



Midpeninsula Regional
Open Space District

July 25, 2018
Board Meeting 18-30

SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, July 25, 2018

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Cyr 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, Yoriko Kishimoto, Pete Siemens, and Curt Riffle

Members Absent: Nonette Hanko and Cecily Harris

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Acting Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Human Resources Manager Candice Basnight

Public comments opened at 5:00 p.m.

No speakers present.

Public comments closed at 5:00 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

Director Harris arrived at 5:10 p.m.

ADJOURNMENT

President Cyr adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:02 p.m.

SPECIAL MEETING – STUDY SESSION

President Cyr called the special meeting of the Midpeninsula Regional Open Space District to order at 6:05 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, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Grants Specialist Melanie Askay, District Clerk/Assistant to the General Manager Jennifer Woodworth

1. Grants Program Strategic Plan Update (R-18-86)

Grants Specialist Melanie Askay summarized the goals of the grants program, including increased public and private funding, increased ability to leverage current funds, and expanded funding partnerships and collaboration, and provided an overview of the planning process being used design the grants program strategic plan.

Ms. Askay introduced Tina Stott, of Stott Planning Associates, and Donna Fletcher, of Mission Driven, whom the District engaged to help design the grants program strategic plan with the input of District staff and the Board of Directors.

Ms. Fletcher described the audit findings of previously conducted staff interviews and document review, such as organizational context affecting grant applications and grant funding previously received by the District. The District received about 3-4% of its revenue through grant funding for the last few years whereas similar agencies receive approximately 7% of their revenue through grant funding.

Ms. Stott described the audit findings based on interviews with District staff and interviews with external partners and summarized recommendations for the grants strategy, grants specialist roles, grants program structure, and program implementation. Ms. Stott provided an outline of the grants program strategic plan and its proposed components. Finally, Ms. Stott described the next steps for the project.

Director Riffle commented on the importance of including the grants program into the District's annual budget and planning process.

Director Riffle commented on the need to support the grants specialist role to prevent personnel burnout.

Ms. Askay explained creation of the grants program strategic plan would help provide support for the position by engaging the entire organization, District partners, and professional grant writers when needed.

Director Siemens suggested District staff should help identify potential grant funding opportunities and assist with grant application writing. Follow up tasks should remain with the grants specialist and professional grant writers.

Director Harris commented on the difficulties of balancing departmental priorities for the grants program. Additionally, Director Harris expressed concerns regarding contracting with lobbyists to identify grant opportunities explaining resources exist for staff to research and identify grant opportunities.

Ms. Askay described the role of lobbyists to facilitate discussions with outside agency staff and tailor projects to grant applications related to bond funding.

Public comments opened at 7:05 p.m.

No speakers present.

Public comments closed at 7:05 p.m.

No Board action required.

ADJOURNMENT

President Cyr adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:05 p.m.

REGULAR MEETING

President Cyr called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:05 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, Acting Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District

Clerk/Assistant to the General Manager Jennifer Woodworth, Natural Resources Manager Kirk Lenington, Water Resources Specialist Aaron Hébert

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

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

CONSENT CALENDAR

Director Harris pulled Item 7 from the Consent Calendar.

Public comment opened at 7:09 p.m.

No speakers present.

Public comment closed at 7:09 p.m.

Motion: Director Harris moved, and Director Riffle seconded the motion to approve the Consent Calendar, with the exception of Item 7.

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

- 1. Approve July 11, 2018 Minutes**
- 2. Claims Report**
- 3. Fiscal Year 2018-19 Annual Claims List (R-18-76)**

General Manager's Recommendation:

1. Approve the Fiscal Year 2018-19 Annual Claims List, including debt service payments.
2. Adopt a resolution authorizing release of claim payments over \$50,000 by the Controller or designee.

President Cyr read the following recusal statement regarding Director Hanco: *Director Hanco is voluntarily recusing herself from voting on all claims for AT&T, Verizon, and PG&E.*

- 4. Award of a Multi-Year Contract to GEOCON Consultants, Inc., for Environmental Services at Bear Creek Redwoods Open Space Preserve to Investigate, Characterize, and Develop Remedial Actions Related to Former Disposal Site (R-18-87)**

General Manager's Recommendation:

1. Determine that the recommended action has been evaluated previously under the California Environmental Quality Act.
2. Authorize the General Manager to enter into a professional services contract with GEOCON Consultants, Inc., of Rancho Cordova, California to provide environmental services at Bear Creek Redwoods Open Space Preserve in Fiscal Year (FY) 2018-19 through FY2020-21 for a base contract amount of \$47,725.
3. Authorize a 15% contingency of \$7,158 to be expended only if necessary to cover unforeseen conditions, for a not-to-exceed total contract amount of \$54,883.

5. Contract Amendment for Legal Services (R-18-89)

General Manager's Recommendation: Authorize the General Manager to amend the contract with Gary Baum, Esq., for an additional \$75,000 to provide extended legal services during the recruitment and onboarding of the Assistant General Counsel position, for a total amount not to exceed \$225,000.

6. Consideration of District position on AB 2614 (Carrillo): Outdoor experiences: community access program (as Amended July 3, 2018) (R-18-88)

General Manager's Recommendation: Support AB 2614 (Carrillo) as amended.

7. Award of Contract for State and Federal Waters Environmental Permitting Services (R-18-90)

Director Harris inquired regarding the budgeted amount for phase two of the project and its scope.

Water Resources Specialist Aaron Hébert explained the permits included in the scope of the contract are related to the District's routine maintenance activities and potential programmatic agreements for these activities. Additionally, the scope of the contract would assist with permitting activities over the next five years for capital projects with scopes that are already defined. The exact cost of the second phase of work is currently an estimate based on the consultant's expertise and knowledge of the District.

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

1. Authorize the General Manager to enter into a contract with Horizon Water and Environment, LLC, to provide state and federal waters environmental permitting services in an amount not to exceed \$93,209.
2. Authorize a 7% contingency of \$6,525, to be awarded only if necessary, to cover unanticipated issues, for a total contract amount not to exceed \$99,734.

VOTE: 5-0-1 (Director Harris abstained; Director Hanko absent.)

BOARD BUSINESS

8. Measure AA Bond Oversight Committee Appointments (R-18-93)

President Cyr explained the voting and appointment process to be used to select the three Bond Oversight Committee members to fill the current vacancies.

Director Riffle inquired regarding how well the current Bond Oversight Committee functions and orientation for any new Committee members.

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak described the current membership of the Committee and how the Committee has functioned over the last two review cycles.

Public comment opened at 7:20 p.m.

No speakers present.

Public comment closed at 7:20 p.m.

The Board of Directors completed the voting process, and District Clerk Jennifer Woodworth tallied the Board member votes. The Board appointed the following to the Measure AA Bond Oversight Committee:

- Carla Dorow
- Denise Gilbert
- Timothy Tomlinson

The Board ranked the following two applicants who may be appointed in the event of a vacancy on the Committee:

- Biz Eischen
- Barbara Adey

9. Update to the Resource Management Policies, Water Resources Section (R-18-92)

Water Resources Specialist Aaron Hébert presented the staff report describing the history and regulations related to water use and allocation regionally and statewide. Mr. Hébert provided an overview of the District's water resources program structure and program activities, such as monitoring and reporting water use according to water rights, assessment and restoration of riparian habitats, and pre-acquisition evaluation of watersheds for potential land acquisitions.

Director Kishimoto requested clarification regarding adjudicated rights, especially as related to water allotments during droughts.

Mr. Hébert described the process for water allotments for adjudicated water sources.

Mr. Hébert described the District's procedures for monitoring and reporting on water resources on District lands and how the data is utilized, including water resources management and meeting water rights reporting requirements. Additionally, District staff completes various water studies to help determine the effectiveness of the watershed protection work completed by the District.

Director Riffle inquired if it is possible to measure the benefit of any District decisions to no longer remove water from stream or spring water sources.

Mr. Hébert explained the benefits may be examined on an individual basis to study the positive impact on wildlife and natural resources restoration and protection.

Mr. Hébert reviewed the purpose of the District’s water resource policies and proposed changes. He also described the feedback received from the San Mateo County Farm Bureau and San Mateo Agricultural Commissioner.

Director Siemens suggested the following edit on page 5:

“• Restore hydrologic processes altered by past land uses by ‘slowing # water, spreading it, and sinking it’ through installing erosion control materials...”

Mr. Hébert reported he will make the suggested change.

Public comments opened at 8:29 p.m.

No speakers present.

Public comments closed at 8:29 p.m.

Motion: Director Kishimoto moved, and Director Riffle seconded the motion to approve the proposed revisions to the Water Resources policy section of the Water Resources Policy, as unanimously recommended by the Planning and Natural Resources Committee.

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

INFORMATIONAL MEMORANDUM

- Administrative Office Remodel Project Design Team Selection Timeline and Process
- Alma College Cultural Landscape Rehabilitation Project
- State Legislative Update

INFORMATIONAL REPORTS

A. Committee Reports

Director Harris reported the Legislative, Funding, and Public Affairs Committee met on July 17, 2018 to discuss proposed updates to the memorial bench policy regarding undedicated benches and a proposed memorial bench to honor Vince Garrod. Both items will be presented to the Board on August 22, 2018.

Director Hassett reported the Administrative Office Ad Hoc Committee is currently in the process of interviewing architectural firms for design of the new administrative office to be located at 5050 El Camino Real.

B. Staff Reports

Ms. Woodworth requested all Board members complete their Form 470 for calendar year 2018 to be provided to Santa Clara County

Mr. Jaskulak reported the fiscal year 2018-19 budget book has been printed and provided copies to all Board members.

Ms. Ruiz reported she met with Committee for Green Foothills' executive director Megan Medeiros to discuss possible partnership opportunities.

C. Director Reports

The Board members submitted their compensatory reports.

Director Kishimoto reported her attendance at the Santa Clara Valley Water Commission meeting and the Santa Clara County Redevelopment Agency Oversight Board meeting.

President Cyr reported his attendance at the CalJPIA annual Board of Directors meeting in La Palma, CA and reported the District received a risk management award for Liability Program Members Best Overall Performance for Non-Municipal Members.

ADJOURNMENT

President Cyr adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:47 p.m.

Jennifer Woodworth, MMC
District Clerk