



## **SPECIAL AND REGULAR MEETING**

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

**Wednesday, May 13, 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 5:00 p.m.

#### **ROLL CALL**

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

Members Absent: None

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, Natural Resources Manager Kirk Lenington, Senior Resource Management Specialist Coty Sifuentes-Winter

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.

#### **1. California Environmental Quality Act Scoping Session for the Proposed Wildland Fire Resiliency Program (R-20-42)**

General Manager Ana Ruiz provided a high-level overview of the proposed Wildland Fire Resiliency Program describing its two main goals to enhance ecosystem resiliency and increase wildland fire management.

Director Siemens joined the meeting at 6:07 p.m.

Senior Resource Management Specialist Coty Sifuentes-Winter outlined the development of the proposed Wildland Fire Resiliency Program, including public meetings, public and agency feedback, consultant research, etc. Mr. Sifuentes-Winter described the California Environmental Quality Act process, including the public comment period.

Jason Moghaddas described the vegetation management plan, prescribed fire plan, monitoring plan, and pre-fire and advisor maps for planning, which are all included in the proposed Wildland Fire Resiliency Program. Mr. Moghaddas outlined the location criteria and prioritization matrix for determining areas for treatment.

Tania Treis with Panorama Environmental outlined the proposed resource management policy amendments designed to strengthen and augment existing Board-adopted Resources Management Policies (RMPs) to support the Wildland Fire Resiliency Program goals. Ms. Treis described the purpose of the CEQA review process and scoping, and listed the environmental resources to be addressed in the Environmental Impact Report (EIR) and the alternatives analysis.

Director Kishimoto inquired whether the District was unique in creating a fire resiliency program.

Mr. Sifuentes-Winter reported some aspects of the program are standard such as vegetation management, but some areas are unique, such as ecologically sensitive vegetation management and invasive species treatment. Other agencies in the Bay Area are doing similar work, such as the Marin Municipal Water District, National Park Service, and East Bay Regional Park District.

Director Kishimoto inquired how the refuse removed through fuel management is handled.

Mr. Sifuentes-Winter reported the removed vegetation or slash is handled in various ways: the slash stays in place after ensuring that it is flat to the ground, a wood chipper disperses the vegetation, or for removal, staff removes slash out of the sites using vehicles. Staff is also looking into composting options. Finally, pile burns are sometimes used after confirming no wildlife is living in the vegetation pile.

President Holman requested additional information regarding the environmental impact of vegetation removal on air quality.

Ms. Treis explained the process for measuring emissions and other impacts related to vegetation removal or burning, which is measured by quantifying the air quality impact by the equipment used and the tonnage of material burned.

President Holman inquired how the impact on cultural resources can be determined if staff does know what resources are present, including currently undiscovered cultural resources.

Mr. Sifuentes-Winter reported that as a mitigation measure, staff will conduct surveys of areas prior to beginning work to determine if any cultural/historic resources exist in an area. Depending on the survey results, staff will adopt best management practices to address the resources or avoid the area entirely.

President Holman inquired how the alternatives will be developed because numerous alternatives may exist to account for the different types of areas for treatment, such as type of material, terrain, etc.

Ms. Treis reported the alternatives are tailored to the various aspects of the program and weighs the impacts and priorities of the various implementation areas and determine appropriate alternatives.

Director Hassett requested clarification regarding the upper limit of acreage for vegetation management.

Mr. Sifuentes-Winter reported this acreage is to limit the impacts on wildlife and their habitat, to limit other environmental impacts such as on air quality, and to account for staff capacity to complete the work.

Director Kersteen-Tucker suggested studying air quality impacts in relation to the current health pandemic and the impact of COVID-19 on those already sensitive to poor air quality.

Ms. Treis reported that the environmental review will look at a range of data for air quality, including data gathered prior to the COVID-19 pandemic.

Public comments opened at 6:06 p.m.

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

Karen Maki stated that the Wildland Fire Resiliency Program should be expanded to include hardening of District buildings against fire and encouraging neighbors to make their own homes safer. Additionally, cameras for early detection should be installed and proactive steps should be taken to ensure PG&E equipment on District property is safe.

Craig Dremann shared comments in opposition to plowing fuel breaks, use of fire or prescribed burns, or cattle grazing and instead urged use of mowing to protect native seeds.

Shani Kleinhaus requested the EIR address how fire management can increase landslides, especially in the rainy Santa Cruz mountains or similar areas. Also, Ms. Kleinhaus inquired how the landslide risk will be mitigated.

Sue Dremann commented that the online comment form for the EIR has not been functioning and asked that the District extend the comment period.

Public comments closed at 6:14 p.m.

The members of the Board thanked staff for their work on developing the program.

Director Kersteen-Tucker inquired how the pre-fire and advisor maps will be distributed to partners and be updated.

Mr. Sifuentes-Winter reported the maps are updated on a regular basis and finalized maps have already been shared with fire agencies. Additionally, advisors that are onsite during fire incidents will advise the fire agencies regarding the information contained in the maps.

Director Riffle inquired how the document continues to be current and updated with best practices and techniques available.

Mr. Sifuentes-Winter reported the program document can be updated as needed with the appropriate environmental review and Board approval. Minor changes may be made within the current scope similar to the Integrated Pest Management program. District staff will also provide regular updates to the Board on the status and progress of the program, including any recommended changes to the program.

**Motion:** Director Kishimoto moved, and Director Riffle seconded the motion to accept the project description of the proposed Wildland Fire Resiliency Program for purposes of environmental review under the California Environmental Quality Act.

**ROLL CALL VOTE: 7-0-0**

President Holman adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:42 p.m.

**REGULAR MEETING**

President Holman called the regular meeting of the Midpeninsula Regional Open Space District to order at 6:57 p.m.

**ROLL CALL**

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

Members Absent: None

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

**REPORT OUT OF CLOSED SESSION**

General Counsel Hilary Stevenson provided the following report:

In closed session on April 22, 2020, the Board gave approval to legal counsel to defend the District in litigation. The case is *Zellerbach v. Midpeninsula Regional Open Space District et al* filed in Santa Clara County Superior Court, and the substance of the litigation is a quiet title

complaint seeking an access easement across District property located in the Sierra Azul Open Space Preserve.

**ORAL COMMUNICATIONS**

District Clerk Jennifer Woodworth reported no written comments were submitted for this item.

**ADOPTION OF AGENDA**

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

**ROLL CALL VOTE: 7-0-0**

**CONSENT CALENDAR**

Director Siemens pulled Agenda Item 5 from the Consent Calendar.

Public comment opened at 7:04 p.m.

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

Andrew Verbrugge expressed concern related to the recommended Mt. Umunhum Road improvement project stating that the District's Field Employees Association is concerned regarding the lack of enforcement along the Road. Mr. Verbrugge stated District staff is prohibited from doing traffic enforcement along Mt. Umunhum Road, and traffic enforcement by California Highway Patrol and Santa Clara County Sheriffs is limited. Mr. Verbrugge asked that District rangers be allowed to perform traffic enforcement along Mt. Umunhum Road.

Public comment closed at 7:06 p.m.

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

**ROLL CALL VOTE: 7-0-0**

- 1. Approve April 22, 2020 Minutes**
- 2. Claims Report**
- 3. Quarter 3 Proposed Budget Amendments to the Fiscal Year ending June 30, 2020 (R-20-43)**

General Manager's Recommendation: Adopt a resolution approving the proposed Quarter 3 budget amendments (expenses) for the fiscal year ending June 30, 2020.

Director Kishimoto inquired if the District can do anything to move the Cooley Landing project forward.

General Manager Ana Ruiz reported she will reach out to the new East Palo Alto City Manager to see if it can move forward, and noted that the city had been in a time of transition.

**4. Recognition of Significant Partners at Ravenswood Open Space Preserve (R-20-44)**

General Manager's Recommendations: Approve the following recommended list of partners to be recognized for their significant contributions towards the construction of the Bay Trail at Ravenswood Open Space Preserve, as unanimously supported by the Legislative, Funding, and Public Affairs Committee:

- California Natural Resource Agency, Urban Greening Grant Program
- California State Coastal Conservancy
- Caltrans
- County of San Mateo – Measure K
- County of Santa Clara
- San Francisco Public Utilities Commission
- Association of Bay Area Governments
- San Francisco Bay Trail
- City of East Palo Alto
- City of Menlo Park
- Facebook

**5. Award of Contract to R&M Paving Contractors, Inc., for the Mount Umunhum Road Improvement Project at Sierra Azul Open Space Preserve (R-20-45)**

General Manager's Recommendations:

1. Authorize the General Manager to enter into a contract with R&M Paving Contractors, Inc., of San Jose, California, for a base amount of \$183,000.
2. Authorize a 15% contingency of \$27,450 to be reserved for unanticipated issues, bringing the total contract to a not-to-exceed amount of \$210,450.

Item 5 was heard after the Consent Calendar.

Director Riffle expressed concern regarding the ability to patrol Mt. Umunhum Road.

Assistant General Manager Brian Malone reported that District rangers do not perform traffic enforcement on any public roads, and the California Highway Patrol and Santa Clara County Sheriff's Office have jurisdiction to patrol the road. District staff do not have the sufficient training to perform vehicle stops along public roads. The proposed contract will enhance safety along Mount Umunhum Road and inform the public on how to utilize the road safely.

Director Siemens inquired regarding a previous District study related to defining the rules of engagement for District employees, especially as they relate to vehicle stops.

Mr. Malone reported the Rangers Operations Manual allows for vehicle stops in District preserves but not on public roadways, so a memo was issued to provide clarification to staff since Mt. Umunhum Road runs through District preserves.

Director Kishimoto commented that vehicle stops are dangerous and should be completed by public safety officers, not District rangers.

**Motion:** Director Riffle moved, and Director Siemens seconded the motion to approve the General Manager's recommendations.

**ROLL CALL VOTE: 7-0-0**

**6. Award of Contract to LB Foster Company for Prefabricated Vault Restrooms to be Installed at Russian Ridge, Monte Bello, and Windy Hill Open Space Preserves (R-20-46)**

General Manager's Recommendations:

1. Authorize the General Manager to enter into a contract with LB Foster Company, under the SourceWell Government Purchasing Cooperative Contract, for the purchase of three prefabricated vault restrooms for an amount not-to-exceed \$139,146.
2. Authorize a 10% contingency of \$13,915 to be reserved for unanticipated issues, bringing the total contract to a not-to-exceed amount of \$153,061.

**BOARD BUSINESS**

**7. Oral Update on Midpeninsula Regional Open Space District COVID-19 Response**

Ms. Ruiz provided several updates including the reopening of District preserves in San Mateo County, consistent with guidance from the San Mateo County Public Health Officer. The General Manager also reported on the reopening of designated trails to bicycles and horses at all Preserves given the avoidance of a surge in demand for public health services across the region and the District's procurement of additional personal protective equipment (PPE) for District staff. Given the higher rates of accidents, particularly related to bicycle use, the District had taken a conservative measure to reduce the number of medical calls generated and protect the once low supply of PPE to protect District employees. Ms. Ruiz also provided updates on District staff returning to field operations to complete essential work and various office retrofits to reduce exposure to high-touch surfaces. Due to continuing social distancing regulations, the District has deferred the hiring of seasonal employees to assist with field work. Administrative staff continues to telework, and many District projects are moving forward. Staff is evaluating what activities and programs can restart and options for holding onsite public meetings with greater social distancing in the future, but these depend on the lifting of regional and statewide restrictions. Fiscal impacts on the proposed FY2020-21 budget will be presented to the Action Plan & Budget Committee and to the Board as part of the budget process.

The members of the Board praised staff for their response to the COVID-19 pandemic.

Director Hassett inquired regarding training for staff related to PPE and working with the public and others.

Ms. Ruiz reported staff did have training for proper use of PPE and additional training for returning to work sites. Additional sessions will be held as Administrative Office staff returns to the offices.

Chief Financial Officer/Director of Administrative Services provided an update on PPE acquired for District staff.

Director Hassett requested clarification regarding the resumption of public meetings at a physical location.

Ms. Ruiz reported staff is looking at options for public meetings to reduce the risk of COVID-19 exposure.

General Counsel Hilary Stevenson reported that the ability to have remote public meetings are currently the subject of an executive order from Governor Newsom. Procedures for public meetings may be altered by additional executive orders. Additionally, the Brown Act does allow for elected officials to participate through teleconference, which is expected to continue to be an option into the future.

Director Riffle commented on incorporating the adaptations learned during the pandemic into District practices once the shelter-in-place has been lifted, such as expanded telecommuting and one-way trails at District preserves. Additionally, Director Riffle praised the District's coordination with other open space and parks agencies to create a unified message related to the pandemic and expressed hope that the coordination would continue.

Public comment opened at 7:49 p.m.

District Clerk Jennifer Woodworth reported no written comments were submitted for this item.

Public comment closed at 7:49 p.m.

No Board action required.

### **INFORMATIONAL REPORTS**

#### A. Committee Reports

No Committee reports.

#### B. Staff Reports

Ms. Woodworth provided an update related to the upcoming nomination period for the November 3, 2020 election.

#### C. Director Reports

The Board members submitted their compensatory reports.

Director Cyr reported on several webinars he has attended related to enjoying open space and keeping park staff safe.

### **ADJOURNMENT**

President Holman adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:11 p.m.



**SPECIAL MEETING – CLOSED SESSION**

President Holman called the special meeting of the Midpeninsula Regional Open Space District to order at 8:11 p.m.

**ROLL CALL**

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

Members Absent: None

Staff Present: General Counsel Hilary Stevenson

Public comments opened at 8:11 p.m.

District Clerk Jennifer Woodworth reported no written comments were submitted for this item.

Public comments closed at 8:11 p.m.

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957(b)(1)**

Title of Employee: General Counsel

**ADJOURNMENT**

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

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Jennifer Woodworth, MMC  
District Clerk