



SPECIAL AND REGULAR MEETING

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

December 14, 2022

The Board of Directors conducted this meeting in accordance with California Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33.

DRAFT MINUTES

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT – CLOSED SESSION

President Kersteen-Tucker 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 Brian Malone, and Assistant General Manager Susanna Chan

President Kersteen-Tucker announced this meeting is being held in accordance with Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33, 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 Kersteen-Tucker described the process and protocols for the meeting.

1. CONFERENCE WITH LEGAL COUNSEL (Government Code Section 54956.9(d)(4) Initiation of litigation (1 case)

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – Government Code 54956.9(d)(1) (2 cases)

San Mateo County Farm Bureau v. County of San Mateo et al., San Mateo County Case No. 22-CIV-04510

Pamela Ashford v. Midpeninsula Regional Open Space District, Santa Clara County Case No. 22CV407741

Public comment opened at 5:01 p.m.

No public comments were submitted.

Public comment closed at 5:01 p.m.

The Board convened into closed session at 5:01 p.m.

ADJOURNMENT

President Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:38 p.m.

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

President Kersteen-Tucker called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:01 p.m.

ROLL CALL

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

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Controller Mike Foster, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Acting District Clerk Maria Soria, Natural Resources Manager Kirk Lenington, Senior Resource Management Specialist Coty Sifuentes-Winter, Interpretation & Education Program Manager Renée Fitzsimons, Public Affairs Manager Korrine Skinner, Interpretation & Education Program Manager Renée Fitzsimons, Public Affairs Specialist II Cydney Bieber, Environmental Education Specialist Jeff Butterworth, and Planner III Galli Basson

President Kersteen-Tucker announced this meeting is being held in accordance with Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33, 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 Kersteen-Tucker described the process and protocols for the meeting.

REPORT OUT OF CLOSED SESSION

General Counsel Hilary Stevenson reported that in Closed Session, the Board considered 3 items as follows:

1. The Board gave approval to Legal Counsel to initiate litigation with a 7-0 vote. Once litigation is formally commenced, the subject matter of the litigation and the identity of the defendants can be disclosed to any person who inquires with the General Counsel's Office.
2. In the matter of *San Mateo County Farm Bureau et. al.*, San Mateo County Superior Court case number 22-CIV-04510, the substance of the litigation is a writ of mandate challenging the San Mateo County Board of Supervisors' approval of a District Coastal Development Permit, and lot line adjustment for the Johnston Ranch project. The Board gave approval to Legal Counsel to defend the District in litigation with a 7-0 vote.
3. In the matter of *Pamela Ashford v. Midpeninsula Regional Open Space District*, Santa Clara County Superior Court case number 22CV407741, the substance of the litigation is a complaint for declaratory and injunctive relief and damages related to the District's award of the Concessionaire Agreement to Chaparral Country Corporation for operation of Bear Creek Stables. The Board gave approval to Legal Counsel to defend the District in litigation with a 6-0 vote (Director Siemens absent for the final Closed Session item).

ORAL COMMUNICATIONS

Frank Hattler commented that in the past few years, he has noticed that trails are being built with decomposed granite rather than natural surfaces, which has a negative impact on the trail user experience and undermines the mission of conservation. The decomposed granite surface limits bike traction and is dangerous because the bikers can slide on the surface. It is also hard on the knees of runners and hikers. Even though it prevents erosion, it is not aesthetically pleasing. It is important to have a good experience when using the trails and suggested allowing the community to provide input when constructing new trails.

Alexander Hapke, President of the Midpeninsula Rangers Peace Officers Association, commented on recent ranger incidents on preserves to demonstrate the role and responsibilities of a ranger as a peace officer, firefighter, and first responder in support for rangers pursuing public service benefits.

Craig Gleason commented on the long arc of service in recognition of the two retiring Board members and expressed a desire to continue providing the same level of service moving forward. Mr. Gleason thanked Director Siemens and Director Hasset for their many years of service and leadership and bringing the voices of the communities and constituents to the Board and staff to further the District's mission. In addition, he thanked them for being mentors to himself and Margaret MacNiven as they join the Board and their friendship.

Kate Stutzman commented on behalf of those using the Bear Creek Stables facilities expressing her concerns that the facilities may be closed for six months during renovations and how it will

negatively impact her being able to ride her horse that she had made a connection with at the stables, but she is hoping for good changes under the new management.

Brooke Getta stated she works at Bear Creek Stables as a horseback riding instructor and commented how important Pam Ashford has been to her, her family, and the community and expressed a hope that the current management and the District can resolved their issues so that everyone has the opportunity to use this facility.

SPECIAL ORDERS OF THE DAY

Introduction of Staff

- Galli Basson, Planner III
- Jeff Butterworth, Environmental Education Specialist

Proclamations recognizing:

- Docent Naturalist Marilyn Bauriedel
- Interpretation & Education Program Manager Renée Fitzsimons
- Public Affairs Specialist II Cydney Bieber

Public Comments opened at 7:40 p.m.

Paul Billick, a docent, commented on his experience with working with Ms. Fitzsimons and her efforts in modernizing the docent program, enhancing the training, increasing the count of certified docent graduates, and elevating the program. Mr. Billick also commented on the retirement of Marilyn Bauriedel and her great expertise on flowers and their shared experiences.

Catherine Green, a docent naturalist, expressed her gratitude to Ms. Fitzsimons for her achievements that have improved the quality of the interpretive and docent programs and stated she will be greatly missed.

Mary Bernstein thanked Ms. Fitzsimons and Ms. Bauriedel for their contribution to the docent program and setting a great example.

Chris McIntosh, docent naturalist, concurred with all the previous comments made of Ms. Fitzsimons and Ms. Bauriedel and expressed her excitement that Ms. Bauriedel is receiving recognition for her 35 years of service. Ms. McIntosh commented on her enjoyment in participating on the hikes that were led by Ms. Bauriedel and gratitude for her contributions to the community.

Gordon Baille, retired District staff member, offered congratulations to Ms. Fitzsimons and Ms. Bieber for their retirements and spoke about their professionalism and passion for the work and how deeply they will be missed. Mr. Baille also thanked Director Siemens and Director Hassett for all their years of service and welcomed Ms. Basson back to the District.

Meredith Manning expressed her appreciation for Ms. Bieber and her excellent work through the years, Ms. Fitzsimons efforts in the docent program, and Ms. Bauriedel's accomplishments. Ms. Manning also thanked Director Siemens and Director Hassett for all she learned from them and welcomed back Ms. Basson.

Public Comments closed at 7:54 p.m.

Director Cyr commented about the impact of all the retirees and expressed his gratitude for their huge contribution not only on the technical side, but also on the quality, cooperation, and camaraderie that they brought to the District.

Director Holman commented on the wonderful comments made for Ms. Fitzsimons and Ms. Bieber, their leadership efforts, and expressed her gratitude for all the docents and their efforts and how well they represent the District. In addition, she thanked Ms. Bauriedel for her service and is excited she is being honored for her 35 years of service.

Director Kishimoto expressed sadness for those leaving and joy to see how the organization will continue to grow with the incoming recruits and thanked the retirees for creating an environment that will inspire people for years to come.

Director Hassett commented that after serving on the District Board for 23 years, his final thoughts are on the phenomenal people making the Board look really good by cherishing the lands and living out the mission of the District. Director Hassett thanked the docents and retirees for their many years of service, offering special thanks to Ms. Bieber and Ms. Fitzsimons.

Director Siemens commented on the historic changes both Ms. Bieber and Ms. Fitzsimons have made to increase awareness of the District through the Docent program, implementation of the District website, and outreach to the communities. Director Siemens also remarked on the docent program that evolved into much more than he ever could have imagined and congratulated them both on their retirements and thanked them for all their efforts.

Director Riffle commented on the common theme throughout the night with all the comments for the retirees, Ms. Bauriedel being honored, as well as those in the room, which demonstrate the incredible talent and passion of such high caliber staff and docents that are a part of the District and thanked them for their efforts in making it such a fantastic place.

President Kersteen-Tucker wished the retirees ‘Happy Trails’ and added may those trails lead them back here every so often to share in their new adventures and thanked them for their service.

SPECIAL MEETING OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT FINANCING AUTHORITY

President Kersteen-Tucker recessed the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:05 p.m. and called the meeting of the Midpeninsula Regional Open Space District Financing Authority to order at 8:05 p.m.

ROLL CALL

Members Present: Zoe Kersteen-Tucker, Jed Cyr, Yoriko Kishimoto, Curt Riffle, and Santa Clara County Supervisor Joe Simitian

Members Absent: None

Staff Present: Executive Director Ana Ruiz and General Counsel Hilary Stevenson

ADOPTION OF AGENDA

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

VOTE: 5-0-0

FINANCING AUTHORITY BUSINESS

1. Report on the full repayment of all amounts due by Midpeninsula Regional Open Space District Financing Authority debt issues for the Fiscal Year Ending June 30, 2022

Controller Mike Foster presented the Financing Authority Report and reported on the full repayment of all amounts due by the Midpeninsula Regional Open Space District Financing Authority for fiscal year ending June 30, 2022. At a November meeting with the Bond Council, it was suggested that the Midpeninsula Regional Open Space District Financing Authority not disband until conducting full research to ensure all financial and administrative obligations of the Finance Authority have been satisfied, including review of real property conveyances associated with the Finance Authority bonds, and to then evaluate the pros and cons of dissolving the Financial Authority.

Public Comments opened at 8:08 p.m.

No public comments were submitted.

Public comment closed at 8:08 p.m.

Motion: Director Kishimoto moved, and Director Riffle seconded the motion to accept the report on the Financing Authority's debt issuance.

VOTE: 5-0-0

President Kersteen-Tucker adjourned the meeting of the Midpeninsula Regional Open Space District Financing Authority at 8:09 p.m. and reconvened the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:09 p.m.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 6-0-0 (with Director Hassett absent)

CONSENT CALENDAR

Director Hassett joined the meeting at 8:12 p.m.

Director Kishimoto requested clarification on Consent Calendar Item number 6.
President Kersteen-Tucker commented on Consent Calendar Item number 3.

Public comment opened at 8:23 p.m.

No public comments were submitted.

Public comment closed at 8:23 p.m.

Motion: Director Kishimoto moved, and Director Cyr seconded the motion to approve the Consent Calendar and the Revised Board Report for agenda item number 6.

ROLL CALL VOTE: 7-0-0

1. Claims Report

2. Teleconferenced Board Meetings Pursuant to the Brown Act and Assembly Bill 361 (R-22-148)

General Manager's Recommendation: Adopt a resolution affirming findings on the continued need for remote teleconferenced public meetings pursuant to AB 361.

3. 2023 Legislative Program (R-22-142)

General Manager's Recommendation: Adopt the 2023 Legislative Program as recommended by the Legislative, Funding, and Public Affairs Committee, with any final changes from the Board of Directors, to set the legislative priorities and policies for Midpeninsula Regional Open Space District.

President Kersteen-Tucker commented that she spoke with Governmental Affairs Specialist Josh Hugg about SB49, which incentivizes the construction of solar canopies on parking lots for businesses and inquired about the possibility of these incentives being created for special districts. Mr. Hugg indicated that he will add SB49 to the legislative items that the District will follow in this next year. Mr. Hugg has commented that he has already spoken with Senator Becker's staff, and they have indicated that other special districts entities have asked this similar question.

4. Contract Amendment for Construction Administration and Lease Space Design Services for the Administrative Office Project located at 5050 El Camino Road, Los Altos, CA 94022 (R-22-143)

General Manager's Recommendation:

1. Authorize the General Manager to execute an amendment to the professional services contract with Noll + Tam Architects to provide additional construction administration support as well as lease space design services for the Administrative Office Project in the amount of \$64,381, for an amended total contract amount of \$2,033,522.
2. Authorize a 10% contingency in the amount of \$6,438 to address unforeseen issues, bringing the total not-to-exceed contract amount to \$2,039,960.

5. Santa Cruz Kangaroo Rat Habitat Assessment and Botanical Surveys (R-22-144)

General Manager's Recommendation:

1. Authorize the General Manager to enter into a multi-year contract for the base amount of \$101,680 with Nomad Ecology of Martinez, California to conduct botanical surveys and a

habitat assessment that will inform future development of a Habitat and Population Monitoring Plan for the critically imperiled Santa Cruz Kangaroo Rat.

2. Authorize a 15% contingency in the amount of \$15,252 for unanticipated challenges in conducting field studies, bringing the total contract to a not-to-exceed amount of \$116,932.
3. Authorize an allowance of \$20,958 that would be reserved solely to conduct an additional year of botanical surveys, if deemed necessary, to adequately inform future actions to develop the habitat and population monitoring plan, for a not-to-exceed grand total contract amount of \$137,890.

6. Revisions to the Board Policy 1.03 *Board Agenda* and Board Policy 2.01 *Guidelines for Board/Staff Working Relationship* (R-22-147)

General Manager's Recommendation: Approve the proposed revisions to the *Board Agenda* and *Guidelines for Board-Staff Working Relationships* policies.

Director Kishimoto commented that the first sentence of the second paragraph of Policy 1.03 stated that any Board member or Board appointee staff member may place a matter on the agenda for Board consideration and then that the third paragraph states that four or more members of the Board must vote in favor of placing an item on a future agenda, these two references contradict the process and asked for clarification.

General Manager Ana Ruiz stated that any Board member or Board appointee staff could request that an item be added to the agenda, and that she would then work with the Board president to add the new item to the agenda. Those items would presumably be added unless the Board president had any reservations or questions. If this is the case, the agenda item would be presented before the Board to determine as a body whether or not to agendize the item.

Director Kishimoto requested that the language be written more clearly to better understand that it is a twostep process.

Director Holman requested clarification regarding no staff time spent on any exploratory or informational agenda item that would be brought to the Board for discussion.

General Manager Ana Ruiz confirmed that for the first initial discussion there will be no staff spent on whether to agendize and item.

Director Holman requested that the wording under Oral Communications process of reducing the speaker time on page three of Policy 1.03, where it states, "which under normal circumstances", be clarified so that the public has a clearer understanding of what are normal circumstances.

General Manager Ana Ruiz stated that she is requesting the Board for their approval of the substance changes but will return to the Board with a cleaner version of the policy in the future.

BOARD BUSINESS

7. Approval of Addendum to the Final Program Environmental Impact Report for the Wildland Fire Resiliency Program and Related Minor Project Modifications (R-22-145)

Senior Resource Management Specialist Coty Sifuentes-Winter provided the staff presentation on the Addendum to the Wildland Fire Resiliency Program (WFRP) focused on the Prescribed Fire Plan (Plan). He described the program objectives and the elements, the stakeholder and public outreach notification processes, and the California Environmental Quality Act (CEQA). Mr. Sifuentes-Winter stated there are four objectives in the WFRP, which are to protect and restore the natural environment, including invasive fire-prone trees to establish healthy, resilient, fire-dependent or fire-adapted ecosystems; the Native American traditional ecology knowledge and practices of natural resource management, particularly as they relate to prescribed fire; reduce wildland fire risk and improve wildland fire fighting capabilities; and provide an adaptive framework for periodic review of and revisions to the District's decisions in response to a changing climate, improved knowledge, and improved technology.

Staff conducted outreach to multiple agencies, non-profits, advocacy groups, professional organizations, government agencies, Native American tribes, and twelve fire agencies with whom the District shares a jurisdiction. The District partnered with fire agencies during the development of the WFRP, including the criteria used to determine where and how to prioritize the work. Mr. Sifuentes-Winter then described the Prescribed Fire Plan overview, purpose, types of prescribed burns, burn plan, and the general implementation strategy. In addition, he described the public notification process to alert the public of a planned prescribed fire burn, including partner, visitor, and neighbor notifications.

The CEQA determination to the addendum of the Final Environmental Impact Report (FPEIR) found no new or substantially more severe significant impacts and that the mitigation measures already outlined and the determination of significance of impacts already included in the adopted WFRP the FEIR continues to be valid. An addendum to the adopted WFRP FPEIR is the appropriate level of CEQA documentation for the project.

Public comment opened at 8:44 p.m.

No public comments were submitted.

Public comment closed at 8:44 p.m.

Director Riffle thanked Mr. Sifuentes-Winter and staff for following up on all the comments and questions from the Board.

Director Kishimoto thanked Mr. Sifuentes-Winter for the thorough education to the Board and public.

Motion: Director Riffle moved, and Director Siemens seconded the motion to approve the General Manager's recommendations to adopt a resolution approving an addendum to the certified Final Program Environmental Impact Report for the Wildland Fire Resiliency Program and related minor project modifications.

ROLL CALL VOTE: 7-0-0

INFORMATIONAL REPORTS

A. Committee Reports

Director Riffle reported the Planning and Natural Resources Committee met on December 13, 2022, to review the La Honda Creek Parking and Trailhead Access Feasibility Study and to evaluate the Existing Conditions/Site Opportunities and Constraints Analysis Report. The research and analysis distilled potential public access locations down to three recommended options for staff to move forward and return back to the committee for further review.

B. Staff Reports

Ms. Ruiz reported staff has begun onboarding the two new incoming Board members and thanked them for their time and noted the onboarding will continue into the new year. In addition, there have been several media reports and articles regarding the purchase of the Cloverdale Ranch property, including episodes airing on KTVU and KQED.

Public Affairs Manager Korrine Skinner thanked the Board for their support and participation in the District's 50th Anniversary year and reported a documentary will air on NBC Bay Area on Christmas eve and Christmas day. A link to the preview video copy will be emailed to the Board along with the reminder of the air times. The Board will also receive the coverage of the Cloverdale Ranch project on Friday in the Media Roundup. Media coverage also includes being on the front page of the Chronicle, KQED and KTVU Fox 2 News.

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak reported that the Board has been provided with the Measure AA Bond Annual Accountability Report that details the status of Measure AA projects by portfolio, task, and deliverables.

C. Director Reports

Director Riffle reported he attended the District's Badging Ceremony, it was a great event and very impressed by the amount of training rangers receive, the amount of effort it takes in becoming a ranger, and the continuous training that supports high quality service to the public. He also attended the December 1, 50th Anniversary Partner Reception, at the District's administrative office. It was fantastic and a wonderful way to end the celebration year. Director Riffle thanked the staff who assisted with the logistics of holding the Special Board meeting for the Cloverdale Ranch purchase in Pescadero. It was great to see so many people interested in the project and felt the community appreciated having the meeting onsite, and thanked staff for making the Cloverdale Ranch purchase opportunity a reality and gave a special acknowledgment to Real Property Manager Mike Williams for all his efforts.

Director Cyr reported that he, too, attended the Badging Ceremony and was impressed at the level of training the rangers go through. He thanked staff for holding the Cloverdale Ranch purchase meeting over 30 miles away from the District's headquarters. Praised Directors Hassett and Siemens as this is the last meeting they will serve as board members, and looks forward to another productive year with the two new incoming board members.

Director Holman reported on the success of the 50th Anniversary Partner Reception and the Cloverdale Ranch purchase. She thanked staff, the Peninsula Open Space Trust, and gave a special acknowledgement to Real Property Manager Mike Williams for an outstanding accomplishment given the complexity of the purchase. Director Holman commented she hosted an event for different environmental organizations who celebrated significant anniversaries, including the District, and thanked Ms. Ruiz and Mr. Williams for speaking at the event, and Director Cyr and Director Hassett for attending. Director Holman commented that the Governor

has signed into law Senate Bill 1439 and requested General Counsel Hilary Stevenson to provide some clarification and education on SB1439. Director Holman thanked Director Hassett and Director Siemens for their many years of service.

Director Hassett commented on his enjoyment of service for the twenty-three years of being on the Board, it has been a tremendous ride and he has enjoyed every mile and inch of it. He is grateful for the incredible people he had surrounding him, all the staff that works and worked at the District and appreciates all the help throughout the years. Director Hassett thanked his colleagues for their contributions to his phenomenal retirement dinner.

Director Siemens commented on his incredible thirty-one years with the Board and thanked the Board for the amazing retirement dinner. Especially that his children were in attendance, and they have a new appreciation of his work on the Board. The changes made over the years have proven to be great success stories. He thanked the dedicated staff and the past and present Board members for their contributions to the District's success.

President Kersteen-Tucker reflected on her first Board meeting as President this year, and it has been quite a year with the District's 50th anniversary, the new administrative building, the purchase of the Cloverdale Ranch and so many other accomplishments, all made possible by the extraordinary staff.

ADJOURNMENT

President Kersteen-Tucker adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:08 p.m.

Maria Soria, CMC
District Clerk