appreciation for the Bear Creek Redwoods Phase 2 opening and urged the Board to consider the historical and cultural significance of horses and farm animals in future phases. She stressed the increasing importance of open space considering the state's housing mandates and stated BCS ensures access to open space for even more taxpayers and foster future generations of land stewards.

Cristin Reichmuth shared insights on the environmental education center at Deer Hollow Farm and highlighted its programs for K-4 students that teach agriculture, land respect, and local ecology, citing General Manager Ana Ruiz's praise for Deer Hollow's impact on fostering leadership and environmental stewardship. She spoke about the potential to develop similar educational programs at BCS, noting she works with someone who can provide equine and ecology curriculum resources for docents. She urged the Board to consider the written support from teachers, private citizens, and students, including a 7th grader. She concluded by advocating for BCS and noted that it may require funding, but it is a value to the community and a worthwhile investment as well as providing learning, healing, and connection.

Rachel Parakh, Public Relations Director for the Santa Clara County Horsemen's Association, spoke on behalf of seven additional equestrian groups, advocating for the restoration of BCS as a public education site while saving the historic rural culture of the past. She commented that rather than closing the stables, they should be preserved as living legacies and made accessible to urban residents. She spoke about the wellness benefits of horseback riding, including its ability to connect participants with nature and foster mindfulness. She also noted the stables' potential to serve as a hub for outdoor education, workshops, trail rides, and family activities, aligning with the District's mission to preserve rural character and support nature-focused public outreach.

Nancy Cole, a former boarder and co-founder of the Friends of Bear Creek Stables, acknowledged the Ad Hoc Committee for providing a platform that united so many people from

the community that are committed on what they would like to accomplish at BCS, including past and current boarders, the Pony and Goat Co-Op groups, and families from Mountain School Lakeside Elementary, and Lexington Elementary. She highlighted the broad coalition of community backing for preserving and enhancing BCS.

Sue Landaiche, a member of the Operations and Programming Working Group, addressed some of the questions asked. She explained that boarding rates could increase due to the site's prime location, excellent trails, and planned facility improvements. She spoke on the flexibility and scalability of programs, which would focus on ground-based interactions with horses, ponies, burros, and goats, complemented by educational activities on trails about local wildlife and ecology. She highlighted strong community support, including over 80 organizations offering expertise and fundraising assistance. This approach ensures immersive, modular, and versatile programming.

Bob Alexander spoke about the strong and durable community commitment to BCS and the potential to leverage partnerships beyond the Working Groups. He addressed concerns about scaling and hopes to present a structure that is designed to be low-overhead for the District while enabling high-impact management of the stables. He also emphasized the ecological sensitivity of the area, advocating for sustainable practices such as rainwater harvesting, swales, and on-site containment. These measures showcase a responsible, synergistic approach to stewardship that balances public interest with environmental care.

Anne Black spoke that she worked on the funding and historical part and noted that there is a potential to make money by having a historical site and creating a 501(c)(3), which could help coordinate efforts with other local nonprofits and community groups like the Lions Club. She highlighted the community's willingness to contribute materials and volunteer support. She appreciated the staff's openness to collaboration, noting their interest in working together and addressing challenges. She expressed strong community support for restoring BCS, emphasizing that, despite the difficulties, there is a collective desire to see it succeed and thrive again.

Mike Bushue, a member of the equestrian community and a member of the Working Group, highlighted the value of the nonprofit organization offering a low-cost option to manage the facility, with plans to start small and grow, and to preserve the equestrian tradition and maintain the rural character of the site, providing a safe environment for children to interact with animals and nature. He acknowledged the need for expensive capital improvements to meet County standards and fire department standards and noted that the District has the budget to address some of these needs. With a nonprofit dealing with normal operations he believes it will thrive. He urged the Board to consider the Ad Hoc Committee recommendations.

Anita Enander commented that 25 years ago on December 15, 1999 the District staff recommended, and the Board unanimously approved to continue to operate BCS. She cited the report and noted that the District's mission has remained consistent, but the growing need for access to quiet natural spaces has become more pressing in the face of technological. She stressed the importance of ensuring that individuals with limitations also have the opportunity to experience nature and benefit from the healing influence of horses. She praised the expertise brought together by the Committee, and urged the Board to approve Option 1(a).

Rick Parfitt commented that he has no personal involvement with horses, he was invited to join FBCS because of his extensive experience in fundraising and community projects, including

work with the Fire Safe Council, passing parcel taxes protecting Los Gatos Creek, and school boards. He shared his history with the District. He expressed confidence that the community's energy will help with the fundraising. He noted that \$26,000 was raised in May from those eager to ensure the BCS continued care. He spoke about the need for building long-term relationships and partnerships. In response to concerns about finding the right nonprofit, he suggested that District's staff, legal department, and CFO to collaborate and address these concerns in a contract, providing a solid framework for moving forward.

Robert Cornelius spoke about the importance of having equestrian access and outdoor activities for the community. As a horse owner and former park ranger, he values the positive impact of animals on people. He shared a personal story about his son, who overcame addiction and homelessness with the support of his dog, illustrating how animals can help people rebuild their lives. He expressed excitement about the direction BCS is taking, particularly its focus on community enrichment and involvement, and believes it could have a transformative effect on individuals in need.

Josh Rupert shared he recently took his two children to BCS and they loved the experience and were thrilled an opportunity existed for equine therapy so close to home. He explained the pandemic changed his children and the experiences BCS offers is truly needed. He commented that it would be a travesty to close the stables, particularly when it could be the only opportunity for some of the most forgotten children to have an immersive equine experience. He expressed that since the Bay Area is one of the richest locations in the world it is disappointing to think that fundraising is going to be a barrier. He advocated for the Board to approve Option 1(a) so the community can utilize BCS.

Regina Jones spoke in support of Option 1(a). She shared she has attended several equine focused events at BCS with her daughter and has witnessed firsthand the invaluable role the stables offer. She commented BCS offers a unique opportunity for ecologically focused educational offerings through equine activities, teamwork, communication and more which is an increasingly difficult resource to find in the region. She explained her daughter's high school does not offer opportunities to connect teens to nature with programs such as 4-H and that parents raising teens today face increasing social pressure, mental health concerns and a lack of options for unplugged activities. She hopes that BCS remains active with phased improvements if the goal is to instill a conservation mindset among younger generations.

Public comment closed at 10:13 p.m.

President MacNiven applauded the efforts of the Committee and Working Groups. She explained the job of the Board is to focus on the mission and not to become involved in the minutiae of the work that the Board directs. She emphasized the Board should stick to policy and offer staff direction without getting into the finer details. She further stated the Board's responsibility is to spend taxpayer money wisely and equitably by investing in broad public benefits while staying true to the core mission of protecting land for all. She shared that when she joined the Board it was with the intent to uphold the mission and after studying the situation at BCS for two years, carefully reviewing the reports and watching the Committee meetings, she cannot vote to keep BCS open. She expressed BCS is in disrepair and spending \$8-10M for repair is unwarranted. She noted the District's current concessionaire struggled to run programs and expressed skepticism that FBCS could be a successful operator while being inexperienced.

Director Kersteen-Tucker expressed appreciation for the public comments and emphasized that the decision before the Board, however, was not solely about horses but rather the District's mission and whether the recommendations before the Board are in alignment with the mission. She expressed she was impressed by the comments about nature-based experiences which include animals. She stated she could no longer support a boarding operation at BCS but could support an enhanced environmental education program that mirrors to a degree Deer Hollow Farms. She articulated an inclination towards Option 1(c) and inquired whether FBCS would consider operating if BCS did not offer boarding, which is beneficial to so few of the District's constituents. She asserted that environmental education is critically important, particularly post-pandemic, and that nature-based experiential programming at BCS could have a huge benefit. She reflected that the boarding operation has resulted in several issues over the years and suggested that removing that level of complexity to focus on environmental education program through a nonprofit is an option she would support.

Director Riffle commented the decision before the Board in May was to consider retaining a horse boarding facility but it has evolved into the current recommendation for a community-wide asset for the southern portion of the District. He reflected that Deer Hollow Farms was in a similar position as BCS 30 years ago and was saved by a group of supporters. He shared that in May he was in agreement that BCS was not in alignment with the District's mission, but his work with the Committee and seeing the dedication of the public, coupled with the considerations that BCS was inherited and that Deer Hollow Farms is a success, led him to be willing to take a risk. He stated while he does not have the numbers, he has a sense that the people will make it work. He expressed support for Option 1(b) which incorporates the best ideas from the Committee and staff's experience.

Director Cyr shared his initial thought was that BCS was too expensive to maintain and that fundraisers often spend significant sums of money simply to ask people to donate more money. After seeing the thoroughness of the report and presentations he expressed support for Option 1(b).

Director Holman stated the decision before the Board is an opportunity to create a legacy. She noted that people learn in a variety of ways but often kids learn through contact with animals. She highlighted that if the District could aid in guiding young people to the preserves to learn about plants and birds and introduce them to horses and farm animals it would be worthwhile. She expressed a preference for staff continuing to consult with the Working Group and requested to add to the motion, "Request District staff to work with members of the SDAE Working Group and Operations & Programming Working Group to resolve any remaining site improvement options that may require more research and discussion. These are not expected to result in additional direct costs for Phases 0 and 1." She expressed support for Option 1(b).

Director Gleason expressed confidence that BCS could be successful because of the dedication of the people to overcome challenges. He urged the Board to not apply the lessons of the past when considering the future since he believes BCS can be different.

Director Kersteen-Tucker inquired if Director Riffle believes there are appropriate off-ramps.

Director Riffle highlighted that recommendation 3 is where the District needs to negotiate with the nonprofit and that off-ramps can be built into the contract. For example, the District can

identify a certain amount of money to be raised and if the amount is not reached the District can withdraw.

Director Kishimoto stated she would support 1(c) as her choice. She believes that horses and stables are part of the District mission but that the decision needs to be viewed holistically with the environmental impacts and with regard to the benefits to the 700,000 constituents. She remarked the site is highly constrained and in order for BCS to be successful the site will need to be transformed and the road widened from 8 to 24 feet. She noted that important oak land habitat would be removed and the site would need to build-in creek setbacks where there are sensitive habitats. She emphasized there is also an opportunity cost where the \$9M needed to revitalize BCS could go towards buying thousands of acres along the coast. She noted the comparison of BCS to Deer Hollow Farms is unrealistic since the large parking lot near Deer Hollow Farms enables thousands of visitors and a parking lot that size is not feasible for BCS.

Director Gleason expressed support for Option 1(b).

Director Kersteen-Tucker expressed concern about the unanswered questions regarding other District projects which would be deferred or not completed if the Board selects Option 1(b). She inquired if the Board could proceed with recommendation 3 and table the decision for Option 1 with the idea that Option 1(b) would be appropriate once staff returns with a contract that the Board can consider along with a report on the projects that would be postponed. She is hesitant to vote knowing there may be unintended consequences.

Director Cyr commented that is unrealistic for the Board to know the consequences.

Ms. Ruiz said that going through the process of negotiating an agreement would help staff determine what the impacts would be. She expressed there is uncertainty on staff's end as to what role the District would assume. Staff will have a better idea of the impacts once the level of maintenance and repairs that the District is responsible for has been established. She further stated that the timing for the phasing would also impact projects.

Director Riffle suggested that it can be discussed at the annual Board planning session and BCS will become a big rock project which can be ranked according to priority among other big rock projects.

Director Kersteen-Tucker inquired what happens if the negotiation results in something staff feels is inappropriate or infeasible. She asked if other nonprofits would be considered as the BCS operator.

Director Gleason suggested that the District could utilize the Hawthorns Historic Complex model of selecting a potential partner who would work with staff to develop a memorandum of understanding which would return to the Board for approval.

Director Cyr stated the Board cannot have all the answers and needs to determine what is best for the District. He expressed he senses a hesitation of the Board to confront the question of the fate of BCS and suggested that the Board makes a decision and the priorities for big rock projects could be determined at a later date.

Director Riffle asked the General Manager for clarification regarding the General Manager's recommendation #3, specifically whether the Board would retain the ability to reassess and reject

the proposed details if they were deemed unsatisfactory or require further refinement to meet the Board's expectations.

Ms. Ruiz stated that in previous situations where not all information was available or there was significant risk, the Board has occasionally made exploratory decisions with go/no-go points along the way. She recommends voting yes for Recommendation #3. She explained that staff would return to the Board with additional information, including trade-offs and impacts to both the current and future work plans, particularly given the three-year Capital Improvement Program (CIP). She estimated that some preliminary information could potentially be ready for presentation at the March retreat, depending on how quick staff can sort through some of the details because it is going to be a lot of back-and-forth conversations.

Director Holman asked about the implications of moving forward with Recommendation #3. Specifically, she asked if that would mean that under Option 1(b), planning, site cleanup, and related activities would not proceed until at least March.

Ms. Ruiz clarified that the timeline and progress would depend on the agreements reached between the District and a nonprofit organization. She emphasized that both parties must come to a mutual understanding and agreement on what the partnership will look like.

Director Holman asked for clarification if Option 1(b) is approved the work cannot go forward until the Board receives the responses and answers in March.

Ms. Ruiz clarified that while the Board can approve a direction at this point, it is not a definitive decision. The approval would indicate a general direction, but there remains a significant level of uncertainty due to the gaps in information that still need to be addressed. Staff would return to the Board with the additional information, which would require further approvals. At those points, the Board would still have the opportunity to make a go/no-go decision based on whether the proposals or findings align with the District's goals.

Director Riffle expressed some of the concern the Board is having, which is that, with a 4-month investment, in a worst case scenario, the Board may choose not go forward with the proposal and there may be some sunk costs.

Mr. Malone stated that it would be below \$10,000 range including material and staff time.

Director Kersteen-Tucker asked if Option 1(b) and Recommendation #3 are approved would there be a mechanism in place should something fall apart in negotiations.

Ms. Ruiz clarified that the Board does have an off-ramp because any agreement would require Board approval. If necessary, the Board can change course at that point.

Motion: Director Riffle moved, and Director Holman seconded the General Manager's Recommendation 1(b):

Continue stables boarding and programming, applying the same approaches for phasing, management, and programming presented in the Ad Hoc Committee Option but utilizing an alternate site plan option as modified by staff; option includes a non-profit entity to manage, operate, and fundraise for the stables; option involves the District funding and completing certain annual maintenance and repairs (to be

negotiated) and all capital improvements and site cleanups for the modified Phases 0 and 1; since the modified Phase 2 is dependent on future non-profit fundraising, only the modified Phases 0 and 1 would proceed with approval of this option.

ROLL CALL VOTE: 5-2-0 (Motion opposed by President MacNiven and Director Kishimoto)

Director Holman requested to vote on Recommendation #3 before taking a vote on Recommendation #2.

Director Riffle moved, and Director Holman seconded the General Manager's Recommendation #3, but offered an amendment suggesting a 3(d):

Request District staff to work with members of the Site Design, Architecture and Engineering Working Group and the Operations and Programming Working Group to resolve any remaining improvement options that may require more research and discussion that are not expected to result in any additional direct costs in Phases 0 or 1.

Ms. Ruiz acknowledged understanding the concerns but emphasized that staff has spent an extensive time with the Working Groups and urged the Board to have some trust in staff and being able to move the process forward.

Director Holman clarified that the issue is not about trust, but rather about resolving two specific areas, with the potential for cost savings, and to partner with staff.

Director Holman agreed to second the motion without the amendment.

Motion: Director Riffle moved, and Director Holman seconded the General Manager's Recommendation #3.

Direct the General Manager to return with the following for Board consideration:

- a. A set of defined milestones related to formation, operations, and fundraising targets for the non-profit entity that would need to be met before the District enters into a construction contract and substantially invests in and completes the Phase 1 improvements.
- b. A draft operating contract to enter with a non-profit entity that identifies clear roles, responsibilities and expectations, including onsite maintenance and repair responsibilities.
- c. A hiring plan for new District staff to address annual maintenance and capital repair needs at the stables.

ROLL CALL VOTE: 7-0-0

Director Gleason commented that it would be beneficial to move toward the future and that there are good solutions for interim stable management under a professional services agreement. He noted that the current situation, which has included recent feeding incidents, is problematic and continuing with the current operator is not ideal.

Director Holman concurred with Director Gleason comments and expressed her concerns about the current situation with the concessionaire and is not interested in moving forward with the current concessionaire.

Director Riffle asked how long the agreement with the current concessionaire is.

Mr. Malone stated that he is uncertain whether the current concessionaire would be willing to continue after the Board's decision. If the concessionaire remains, it will require clearer terms with a limited scope of agreement. It would be giving the authorization to the General Manager for staff to explore potential negotiations, with the best-case scenario being that the concessionaire stays on a limited scope until July 1. However, he is not confident that an agreement can be reached. If necessary, staff could take over, but developing a new agreement with an entirely new provider would require significant effort.

Director Kersteen-Tucker suggested not adding additional paddocks or boarders until a decision is made. This would be especially important if the current concessionaire is not retained, and staff takes over.

Mr. Malone stated that he would like to hear from the majority of the Board about whether they want to keep the number of boarders the same until an agreement with a nonprofit or new operator is reached. He noted that adding more boarders could increase revenue for short-term management, but uncertainty has led to a loss of boarders. He suggested the Board could either keep the number of boarders the same or allow for expansion, with the understanding that there may not be many new boarders until things stabilize.

Motion: Director Kersteen-Tucker moved the General Manager's Recommendation #2 with the understanding that staff will take over in the interim if it does not work with the current concessionaire, and Director Kishimoto seconded:

Authorize the General Manager to negotiate with the current operator for a short-term agreement for stables operation during the transition period regardless of which long-term option is selected.

Vote: 6-0-1 (Director Holman abstained)

ADJOURNMENT

President MacNiven adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 11:29 p.m.

Shaylynn Nelson, Deputy District Clerk
Maria Soria, MMC, District Clerk