



SPECIAL MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Monday, April 6, 2020

The Board of Directors conducted this meeting in accordance with California Governor Newsom's Executive Order N-29-20. All Board members and staff participated via teleconference.

DRAFT MINUTES

SPECIAL MEETING

President Holman called the special meeting of the Midpeninsula Regional Open Space District to order at 5:01 p.m.

ROLL CALL

Members Present: Jed Cyr, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, and Curt Riffle

Members Absent: Larry Hassett and Pete Siemens

Staff Present: 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 Jennifer Woodworth, Engineering & Construction Manager Jay Lin, Senior Capital Project Manager Scott Reeves, Capital Projects Field Manager Bryan Apple, Land & Facilities Manager Michael Jurich, Visitor Services Manager Matt Andersen, Finance Manager Andrew Taylor, Human Resources Manager Candice Basnight

President Holman announced this meeting is being held in accordance with Governor Newsom's Executive Order allowing Board members to participate remotely. The District has done its best to conduct a meeting where everyone has an opportunity to listen to the meeting and to provide comment. 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. President Holman described the process and protocols for the meeting.

ORAL COMMUNICATIONS

District Clerk Jennifer Woodworth read the submitted written comments into the record.

Deniz Bolbol submitted written comments urging the Board to allow for live public comment during the virtual meetings. Ms. Bolbol provided the phone instructions for how live public comments are submitted to the San Francisco Board of Supervisors.

ADOPTION OF AGENDA

Motion: Director Kersteen-Tucker moved, and Director Riffle seconded the motion to adopt the agenda.

ROLL CALL VOTE: 5-0-0 (Directors Hassett and Siemens absent)

CONSENT CALENDAR

President Holman pulled Item 5 from the Consent Calendar. Item 5 was heard before the Consent Calendar.

Director Hassett joined the meeting at 5:10 p.m.

Public comment opened at 5:12 p.m.

No speakers present.

Public comment closed at 5:12 p.m.

Motion: Director Riffle moved, and Director Cyr seconded the motion to approve the Consent Calendar, except for Item 5.

ROLL CALL VOTE: 6-0-0 (Director Siemens absent)

- 1. Approve February 26, 2020 and March 11, 2020 Minutes**
- 2. Contract Amendment with Questa Engineering for additional geotechnical inspection services for the Ravenswood Bay Trail Connection project at Ravenswood Open Space Preserve (R-20-28)**

General Manager's Recommendation: Authorize the General Manger to execute a contract amendment with Questa Engineering for additional geotechnical inspection services for the Ravenswood Bay Trail Connection Project in the amount of \$19,420, for an amended total contract amount not-to-exceed \$67,310.

- 3. Contract Amendment with Questa Engineering to Complete the Second Phase of Work for the Phase II Trail Improvements at Bear Creek Redwoods Open Space Preserve (R-20-29)**

General Manager's Recommendations:

1. Authorize the General Manager to amend the original contract of \$225,000 with Questa Engineering by \$415,400, bringing the base contract amount to \$640,400 to complete the second phase of work (construction documents, permitting, construction administration, and as-builts) for the Phase II Trails at Bear Creek Redwoods Open Space Preserve.
2. Authorize a 15% contingency of \$62,310 to be awarded, if necessary, to cover unforeseen conditions, for a grand total not-to-exceed contract amount of \$702,710.

4. Resolution for funding from Santa Clara County for the Alpine Trail construction project in Coal Creek Open Space Preserve (R-20-30)

General Manager's Recommendation: Adopt a resolution authorizing the General Manager to apply for Stanford Recreation Mitigation Funding from Santa Clara County and, if successful, enter into a funding agreement.

5. Written Response to the Sierra Club-Loma Prieta Chapter Regarding Potential Pilot Programs for E-bikes on District Lands

Director Holman reported that she had provided suggested edits to the letter to staff.

District Clerk Jennifer Woodworth displayed the revised letter on the screen.

Director Riffle suggested describing the pilot program as a "potential" pilot program in paragraph four because the Board has not yet approved the pilot program.

Motion: Director Riffle moved, and Director Holman seconded the motion to approve the revised written response to the Sierra Club Loma Prieta Chapter regarding potential pilot programs for E-bikes on District lands.

ROLL CALL VOTE: 6-0-0 (Director Siemens absent)

6. Report from the Bond Oversight Committee to the Board of Directors for the review period from July 1, 2018 to June 30, 2019 (R-20-31)

Committee Recommendation: The Bond Oversight Committee recommends that the Board of Directors accept this report.

BOARD BUSINESS**7. Proclaim a Local Emergency due to the COVID-19 Pandemic and discuss District actions to address the Emergency (R-20-32)**

General Counsel Hilary Stevenson provided the staff presentation describing the legal basis for the proposed resolution proclaiming a local emergency and the contents of the proposed resolution. Proclaiming a local emergency is especially important due to the District's role in providing an essential service during the shelter-in-place. The proposed resolution affirms the General Manager's authority to act under current District policies and gives the General Manager broad authority to take action without Board approval in response to the rapidly changing dynamics of the current pandemic crisis. The General Manager will continue to report her

actions to the Board of Directors as quickly as possible. The second proposed resolution acknowledges the importance of providing public access to open space and recognizes the need to protect the health and safety of District employees and preserve visitors.

General Manager Ana Ruiz commented on the current public health emergency and the measures taken already in response to the pandemic, such as suspending group activities, closing restrooms, restricting roadside parking, only allowing for foot traffic on trails, etc. Ms. Ruiz commented on the value of open space to members of the public who are currently sheltering in place, especially those without nearby opportunities for open space. Ms. Ruiz reported she and other members of staff are communicating and coordinating with other agencies, such as cities, counties, and open space agencies, regarding keeping parks and open space locations open, including consultation with the public health officers and public health departments. The shelter in place orders recognize and acknowledge the need for open space, especially for those living in urbanized areas. Ms. Ruiz thanked District staff for their dedication and leadership and ability to adapt and respond to the crisis.

Director Siemens joined the meeting at 5:27 p.m.

Director Riffle inquired regarding the process for deciding whether to close District preserves or their parking lots.

Ms. Ruiz reported staff is continuously monitoring and evaluating visitor levels to determine the most appropriate measures to take in response. Closing parking areas can be problematic because this will likely lead to visitors seeking street parking in nearby neighborhoods and negatively impact local neighborhoods in and around District preserves. Visitors would also be crossing the roads in unsafe locations if parking lots were closed yet trails remained open.

Director Riffle inquired regarding the process for coordinating with the proposed ad hoc committee.

Ms. Ruiz reported that she will reach out to the ad hoc Committee as soon as there is a need and would meet with as many members of the ad hoc committee as available. However, she will need to make timely decisions and act as necessitated by the issue.

President Holman stated that the ad hoc committee would be a collaborative endeavor and sounding board for the General Manager to consider matters within the General Manager's jurisdiction.

Director Kersteen-Tucker requested regular updates on visitor levels to allow the ad hoc committee to provide timely recommendations.

Ms. Ruiz reported the ad hoc committee would also have regular check-ins on at least a weekly basis. Additionally, she will update the Board of any changes by email. If full Board direction or action is needed, staff will call a special meeting, which only requires 24 hours notice.

Director Kishimoto inquired regarding the levels of available personal protective equipment (PPE) for staff.

Ms. Ruiz reported the District currently has enough PPE and is also acquiring additional disposable masks, hand sanitizer, and cloth masks to restock the supply.

Director Kishimoto inquired if staff levels in the preserves is sufficient.

Assistant General Manager Brian Malone reported that field staff is at minimal levels for maintenance staff with only essential tasks being completed. Additional Land & Facilities staff may be brought on in the future to complete fuel reduction or additional essential projects. Rangers are deemed essential employees and are working but are not engaging in general public contacts.

Director Kishimoto inquired regarding visitation levels.

Mr. Malone reported daily visitation is elevated but has been lower on the weekends due to recent rains. Also, visitors are practicing better social distancing.

Public comments opened at 6:06 p.m.

District Clerk Jennifer Woodworth read the submitted written comments into the record.

Brennon McKibbin, Field Employees Association President, stated support for the proposed emergency proclamation and in support of creating a COVID-19 Task Force to ensure the safety of District staff and the public. Mr. McKibbin reported that the Field Employees Association voted and are overwhelmingly in favor of closing the District preserves and parking areas in the interest of the health and safety of MROSD field personnel and public health.

Taino Johnston urged the Board to close the District parking lots and encouraged the District to close all preserves because preserve visitors are not maintaining social distancing.

Kristin Perry wrote in opposition to the proposed resolution to maintain open access to District lands as an objective stating that protecting the public and District employees should be the only objective. Ms. Perry stated the District should closed District preserves in order to reduce the number of medical and law enforcement incidents on District lands. Finally, Ms. Perry spoke in favor of reclassifying District Rangers as safety members under CalPERS.

Andrew Verbrugge, Vice President for the Field Employees Association wrote in favor of providing benefits under California Labor Code 4850 to District rangers in the event they become ill from COVID-19.

Public comments closed at 6:10 p.m.

President Holman inquired regarding whether there has been an increase in emergency incidents in the preserves.

Mr. Malone reported there has been an increase in incidents requiring ranger response and stated the increase in incidents is likely due to the increased visitation levels.

Director Siemens stated the District provides an important outlet for the public, and the preserves should stay open. Director Siemens commended staff for their efforts to keep the preserves open.

Director Siemens also spoke in support of the proposed ad hoc committee to support the General Manager.

Director Kishimoto expressed support for keeping preserves open but shared concerns related to a potential surge in COVID-19 infections if visitors do not observe social distancing guidelines. Director Kishimoto spoke in support of receiving regular updates from the General Manager and the District Clerk.

Director Kersteen-Tucker thanked staff for their efforts thus far in responding to the COVID-19 pandemic and spoke in favor of the General Manager's recommendations.

Director Hassett shared his concerns regarding visitors' ability to maintain social distancing based on his recent observations of full parking lots and street parking near District preserves.

Director Riffle commented on the importance of keeping staff safe and thanked staff for working with public health officers to keep preserve visitors safe.

President Holman commended staff for their work and inquired how staff is working with local jurisdictions regarding parking enforcement.

Ms. Ruiz reported on recent high usage preserves that led to visitors parking along the roadside and reported local jurisdictions have been receptive to supporting roadside parking restrictions.

Mr. Malone reported that District staff approached several jurisdictions to request roadside parking restrictions near preserves.

President Holman announced her recommended appointments to the proposed ad hoc committee: herself as Board President, Director Riffle as Board Vice-President, and Director Kersteen-Tucker as a San Mateo County representative.

President Holman inquired regarding potential temporary, moderated, or partial closures on busy weekends.

Mr. Malone reported that partial closures during the day would likely be ineffective because visitors would likely wait for other visitors to leave and would block the parking lots and nearby roads.

Director Kersteen-Tucker commented regarding the chat comments that meeting attendees submitted through the Zoom webinar portal.

District Clerk Jennifer Woodworth reported that these are not public comments submitted according to the process outlined on the public meeting notice and cannot be seen by the public.

Director Hassett requested staff follow-up regarding the 4850 benefits mentioned by a public commenter and suggested this topic should be discussed by the ad hoc committee.

Ms. Ruiz provided information regarding the Families First Coronavirus Response Act recently passed at the federal level and said she would send additional information to the Board.

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

1. Adopt a Resolution proclaiming a local Midpeninsula Regional Open Space District emergency due to the COVID-19 Pandemic.
2. Consent to the formation of a new COVID-19 Ad Hoc Committee, and authorize the Board President to appoint three Directors to serve on the Committee.
3. Adopt a Resolution affirming the important role of access to open space during the COVID-19 Public Health Order while recognizing the need to protect the health and safety of District employees and Preserve visitors.
4. Direct the General Manager to keep the Board of Directors informed on a timely basis of significant changes made under this authorization and to forward public comments on a timely basis.

ROLL CALL VOTE: 7-0-0

INFORMATIONAL MEMORANDUM

- Bear Creek Redwoods Multi-Use Trail Alignment

INFORMATIONAL REPORTS

A. Committee Reports

No committee reports.

B. Staff Reports

District Clerk Jennifer Woodworth announced the Fair Political Practices Commission has moved the due date for the annual Form 700 from April 1 to June 1.

C. Director Reports

No director reports

ADJOURNMENT

President Holman adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:09 p.m.

Jennifer Woodworth, MMC
District Clerk