



Midpeninsula Regional
Open Space District

Meeting 12-38

REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office
330 Distel Circle
Los Altos, CA 94022

December 12, 2012

MINUTES

REGULAR MEETING – REGULAR SESSION

I. ROLL CALL

President Riffle called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 7:00 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, General Counsel Sheryl Schaffner, Interim Assistant General Manager Ana Ruiz, Natural Resources Manager Kirk Lenington, Operations Manager David Sanguinetti, Real Property Manager Mike Williams, Acting Public Affairs Manager Paul McKowan, Acting Public Affairs Manager Renee Fitzsimons, Administrative Services Manager Kate Drayson, Acting Planning Manager Tina Hugg, Interim Assistant General Counsel Tamara Galanter, Resource Management Specialist I Joel Silverman, Media Communications Supervisor Shelly Lewis, Media Communications Specialist LaNor Maune, and District Clerk Michelle Radcliffe

II. ORAL COMMUNICATIONS

Jeff Escallier of Los Gatos and representative of the Montevina Homeowners Association and the Citizens Group of Bohlman Road spoke to the Board about changing the District's policy of not allowing dogs at El Sereno Open Space Preserve and urged the Board to look at the concerns brought up by the Association and Citizens Group.

Aviva Garrecht, resident of Bohlman Road in Los Gatos, also spoke in favor of changing the District's policy of not allowing dogs at El Sereno Open Space Preserve.

III. ADOPTION OF AGENDA

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

IV. SPECIAL ORDERS OF THE DAY

General Manager Steve Abbors explained that Marin County Parks and Monterey Peninsula Regional Park District are celebrating their 40th Anniversary this year and that the resolutions brought to the Board are to honor that milestone.

Motion: Upon motion by Director Hanko, seconded by Director Kishimoto, the Board approved the resolution honoring the 40th Anniversary of Marin County Parks. (Vote: 7-0-0)

Motion: Upon motion by Director Hanko, seconded by Director Siemens, the Board approved the resolution honoring the 40th Anniversary of Monterey Peninsula Regional Park District. (Vote: 7-0-0)

V. ADOPTION OF CONSENT CALENDAR

Motion: Upon motion by Director Cyr, seconded by Director Harris, the Board approved adoption of the Consent Calendar to approve the Minutes of November 28, 2012,; and Revised Claims No. 12-20. (Vote: 7-0-0)

V. BOARD BUSINESS

1. **Agenda Item #4** – Informational Presentation on Argentine Ant Research (R-12-107)

Resource Management Specialist I Joel Silverman introduced Deborah Gordon from Stanford University who gave an informational presentation on the Argentine ant study that was funded under the District's Resource Grants Program starting in 2007. She explained that researchers surveyed for Argentine ants in ten District preserves and found that the invasive ants are not present in six preserves but are established in the Fremont Older and Pulgas Ridge Open Space Preserves. Ms. Gordon also explained the model developed to predict the spread of Argentine ants in Fremont Older and Pulgas Ridge Open Space Preserves. Discussion ensued.

Public Comment: Jeff Escallier of Los Gatos asked Ms. Gordon about solutions to the spread of the Argentine ant.

No action was taken by the Board.

2. **Agenda Item #5** – 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)

General Counsel Sheryl Schaffner provided an overview of the Assistant General Counsel position vacancy and stated that both she and the General Manager recommend that the Board approve a contract with the law firm of Shute, Mihaly and Weinberger, LLP to provide interim Assistant General Counsel services in an amount equal to the cost savings realized by the current vacancy in that position totaling \$248,795 for the remainder of FY2012-13 and next FY2013-14. Ms. Schaffner introduced Tamara Galanter, who is currently the Interim Assistant General Counsel and has worked with the District on a number of projects. Ms. Galanter provided background of the firm and of herself.

Next, Ms. Schaffner explained that she will need to analyze the position for a time period to determine what the exact needs are and proposed to return to the Board during her annual review in June of 2014 to report out on her analysis and recommendations to the Board.

The Board held extensive discussion on the cost of hiring a contracted interim Assistant General Counsel as opposed to hiring a District employee. Director Hassett stated that it may be more cost-effective to hire a District employee versus contracting the legal service out.

President Riffle also expressed his concern on the cost of using a contractor for an interim basis for the period of time recommended (15 months). General Manager Steve Abbors suggested that if the allocated funds were used up front to assist with Ms. Schaffner's research, then a report on the analysis may be able to be brought sooner to the Board. Ms. Schaffner also concurred and stated that she can accelerate her analysis with the caveat that the analysis may not be as robust given the shortened time period. Discussion ensued.

Director Cyr stated that the District needs to look at how the Legal department will be used in the next five to ten years and then determine the current and future needs. Director Harris commented that the District should not only look at the title of "Assistant General Counsel" and instead look at what the department may need. Brief discussion ensued.

Motion: Upon motion by Director Siemens, seconded by Director Kishimoto, the Board approved the staff recommendation as proposed with direction to staff to utilize a portion of the approved funding up front to provide an early and robust analysis (early summer). (6-1-0; Noes: Riffle)

VI. INFORMATIONAL REPORTS**COMMITTEE REPORTS**

Director Siemens reported that the Administration and Budget Committee met to discuss the FY2012-13 Midyear budget.

STAFF REPORTS

Natural Resources Manager Kirk Lenington provided an update on the Lehigh Quarry matter and stated that staff is working on creating an air monitoring program at Lehigh. He also provided an update on the eucalyptus trees at Pulgas Ridge Open Space Preserve and stated that the tree removal will be completed in the next year.

Acting Public Affairs Manager Renee Fitzsimons acknowledged staff for attending the Santa Clara County Open Space Authority Vision Plan meeting and spoke about the District's "Room to Breathe" book reception held on December 6th.

Interim Assistant General Manager Ana Ruiz provided an update on the Vision Plan and stated that the Study Session that was originally scheduled for tonight to discuss the Community Engagement Plan was moved to January to allow staff time to coordinate with Public Affairs. She also stated that the January Study Session will also give staff the opportunity to provide the Board with an update on the recommended members of the Community Advisory Group.

Acting Planning Manager Tina Hugg provided updates on the Mount Umunhum demolition project, the Hawthorns buildings assessment, the Ancient Oaks Trail project, and reported that staff will be submitting a grant application for \$1 million dollars with the Coastal Conservancy for the Mount Umunhum project. Ms. Hugg also provided an update on the damage at the El Corte de Madera Parking Lot due to recent winter storms. She explained that due to the storm damage, the parking lot will not be open in December as previously anticipated.

Real Property Manager Mike Williams reported that the purchase of the Peninsula Open Space Trust (POST) Toto Ranch property closed at the end of November. He also reported that POST has closed on the purchase of the remainder of the Driscoll property.

General Manager Steve Abbors provided an update on the Lehigh lawsuit. He also reported that he is working with Dr. George Manross of Strategy Resource Institute Consulting on District polling for the 2014 capital finance project.

DIRECTOR REPORTS

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

Director Siemens reported that the Santa Clara County Local Agency Formation Commission (LAFCo) passed a resolution allowing special district seating on the commission and that it will be calling for nominations for the special district

representative and alternate. He also reported that he attended the event for Rich Gordon and attended a Los Gatos City Council meeting.

Director Cyr reported that he attended the event for Rich Gordon and that he attended the Vision Plan meeting for the Santa Clara County Open Space Authority. He also stated he attended the District's End of the Year Celebration, the holiday party for the South Skyline Association, and the District's "Room to Breathe" book reception.

Director Hanko reported that she attended the South Skyline Association holiday party.

Director Kishimoto reported that she attended the District's "Room to Breathe" book reception.

Director Harris reported that she and Director Kishimoto met with a representative from Acterra and had a conversation regarding the Hawthorns property. She also reported that she attended the District's End of the Year Celebration as well as a Water Trail Advisory Committee meeting.

Director Hassett reported on the South Skyline Association holiday party and stated that he attended the District's End of the Year Celebration and District's "Room to Breathe" book reception.

President Riffle recognized staff for their work and contribution to the November 29th San Mateo Agriculture Summit and stated that Mr. Lenington did a great job on his presentation.

VII. ADJOURNMENT

President Riffle adjourned the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:36 p.m.

Michelle Radcliffe, CMC
District Clerk