



Midpeninsula Regional
Open Space District

R-24-130
Meeting 24-28
October 23, 2024

AGENDA ITEM 10

AGENDA ITEM

Approval of Salary Adjustments and Classification and Compensation Plan for Board Appointee General Counsel

BOARD APPOINTEE EVALUATION COMMITTEE'S RECOMMENDATIONS

As a result of the Board of Director's (Board) evaluation of the performance of the Midpeninsula Regional Open Space District's (District) Board Appointees for Fiscal Year 2023-2024 (FY24), the Board Appointee Evaluation Committee recommends the following compensation adjustments for the General Counsel for FY25: Adjust the General Counsel's base salary upward to \$291,882, plus a one-time merit pay bonus of \$14,594.

The Board Appointee Evaluation Committee recommends the adoption of a resolution approving the salary adjustments. The Board Appointee salary changes will be adopted through the Board approved Classification and Compensation Plan.

DISCUSSION

The Board Appointee Evaluation (BAE) Committee was established to conduct the evaluation process for its Appointees. The BAE Committee was instructed to serve as the District's negotiator and met with the Board Appointees to discuss their performance and compensation. The Board has three appointees: the General Manager, the Controller, and the General Counsel.

The Board, working through the BAE Committee, implemented this process and completed this year's annual evaluation of the performance of the General Counsel, during the summer through fall of 2024.

The Board is very pleased with the General Counsel Hilary Stevenson's accomplishments and overall performance during FY24. The District experienced significant legal challenges, but General Counsel and her team (including external counsel) provided timely and sound legal advice and action. The General Counsel provided the Board with appropriate background information and advice regarding legal issues and decisions to help avoid any surprises. General Counsel is seen by District colleagues and external peers as a valuable legal resource having deep legal experience, providing astute and pragmatic legal advice, and having the District's long-term interests in mind.

Key FY24 accomplishments include:

- Ashford and Farm Bureau lawsuits
- Ex-employee litigation

- Key real property transactions including Cloverdale Ranch and Johnston Ranch
- Coordination with partner agencies on matters such as Lehigh quarry, Highway 17 over and under crossings, and Lake Lucerne Water Company
- Property management issues including Bear Creek Stables
- Legal matters involved in District's Measure AA GO bond sale
- Updated grazing leases and RFP process

The General Counsel has assembled, retained, and developed a strong team of District legal staff. The Board is pleased with the General Counsel's selection and use of outside counsel to complement her team and her relationships with legal teams in partner organizations like Santa Clara and San Mateo Counties, Peninsula Open Space Trust, East Bay Regional Park District and Santa Clara Valley Open Space Authority.

For FY25, in addition to the General Counsel's regular annual objectives, the Board looks forward to her coaching and collaboration with the District's new Real Property Manager, her efforts to build a collaborative and effective working relationship with each of her fellow Board appointees, and clarifying District's roles, authority, and responsibilities regarding regional wildfire risk mitigation and response.

The BAE Committee recommends an increase in the General Counsel's base salary as noted above after comparisons were made with the market and comparable agencies. Additionally, due to her outstanding performance in FY24, the BAE Committee recommends providing the General Counsel with a one-time merit bonus as noted above. Salary changes will be adopted through the Board approved Classification and Compensation Plan.

BOARD COMMITTEE REVIEW

The recommended performance review and salary adjustments were thoroughly reviewed by the Board Appointee Evaluation Committee, prior to review by the Board.

FISCAL IMPACT

For the General Counsel: Total of the annual salary plus one-time adjustment equals \$291,882, with a one-time merit pay bonus of \$14,594.

PUBLIC NOTICE

All public noticing requirements of the Brown Act have been met. No additional notice is necessary.

CEQA COMPLIANCE

This item is not subject to the California Environmental Quality Act (CEQA).

NEXT STEPS

If approved, the compensation adjustment and merit bonus will be implemented as set out in the Resolution attached.

Attachments:

1. Resolution Approving Salary Adjustment

Submitted by: Board Appointee Evaluation Committee

Director Cyr

Director MacNiven

Director Riffle, Chair

Staff Contact:

Candice Basnight, Human Resources Manager

RESOLUTION NO. XX-__

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING AN AMENDED CLASSIFICATION AND COMPENSATION PLAN, A SALARY INCREASE AND A ONE-TIME MERIT PAY BONUS FOR THE DISTRICT’S GENERAL COUNSEL

WHEREAS, effective July 11, 2018, the Board of Directors of the Midpeninsula Regional Open Space District entered into a District General Counsel Employment Agreement (“Agreement”) with Hilary Stevenson, employing her as the District’s General Counsel; and

WHEREAS, the Agreement provides for an annual review of the General Counsel’s performance and determination of meritorious pay, which the Board has completed; and

WHEREAS, the Board is very pleased with the General Counsel’s superior and outstanding performance for the Fiscal Year 2023-24 evaluation period. The General Counsel provided excellent legal advice especially during a very challenging year and kept the Board informed of all legal matters requiring attention. The General Counsel met or exceeded all the goals previously set for her during her last review; and

WHEREAS, the Board, based on its annual review of the General Counsel’s performance, in recognition of her performance during Fiscal Year 2023-24, and to bring her compensation to the market and comparable agencies, desires to adjust the General Counsel’s base salary upward to \$291,882, plus a one-time merit pay bonus of \$14,594.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Midpeninsula Regional Open Space District as follows:

1. The General Counsel’s base salary shall be adjusted to \$291,882 retroactive to July 1, 2024, for Fiscal Year 2024-25.
2. The relevant portion of the District’s Classification and Compensation Plan shall be amended to reflect the following:

Board Appointee Group Compensation	Hourly	Monthly	Annual	Effective	Last Revised
General Counsel	\$140.3279	\$24,324	\$291,882	7/1/2024	10/23/2024

3. The Board grants the General Counsel a one-time merit pay bonus of \$14,594.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on October 23, 2024, at a regular meeting thereof, by the following vote:

AYES:
NOES:
ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Curt Riffle, Secretary
Board of Directors

Margaret MacNiven, President
Board of Directors

APPROVED AS TO FORM:

Gary Baum, Special Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

Maria Soria, District Clerk