



Midpeninsula Regional
Open Space District

MEETING 12-37

REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office
330 Distel Circle
Los Altos, CA 94022

November 28, 2012

MINUTES

REGULAR MEETING – CLOSED SESSION

I. ROLL CALL

President Riffle called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 5:00 p.m.

Members Present: Jed Cyr, Yoriko Kishimoto, Pete Siemens, Larry Hassett, Nonette Hanko, Cecily Harris, and Curt Riffle

Members Absent: None

Staff Present: General Manager Steve Abbors, Interim Assistant General Counsel Tamara Galanter, Natural Resources Manager Kirk Lenington, Planner III Matt Baldzikowski, and Media Communications Supervisor Shelly Lewis

II. ORAL COMMUNICATIONS

There were none.

At 5:03 p.m., the Board entered into Closed Session.

REGULAR MEETING – STUDY SESSION

I. STUDY SESSION

- 1. Study Session Agenda Item #1** – Discuss the Purpose of the Vision Plan Community Advisory Group and Proposed Key Principles Related to its Formation (R-12-119)

Senior Planner Sandy Sommer explained that the Study Session provides the Board with information on the formation of a volunteer Community Advisory Group to participate in the District Vision Plan. She explained that the Community Advisory Group is a component of the overall strategy to engage the public in the planning process and build support for the District. Ms. Sommer stated that the Study Session gives the Board the opportunity to discuss and provide input on the Community Advisory Group, and that consideration of the Community Advisory Group will be held during the Regular Board meeting.

Next, Ms. Sommer provided an overview of the purpose of the Community Advisory Group and presented the proposed Charter and Roles of the Community Advisory Group. Extensive discussion was held.

Public Comment: Bern Smith with the Bay Area Ridge Trail spoke in favor of the creation of a Community Advisory Group.

Due to time constraints, the Board adjourned the Study Session at 6:58 p.m., and continued discussion of this item during the Regular Meeting.

REGULAR MEETING – OPEN SESSION

I. ROLL CALL

President Riffle called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 7:04 p.m.

Members Present: Jed Cyr, Yoriko Kishimoto, Pete Siemens, Larry Hassett, Nonette Hanko, Cecily Harris, and Curt Riffle

Members Absent: None

Staff Present: General Manager Steve Abbors, Interim Assistant General Counsel Tamara Galanter, Interim Assistant General Manager Ana Ruiz, Administrative Services Manager Kate Drayson, Real Property Manager Mike Williams, Natural Resources Manager Kirk Lenington, Operations Manager David Sanguinetti, Acting Public Affairs Manager Renee Fitzsimons, Acting Planning Manager Tina Hugg, Human Resources Supervisor Candice Basnight, Skyline Superintendent Brian Malone, Ranger Steve Gibbons, Ranger Brad Pennington, Ranger Kerry Carlson, Supervising Ranger Dennis Danielson, Supervising Ranger Brendan Downing, Ranger Andrew Verbrugge, Maintenance, Construction, and Resources Supervisor

Craig Beckman, Ranger Alex Hapke, Management Analyst
Gordon Baillie, Media Communications Specialist LaNor Maune,
and District Clerk Michelle Radcliffe.

President Riffle reported out on the Closed Session and stated that based on the inability to get satisfactory results through negotiation, the Board unanimously voted to direct staff to file a lawsuit challenging the adequacy of the Environmental Impact Report for the recently approved Reclamation Plan for the Lehigh Southwest Cement Company's Permanente Quarry. The Board also directed staff to pursue independent air quality monitoring, apart from the litigation, to help the District get better understanding of what is in the air, which staff and visitors are breathing at the Rancho San Antonio Open Space Preserve.

II. ORAL COMMUNICATIONS

Glenda Smith of San Jose and owner of Bear Creek Stables thanked the Board for allowing them run a stables operation on the District's Bear Creek Redwoods Open Space Preserve.

Jenny Whitman of Los Gatos thanked the Board for allowing the stables operation to continue. She spoke about the recent activity regarding the marijuana grow found on the Preserve and thanked Supervising Ranger Tom Lausten and the Foothill Field Office staff for their help during the ordeal.

Brian Cox of Palo Alto spoke about the violation he received for riding his bike at Sierra Azul and urged the District to open the roads on Sierra Azul Open Space Preserve to the public to allow users to bike on the preserve.

III. ADOPTION OF AGENDA

Motion: Upon motion by Director Cyr, seconded by Director Siemens, the Board adopted the amended agenda. (Vote: 7-0-0)

IV. ADOPTION OF CONSENT CALENDAR

Motion: Upon motion by Director Hanko, seconded by Director Harris, the Board approved adoption of the Consent Calendar to approve the **Minutes of November 14, 2012, as amended; Revised Claims No. 12-20; and Approved a new Master Communication Site Lease at the Russian Ridge Open Space Preserve, a Communication Permit Agreement at the Russian Ridge Open Space Preserve, a Communication Permit Agreement at San Francisco Public Utilities Commission Property with San Mateo County; and Determined that the recommended actions are Categorically Exempt from the California Environmental Quality Act.** (Vote: 7-0-0)

V. BOARD BUSINESS

1. **Agenda Item #5** – Appointment of Andrew Verbrugge as a District Peace Officer (R-12-110)

Operations Manager David Sanguinetti introduced Andrew Verbrugge to the Board and provided his background information and credentials. He stated that the General Manager's recommendation is to appoint Mr. Verbrugge as a new District Peace Officer.

Motion: Upon motion by Director Kishimoto, seconded by Director Hassett, the Board appointed Andrew Verbrugge as a District Peace Officer (Vote: 7-0-0)

2. **Agenda Item #6** – Approval of Memorandum of Understanding with Midpeninsula Regional Open Space District Field Employees Association and Approval of Salary and Benefits for Office, Supervisory, and Management Employees (R-12-118)

Administrative Services Manager Kate Drayson reported that a new Memorandum of Understanding with the Midpeninsula Regional Open Space District Field Employees Association has been reached for a three-year term that will expire on June 30, 2015. She explained that past practice has provided extending the same salary and benefit adjustments to the Office, Supervisory, and Management employees.

Next, Ms. Drayson explained the economic changes ratified in the MOU includes an annual 3% salary increase for the next three years that is offset by both a 2% annual reduction in the District-paid portion of the employee Public Employees Retirement System (PERS) contribution and an increase in the employee cost-share for a portion of medical insurance premiums. She then provided an overview of the cost-sharing changes to District medical benefits and other benefits.

Lastly, Ms. Drayson stated that in addition to the economic changes, the Field Employees Association also received adjustments to night shift differential, an increase in the annual uniform allowance, new Field Training Office and Medical Trainer Programs, an increase in the Equipment Operator Mechanic salary range to reflect revised duties, and implementation of a Longevity Pay Program for employees with ten or more years of service with the District. Discussion ensued.

Public Comment: Brad Pennington, President of Field Employee Association, stated that although the Association is not entirely happy with the ratification, they hope to work toward a more harmonious future and urged the Board to continue moving forward with the Classification and Compensation Study in the spring.

The Board complimented and thanked the negotiating teams for their work during the negotiations.

Motion: Upon motion by Director Hassett, seconded by Director Cyr, the Board adopted a resolution approving the Memorandum of Understanding with the Midpeninsula Regional Open Space District Field Employees Association for a term of July 1, 2012, through June 30, 2015, effective November 26, 2012; adopted a

resolution approving the Salary and Benefits for the Office, Supervisory, and Management employees, effective November 26, 2012; approved a resolution to amend the Employer Paid Member Contribution with the California Public Employees Retirement System to implement the appropriate provisions of Recommendations 1 and 2 as necessary, including returning to the Board for any additional required actions; approved the District's updated FY2012-13 Classification and Compensation Plan; and directed staff to return to the Board with appropriate revisions to the District's Personal Policies and Procedures Manual to implement Recommendation 2 for Office, Supervisory, and Management employees, as needed. (Vote: 7-0-0)

3. **Agenda Item #7** – Award of Contract for Interim Assistant General Counsel with the Law Firm of Shute, Mihaly, and Weinberger, LLP in an Amount Not-to-Exceed \$248,795 through March 31, 2014 (R-12-108)

This item was taken off the agenda and deferred to the next Board meeting.

No action was taken by the Board.

4. **Agenda Item #8** – Approve the Purpose and Formation of the Vision Plan Community Advisory Group as Presented by Staff and Refined by the Board of Directors at Tonight's Study Session on the Vision Plan Community Advisory Group (R-12-117)

Senior Planner Sandy Sommer continued discussion on the Community Advisory Group. Ms. Sommer proceeded to provide an overview of the desired perspectives, membership, and formation process of the Community Advisory Group; the qualities of the Community Advisory Group; and the process of forming the Community Advisory Group. Extensive discussion ensued on the time commitment required of the Community Advisory Group members, the Board's role with regards to the Community Advisory Group, and overall Board concerns regarding the Community Advisory Group. The Board provided feedback and stated they would provide names of potential Community Advisory Group members to staff.

Public Comment: Ray Hosler of Santa Clara spoke in favor of the Vision Plan Community Advisory Group.

Motion: Upon motion by Director Cyr, seconded by Director Siemens, the Board endorsed the purpose and formation of the Vision Community Advisory Group. (Vote: 7-0-0)

VI. INFORMATIONAL REPORTS

COMMITTEE REPORTS

Director Hanko reported that the Legislative, Funding, and Public Affairs committee met to discuss the Social Media and Electronics Communications Policy as well as the commemoration for former District contractor and contributor Gene Sheehan.

STAFF REPORTS

Natural Resources Manager Kirk Lenington provided an update on the consultant process for the Integrated Pest Management program. He also stated that he attended the Santa Clara County Agriculture Summit and provided a brief report.

Real Property Manager Mike Williams thanked Real Property Specialist Elaina Cuzick for her work on the purchase of the Peninsula Open Space Trust Toto Ranch property.

Operations Manager David Sanguinetti announced that the District's simulcast radio system will go live on December 17th.

Administrative Services Manager Kate Drayson provided an update on the Integrated Accounting and Financial Software.

DIRECTOR REPORTS

The Board submitted their compensable stipend forms to the District Clerk.

The Board did not provide any reports.

VII. ADJOURNMENT

President Riffle adjourned the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:38 p.m.

Michelle Radcliffe, CMC
District Clerk