



Midpeninsula Regional  
Open Space District

## MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

### LEGISLATIVE, FUNDING, AND PUBLIC AFFAIRS COMMITTEE

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

**Tuesday, August 25, 2020**

### DRAFT MINUTES

#### **CALL TO ORDER**

Director Kersteen-Tucker called the meeting of the Legislative, Funding, and Public Affairs Committee to order at 2:00 p.m.

#### **ROLL CALL**

Members present: Jed Cyr, Larry Hassett, and Zoe Kersteen-Tucker

Members absent: None

Staff present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Chief Financial Officer Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Chief Ranger Matt Anderson, Foothills Area Superintendent Brad Pennington

District Clerk Jennifer Woodworth announced this meeting is being held in accordance with Governor Newsom's Executive Order allowing Committee 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. Ms. Woodworth described the process and protocols for the meeting.

#### **ORAL COMMUNICATIONS**

Ms. Woodworth reported no public comments had been submitted.

#### **ADOPTION OF AGENDA**

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

**ROLL CALL VOTE: 3-0-0**

**COMMITTEE BUSINESS**

**1. Approve the July 7, 2020 Legislative, Funding, & Public Affairs Committee Meeting Minutes.**

Item 1 was heard after Item 2 on the agenda.

**Motion:** Director Kersteen-Tucker moved, and Director Cyr seconded the motion to approve the July 7, 2020 Legislative, Funding, and Public Affairs committee meeting minutes.

Public comment opened at 2:53 p.m.

District Clerk Jennifer Woodworth reported no public comments had been submitted.

Public comment closed at 2:53 p.m.

**ROLL CALL VOTE: 2-0-0 (Director Hassett abstained)**

**2. Proposed Amendments to the Midpeninsula Regional Open Space District Regulations (R-20-69)**

Assistant General Manager Brian Malone provided an overview of the proposed ordinance explaining that most of the proposed changes are to correct typos or other grammatical errors. A few additional adjustments are proposed to conform to updated legal regulations.

Area Superintendent Brad Pennington described the process to review the ordinance and make suggested updates. The updates are to the regulations for use of District lands and to the bail schedule, which is submitted to the courts to describe the amount of the fine and level of violation. Mr. Pennington described several major changes and/or new additions to the ordinance. One major change proposed is to change the title from regulations to ordinance, reinforcing the District's option of enacting an administrative enforcement program, if the District chooses to do so in the future. Additionally, new sections were modified or added to reflect current use and operations, such as allowing bicycles and e-bikes into District parking lots and to address interference with livestock. The entire ordinance was also updated with gender-neutral language. Proposed changes to the bail schedule relate to how violations are handled by the courts.

Director Hassett inquired regarding elevating a violation of using fireworks to a felony level violation.

Mr. Pennington reported the District is unable to have any violations be a felony.

Director Kersteen-Tucker inquired if a firework violation could be reported to the Department of Justice.

Mr. Pennington reported that depending on the nature and impact of the violation, District staff may alert other agencies that have the power to charge felony violations.

The committee members inquired regarding various definitions and received clarification.

Director Kersteen-Tucker suggested a more comprehensive definition of bicycle is needed due to the prevalence of e-bikes.

Mr. Pennington stated bicycles could be defined in the ordinance as non-motorized, but the California Vehicle Code also defines these and is applicable on District lands.

Director Kersteen-Tucker expressed concern regarding willful actions that harm the conservation grazing program and suggested elevating livestock interference to a misdemeanor in section 701.8, including leaving a gate open.

Mr. Pennington stated that interference with a livestock operation as a whole, such as leaving a gate open, could be elevated to a misdemeanor because it can lead to large damages to the operation. The District can also choose to contact the District Attorney's Office if it feels an incident should be treated as an infraction.

General Counsel Hilary Stevenson suggested including harassment of livestock to section 701.8.

Mr. Pennington suggested adding harass to the language in the section to read "No person shall in any manner damage, destroy, harass, leave open, or otherwise alter the pens, corrals, or pastures that contain livestock or release livestock from their pens, corrals, or pastures."

Mr. Malone stated staff will look at this section again before presenting the item to the Board of Directors to see if this concern is addressed elsewhere in the ordinance.

The committee members commented on the thoroughness of staff's review of the ordinance and the changes proposed.

Public comment opened at 2:50 p.m.

District Clerk Jennifer Woodworth announced no public comments were submitted.

Public comment closed at 2:50 p.m.

**Motion:** Director Cyr moved, and Director Hassett seconded the motion to:

1. Forward the proposed Ordinance amendments to the full Board of Directors for a first reading.
2. Forward the proposed additions to the Bail Schedule to the full Board of Directors for consideration and approval.

**ROLL CALL VOTE: 3-0-0**

**ADJOURNMENT**

Director Kersteen-Tucker adjourned the meeting of the Legislative, Funding, and Public Affairs Committee at 2:53 p.m.

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Jennifer Woodworth, MMC  
District Clerk