



Midpeninsula Regional
Open Space District

R-18-49
Meeting 18-17
May 9, 2018

AGENDA ITEM 8

AGENDA ITEM

Motion for Reconsideration of the Board of Directors' April 25, 2018 action regarding the Project Goals, Project Delivery Process, and Timeline for the Mount Umunhum Radar Tower Long-Term Repair Project

ACTING GENERAL MANAGER'S RECOMMENDATION

Discuss Director Cyr's request for reconsideration of the Board of Directors' April 25, 2018 vote to take no action regarding the project goals, project delivery process, and timeline for the Mount Umunhum Radar Tower Long Term Repair Project. If the Board votes to reconsider the item, it would be placed on an agenda at the next regular meeting.

SUMMARY AND DISCUSSION

At the April 25, 2018 meeting, the Board voted 3-1-1 regarding the General Manager's recommendations on the Project Goals, Project Delivery Process, and Timeline for the Radar Tower Repair Project. The recommendation was not approved because a majority vote of all members of the Board (i.e., four (4) affirmative votes) is necessary for Board action.

Board Policy 1.03, *Board Agendas* allows reconsideration of an item as follows:

If the Board has previously voted on a matter, a Board member may place a request for reconsideration of the prior Board action on the agenda if that member voted on the prevailing side. A motion to reconsider may be made at the same meeting such action was taken, the next Regular Board meeting, or any intervening Board meeting. [...] After a motion to reconsider has been made and approved by a majority of the Board, unless the matter is reconsidered at the same meeting Board action was taken, the District Clerk shall place the prior Board action on the Board agenda for reconsideration at the next Regular Meeting, an intervening Board meeting, or at the earliest feasible Board meeting if it is infeasible to agendize the matter at the next Regular Meeting, unless otherwise directed by the Board. The reconsideration rules contained in this Section shall not limit the Board's inherent legislative authority to rescind, amend, repeal, or otherwise nullify a prior Board action at a subsequent Board meeting. The reconsideration rules in this Section are not applicable to Board-appointed employees or their designees who may agendize matters for reconsideration, amendment, rescission, or repeal if deemed necessary to efficiently conduct District business or accomplish the District's mission.

Director Cyr was a member of the prevailing majority when the motion was considered (3-1-1, Director Harris opposed; Director Siemens abstained; Directors Hanko and Kishimoto absent). On May 4, 2018, Director Cyr submitted his request to agendize this item for Board

consideration (Attachment 1). If the Board of Directors votes to reconsider the April 25, 2018 motion, the item will be part of the May 23, 2018 Board of Directors' regular meeting agenda following the public hearing on the Fiscal Year 2018-19 budget.

FISCAL IMPACT

There is no fiscal impact associated with a motion to reconsider.

BOARD COMMITTEE REVIEW

This item was not previously reviewed by a Board Committee.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

If the Board of Directors votes to reconsider this item, it will be part of the May 23, 2018, Board of Directors regular meeting agenda.

Attachments:

1. Director Cyr's request for reconsideration

Responsible Department Head:

Ana Ruiz, Acting General Manager

Prepared by:

Jennifer Woodworth, District Clerk/Assistant to the General Manager

Contact person:

Ana Ruiz, Acting General Manager

From: [Jed Cyr](#)
To: [Ana Ruiz](#)
Cc: [Jennifer Woodworth](#)
Subject: Fwd: Motion for Reconsideration for May 9
Date: Friday, May 4, 2018 2:23:51 PM

Sent from my iPad

Ana:

Please consider this email my formal request to place reconsideration of the motion to approve the project goals, project delivery process, and timeline for the Mount Umunhum Radar Tower Long-Term Repair Project on the agenda for the May 9, 2018 Board meeting.

This request for reconsideration is based on the desire for the full Board to receive more information regarding the safety protocols and procedures necessary for staff to enter into the radar tower structure under its current condition.

It is my understanding that if the Board votes on May 9 to reconsider the item, then the actual reconsideration with a staff report will be placed on the agenda for the May 23 meeting. I am requesting that information related to safety procedures, protocols, and programs for radar tower entry be available for Board reconsideration of the prior motion as part of the report for the May 23 meeting.

Thanks, Jed