



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, September 12, 2018

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Cyr called the special meeting of the Midpeninsula Regional Open Space District to order at 6:00 p.m.

ROLL CALL

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

Members Absent: Nonette Hanko

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Acting Assistant General Manager Brian Malone, Chief Financial Officer Stefan Jaskulak

Public comments opened at 6:00 p.m.

No speakers present.

Public comments closed at 6:00 p.m.

1. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency designated representatives: Ana Ruiz, General Manager, Brian Malone, Acting Assistant General Manager, Jack Hughes, Liebert Cassidy Whitmore
Employee organization: Field Employees Association

Real Property Manager Mike Williams and Controller Mike Foster joined the closed session after Item 1. Acting Assistant General Manager Brian Malone left the room after Item 1.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
(one potential case)

ADJOURNMENT

President Cyr adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:34 p.m.

REGULAR MEETING

President Cyr called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 p.m.

President Cyr reported the Board met in closed session, and no reportable action was taken.

ROLL CALL

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

Members Absent: Nonette Hanko

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Real Property Manager Mike Williams, Acting Assistant General Manager Jay Lin, Acting Assistant General Manager Brian Malone, Chief Financial Officer Stefan Jaskulak

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

President Cyr announced Item 3 will be continued to a future Board meeting.

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

VOTE: 6-0-0 (Director Hanko absent)

SPECIAL ORDERS OF THE DAY

- Introduction of staff
 - Mike Kahn, Public Affairs Specialist
 - Davin Wong, Information Technology Technician II
 - Ramez Salman, Information Technology Technician I

CONSENT CALENDAR

Public comment opened at 7:10 p.m.

No speakers present.

Public comment closed at 7:10 p.m.

Motion: Director Harris moved, and Director Kishimoto seconded the motion to approve the Consent Calendar, as amended.

VOTE: 6-0-0 (Director Hanko absent)

1. Approve August 22, 2018 Minutes

Director Riffle stated Susan Ellenberg is a candidate for Santa Clara County Board of Supervisors, not San Mateo County as listed in the minutes.

District Clerk Jennifer Woodworth noted the correction.

2. Claims Report

3. Right of Way Contract to exchange interests in real property between the California Department of Transportation (Caltrans) and Midpeninsula Regional Open Space District (District) to receive an easement for the Ravenswood Bay Trail Connection Project near Ravenswood Open Space Preserve in exchange for a drainage easement conveyed to Caltrans at Thornewood Open Space Preserve (portion of San Mateo County APN 075-123-080). Unanimous vote from all seven Board of Directors is required. (R-18-101)

Staff Contact: Iain Reilly, Real Property Agent II

General Manager's Recommendation:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) as set out in the report.
2. By a unanimous vote of the Board of Directors, adopt a resolution authorizing the Right of Way Exchange Contract between the District and Caltrans.
3. Amend the Comprehensive Use and Management Plan for Ravenswood Open Space Preserve to include the exchanged interest in real property.
4. Withhold dedication of the Exchange Property as public open space at this time.

Item 3 was continued to a future Board meeting.

4. Award of Contract to Confluence Restoration for Bear Creek Redwoods Plant Installation and One-Year of Maintenance with Authority for Two, One-Year Contract Extensions (R-18-102)

Staff Contact: Amanda Mills, Natural Resource Specialist II

General Manager's Recommendation:

1. Authorize the General Manager to enter into contract with Confluence Restoration for an initial year, with the authority to extend the contract for two additional one-year terms, for a

three-year base bid amount of \$95,537 for Bear Creek Redwoods Plant Installation and Maintenance.

2. Authorize a 15% contingency of \$14,331 to cover unforeseen conditions, for a not-to-exceed total contract amount of \$109,868.

BOARD BUSINESS

5. Proposed Project Criteria and Scope of Work for the Mount Umunhum Radar Tower Assessment at Sierra Azul Open Space Preserve (R-18-105)

Acting Assistant General Manager Brian Malone provided the staff presentation describing the proposed scope of work for the Mount Umunhum Radar Tower assessment to evaluate existing conditions, identify repair options, and the estimated costs for repair options. Mr. Malone summarized the “retain and seal” option as approved by the Board of Directors in 2016. Mr. Malone outlined the proposed next steps for the project.

Director Harris inquired regarding the proposed temporary walkway.

Mr. Malone described the proposed temporary covered walkway, which would be used to allow the public to re-access the east summit. The cost for the temporary covering is relatively low.

Director Siemens spoke in favor of a temporary covered walkway to reopen the area to public access.

Director Hassett expressed concerns regarding complete repair of spalling concrete stating all concrete may experience spalling.

Director Kishimoto spoke regarding the cost effective repairs to the radar tower but cautioned against short term cost effective repairs that could create future issues and longer term costs.

Director Siemens spoke regarding the evaluation of a permanent covered walkway, if necessary, to protect visitors from concrete spalling.

Directors Riffle and Kishimoto spoke in favor of adding to the criteria “Supports the retain and seal option previously approved by the Board of Directors.”

Public comments opened at 7:31 p.m.

No speakers present.

Public comments closed at 7:31 p.m.

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

1. Approve the proposed project criteria and scope of work for the Mount Umunhum Radar Tower Assessment with the addition of “Supports the retain and seal option previously approved by the Board of Directors” to the criteria.
2. Authorize the General Manager to release a Request for Proposals for the assessment.

VOTE: 6-0-0 (Director Hanko absent)

6. Draft Climate Change Policy and Draft Climate Action Plan (R-18-103)

Climate Resiliency Fellow Hayley Edmonston presented the staff report providing an overview of the draft climate change policy and climate action plan. Ms. Edmonston summarized potential District actions that can reduce greenhouse gas emissions and highlighted associated costs. Additionally, Ms. Edmonston explained that implementation would be monitored by completing a greenhouse gas inventory on a regular basis.

Director Riffle inquired whether the District receives credits for various District actions, such as recycling.

Ms. Edmonston explained recycling and other actions could be tracked as part of a broader set of sustainability actions.

Director Kishimoto inquired if the District would be working with a state registry for emissions.

Ms. Edmonston stated the District is not required to report emissions; however, it could decide to voluntarily report emissions.

Director Kishimoto inquired regarding various transit incentives.

Ms. Edmonston explained that the Board would consider specific options for commute incentives as part of the annual budget process.

Director Harris reported on the recent Global Climate Change Financial Summit and speakers there who spoke regarding divesting organizations of non-green options, such as fossil fuel companies.

Chief Financial Officer Stefan Jaskulak reported the Board previously approved a change to the District's investment policy to not invest in nonrenewable energy companies.

Director Hassett commented on encouraging District tenants to purchase renewable energy and suggested the District could consider entering into agreements with renewable energy providers to service rental structures.

Ms. Edmonston explained an assessment could be conducted in the future to determine the feasibility of providing renewable energy to District residences.

Director Siemens suggested adding a requirement for solar panels for tenant residences.

Director Kishimoto inquired if it was feasible to complete the suggested actions prior to 2030.

General Manager Ana Ruiz reported staff will be working towards implementation as quickly as possible.

Ms. Edmonston inquired whether the Board has any suggestions for the draft climate change policy.

Director Kishimoto suggested reducing greenhouse gas emissions 40% below 2016 by 2025 or 2020 under policy CC-1.

Director Riffle raised concerns that the shorter deadline may divert significant staff capacity.

Ms. Ruiz reported staff will research options and trade-offs for faster implementation and report back to the Board at the next Board meeting when the final climate change policy is considered by the Board.

Director Harris expressed concern that progress for policy CC-2 and CC-4 will be difficult to measure.

Ms. Edmonston described the prioritization criteria for annual selection of implementation actions.

Director Riffle spoke in favor of the prioritization criteria and described a tool for understanding the costs of implementation as compared to the benefits and return on investments of the actions.

Director Harris spoke regarding the energy reduction measures as tracked at the state level and whether various District actions could be tracked similarly.

Members of the Board spoke in favor of the work completed by staff.

Public comments opened at 8:25 p.m.

No speakers present.

Public comments closed at 8:25 p.m.

No Board action required.

7. Revisions to Board Policy 5.01 – *Site Naming, Gift, and Special Recognition*, Section III (B) *Constituent Memorial Benches* (R-18-104)

Public Affairs Specialist I Carmen Lau summarized the history of the project and described the information researched related to similar memorial bench policies at other agencies. Ms. Lau described the benches currently on District lands and the types of benches installed by the District: rest benches, constituent memorial benches, and memorial benches.

Acting Public Affairs Manager Cydney Bieber outlined the proposed changes to the Board policy related to memorial benches, including eligibility criteria, term limit, bench location selection, and handling of donations. Ms. Bieber described the implementation process.

Director Kishimoto suggested constituent benches could be evaluated by staff administratively using the Board-approved criteria and therefore would not need Legislative, Funding, and Public Affairs Committee (LFPAC) and Board consideration.

Director Hassett expressed concern regarding the 250-hour and 5-year service requirements for volunteers stating ~~the requirement may be too stringent that different volunteer and docent~~

activities represent varying levels of engagement while serving the District. A dedicated bench to commend a volunteer or docent on their volunteer service is significant and should represent a high level of dedication and service. Director Hassett~~and~~ suggested adding a discretionary element for staff to consider.

Ms. Ruiz suggested that exceptions to the policy, if appropriate, would be presented to the Board of Directors for consideration.

Director Riffle suggested a similar review of the policy language regarding the recognition of large donations.

Public comments opened at 9:04 p.m.

No speakers present.

Public comments closed at 9:04 p.m.

Motion: Director Siemens moved, and Director Harris seconded the motion to:

1. Approve the recommended revisions to Board Policy 5.01 – Site Naming, Gift, and Special Recognition, Section III (B) Constituent Memorial Benches as recommended by the Legislative, Funding, and Public Affairs Committee. Direct staff to modify policy language for review of constituent bench requests to be handled at the staff level. Requests that require special consideration could be forwarded to the Board for review.
2. Direct the General Manager to identify new bench locations in high use areas and other suitable rest sites for inclusion in the Constituent Bench Program.

VOTE: 6-0-0 (Director Hanko absent)

The Board by consensus referred to LFPAC the review of the policy language related to recognition of cash gifts.

INFORMATIONAL MEMORANDUM

- Administrative Office Remodel Project Update
- Agricultural Policy Project - Process and Schedule
- State Legislative Update

INFORMATIONAL REPORTS

A. Committee Reports

No Committee reports.

B. Staff Reports

Mr. Malone reported Raye Girouard recently passed away, who was a longtime resident and caretaker at Rhus Ridge.

Ms. Ruiz reported staff and members of the Board of Directors have continued to meet with local elected representatives related to District projects. Staff spoke to the San Jose Water Company (SJWC) chief executive regarding the potential purchase of SJWC lands.

C. Director Reports

The Board members submitted their compensatory reports.

Director Riffle reported he will be attending several upcoming events: the District's Volunteer Recognition Event, Open Space Authority 25th Anniversary Gala, and Committee for Green Foothills Nature's Inspiration event.

Director Siemens reported his attendance at the Santa Clara County Special District Association on September 10, 2018.

Several Directors reported their attendance at the staff recognition event on August 29, 2018.

ADJOURNMENT

President Cyr adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:25 p.m.

Jennifer Woodworth, MMC
District Clerk