



Midpeninsula Regional
Open Space District

January 14, 2015
Board Meeting 15-01

SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office
330 Distel Circle
Los Altos, CA 94022

January 14, 2015

DRAFT MINUTES

SPECIAL MEETING – STUDY SESSION

I. CALL TO ORDER

President Harris called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 5:02 p.m.

ROLL CALL

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

Members Absent: None

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, Assistant General Manager Kevin Woodhouse, District Clerk Jennifer Woodworth

III. STUDY SESSION

1. Development of Employee Compensation Guiding Principles (R-15-13)

Assistant General Manager Kevin Woodhouse provided the staff presentation summarizing the draft Employee Compensation Guiding Principles Board policy and the various discussions and development of the policy by the Action Plan and Budget Committee (ABC). Mr. Woodhouse presented information regarding a recruitment and retention analysis completed by staff at the direction of the ABC. Mr. Woodhouse reviewed the various sections of the draft policy and described the purpose of each section. Mr. Woodhouse described the three options presented for Section 6 *Competitiveness* of the draft policy and the preliminary cost estimate assumptions and associated limitations associated with implementing Options A, B, or C.

Director Hanko commented on the high quality of District staff and the members of the ABC. Director Hanko inquired if staff recommends delaying a decision on the draft policy based on the implications of the FOSM.

Director Riffle stated that as a member of the ABC he wants all members of the Board of Directors to read through and feel comfortable with the entire policy before moving forward.

Director Hassett expressed his concern regarding the process for choosing comparative agencies and inquired if the ABC discussed this process and the implications of choosing different comparative agencies for different positions in order to best match job descriptions.

General Manager Steve Abbors urged the Board to continue to use the comparative agencies used in the 2013 Compensation Study in order to avoid uncertainty inherent in choosing different comparative agencies for each compensation study.

Director Kishimoto provided comments regarding public safety retirement and whether a provision should be included in the policy to state that the District does not pay public safety retirement.

Public hearing opened at 6:17 p.m.

Alexander Hapke, Field Employees Association Treasurer, provided comments regarding the retirement plan for the members of the Field Employee Association and labor negotiations, cost of implementing

Kerry Carlson, Vice-President of the Field Employees Association, provided comments regarding Santa Clara Open Space Authority's recent successful funding measure, its adoption of a 75% of median compensation standard prior to the passage of the measure, and the District's history of paying its employees above the median.

Donald MacKessy, Lead Open Space Technician at Foothills, expressed his support for Option A and thanked the Board for their commitment to pay staff at or above the median. Mr. MacKessy provided comments regarding payment of District staff below average for comparative agencies and its negative impact on staff's morale and District culture.

Grant Kern, President of the Field Employees Association and Lead Open Space Technician, provided comments regarding the retention and recruitment analysis provided by staff stating that it cannot accurately represent individual employees' reasoning for working at the District. Finally, Mr. Kern provided comments regarding the high cost of living in the Bay Area.

Ken Bolle, Skyline Equipment Mechanic Operator, provided comments regarding the impact of previous Y-rating on maintenance staff. Mr. Bolle shared information regarding San Mateo County's policy on Y-rating and encouraged the Board to adopt a similar policy.

Brennon McKibbin, Skyline Open Space Technician, provided comments regarding the comparative positions used for the compensation study and differences in responsibilities and duties of District field employees and those of other agencies. Mr. McKibbin also provided comments on the economic value of District labor as compared to labor completed for the District by outside contractors.

Public hearing closed at 6:42 p.m.

Director Hassett provided comments regarding separating comparison of salaries and benefits.

Director Cyr provided comments in support of comparing salaries and benefits separately and his desire that total compensation be studied.

Director Hanco provided comments regarding Y-rating of employees and supported delaying a decision on the draft policy until additional reports are received.

Director Siemens directed staff to provide additional information regarding San Mateo County's policy on Y-rating.

Mr. Woodhouse explained that although the Santa Clara Open Space Authority has established a policy of paying in the 75th percentile of comparator agencies used by that agency, but the actually salaries are equivalent to the 50th percentile of comparator agencies used by the District in its recent compensation study.

General Manager Steve Abbors provided comments related to Measure AA stating that it was largely in response to comments from members field staff that they were lacking in staff, equipment, and other resources to manage the District's preserves. As a result of the passage of Measure AA, the District must continue to be responsive to the public's expressed desire to be conservative in managing the District's finances and preserves as Measure AA projects are implemented. Mr. Abbors also committed to continue to work with District staff regarding staff salaries and benefits.

IV. ADJOURNMENT

President Harris adjourned the Special Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:03 p.m.

REGULAR MEETING

I. CALL TO ORDER

President Harris called the Regular Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 7:15 p.m.

II. ROLL CALL

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

Members Absent: None

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, General Counsel Sheryl Schaffner, Administrative Services Manager Kate Drayson, Operations

Manager Michael Newburn, Planner III Aaron Hébert, Real Property Manager Mike Williams, Real Property Specialist Allen Ishibashi, Planning Manager Jane Mark, Senior Planner Tina Hugg, GIS Coordinator Casey Hiatt, Planner III Gina Coony, Planner II Gretchen Laustsen, and District Clerk Jennifer Woodworth

III. ORAL COMMUNICATIONS

No speakers present.

IV. ADOPTION OF AGENDA

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

VOTE: 7-0-0

V. CONSENT CALENDAR

1. Approve Minutes of the Special and Regular Board Meetings of December 10, 2014 and December 17, 2014.

Director Harris requested the minutes of December 10, 2014 meeting to be amended to read “prohibition against residential or non-agricultural development” and the minutes of December 17, 2014 minutes to read “railings must be replaced.”

Motion: Director Cyr moved, and Director Kishimoto seconded the motion to approve the minutes of the December 10, 2014 and December 17, 2014 Board meetings, as amended.

VOTE: 7-0-0

VI. SPECIAL ORDER OF THE DAY

1. Certification of November 4, 2014 Election Results, Board of Directors Wards 1, 2, 5, and 6 (R-15-06)

Motion: Director Kishimoto moved, and Director Cyr seconded the motion to:

1. Adopt the Resolution Declaring Canvass of Returns and Results of the Biennial General District Election held on November 4, 2014
2. Adopt the Resolution Appointing Director – Ward 2 of the Board of Directors of the Midpeninsula Regional Open Space District
3. Adopt the Resolution Appointing Director – Ward 5 of the Board of Directors of the Midpeninsula Regional Open Space District

Motion: Director Kishimoto moved, and Director Cyr seconded the motion to approve the Consent Calendar.

VOTE: 7-0-0

2. Oath of Office for Director Siemens – Ward 1, Director Kishimoto – Ward 2, Director Hanco – Ward 5, and Director Hassett – Ward 6

District Clerk Jennifer Woodworth administered the Oath of Office to Directors Siemens, Kishimoto, Hanco, and Hassett.

V. CONSENT CALENDAR (CONTINUED)

2. Approve the Claims Report

Director Hanco recused herself regarding all items related to Pacific Gas and Electric and AT&T.

Motion: Director Kishimoto moved, and Director Cyr seconded the motion to approve the Claims Report.

VOTE: 7-0-0

3. Award a Contract for the Prospect Road Parking Lot Canopy Structure at Fremont Older Open Space Preserve (R-15-11)

General Manager's Recommendation: Authorize the General Manager to enter into a professional services contract with Harris Design for \$39,800 with a 15% contingency of \$6,200, for a total amount not to exceed \$46,000, to provide design and construction administration services for the Prospect Road Parking Lot Canopy Structure at Fremont Older Open Space Preserve.

4. Approval of First Amendment to Grant Deed of Fee Estate Subject to a Power of Termination, a Declaration of Covenants, Conditions and Restrictions, Reservation of a Right of First Refusal, an Easement for Conservation, Open Space and Public Trails at Long Ridge Open Space Preserve (San Mateo County Assessor's Parcel Number 080-410-270), and a Determination that the Recommended Actions are Categorically Exempt from the California Environmental Quality Act. (R-15-03)

General Manager's Recommendation:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act, as set out in the staff report.
2. Adopt a Resolution approving First Amendment to Grant Deed of Fee Estate Subject to a Power of Termination, a Declaration of Covenants, Conditions and Restrictions, Reservation of a Right of First Refusal, an Easement for Conservation, Open Space and Public Trails between Thomas L. Anderson/Sharon L. Niswander and Midpeninsula Regional Open Space District.

5. Amend Legal Services Contract with Howard, Rome, Martin & Ridley for a Total Authorized Amount of \$45,000 (R-15-05)

General Manager's Recommendation: Amend the existing contract for legal services to increase the contract amount by \$20,000 for a total not to exceed amount of \$45,000, for legal and

subject-matter expert support of litigation settlement efforts, coordination with the County, and related legal issues.

6. Lease for Office Space at 4984 El Camino Real, Suite 100, Los Altos (R-15-04)

General Manager's Recommendation:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act, as set out in the staff report.
2. Adopt a Resolution authorizing the General Manager to enter into an Office Lease with Wellington Park Investors.

7. Contract to Provide Fence Installation Work at the La Honda Creek Open Space Preserve (R-15-10)

General Manager's Recommendation:

1. Authorize the General Manager to enter into an agreement with Southwest Fence and Supply Company of Patterson, CA, for a total contract amount not to exceed \$149,905 to provide fence installation work at the La Honda Creek Open Space Preserve.
2. Determine that the recommended action is consistent with the Mitigated Negative Declaration and Mitigation Monitoring Plan for Implementation of the La Honda Creek Master Plan, approved by the Board on August 22, 2012.
3. Authorize the General Manager to move \$30,000 from the Land budget to the Capital budget to cover the additional costs for the contract.

Motion: Director Cyr moved, and Director Siemens seconded the motion to approve the Consent Calendar.

VOTE: 7-0-0

VII. BOARD BUSINESS

8. Election of the Board of Directors Officers for Calendar Year 2015 (R-15-07)

President Harris reflected on the past year and shared some of the District's accomplishments during her term as Board President.

District Clerk Jennifer Woodworth reviewed the voting procedures for the election of officers for the Board of Directors for Calendar Year 2015 and called for nominations for Board President.

Director Hanko nominated Director Siemens for President and Director Cyr seconded the nomination. No further nominations were presented.

Motion: Upon motion by Director Cyr, seconded by Director Hassett, the nominations for Board President were closed.

VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Siemens as Board President for Calendar Year 2015.

President Siemens called for nominations for Board Vice President. Director Hanko nominated Director Kishimoto for Vice President and Director Hassett seconded the nomination. No further nominations were presented.

Motion: Upon motion by Director Cyr, seconded by Director Hassett, the nominations for Board Vice President were closed.

VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Kishimoto as Board Vice President for Calendar Year 2015.

President Siemens called for nominations for Board Treasurer. Director Hanko nominated Director Riffle for Board Treasurer and Director Harris seconded the nomination. No further nominations were presented.

Motion: Director Kishimoto moved, and Director Cyr seconded the motion to close the nominations for Board Treasurer.

VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Riffle as Board Treasurer for Calendar Year 2015.

President Siemens called for nominations for Board Secretary. Director Hassett nominated Director Cyr for Board Secretary and Director Hanko seconded the nomination. No further nominations were presented.

Motion: Upon motion by Director Harris, seconded by Director Riffle, the nominations for Board Secretary were closed.

VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Cyr as Board Secretary for Calendar Year 2015.

Public hearing opened at 7:42 p.m.

No speakers were present.

Public hearing closed at 7:42 p.m.

VOTE: 7-0-0

9. Appointment of Action Plan and Budget Committee Members for Calendar Year 2015 (R-15-08)

President Siemens reported that he has appointed Directors Siemens, Riffle, and Kishimoto to the Action Plan and Budget Committee for Calendar Year 2015.

Public hearing opened at 7:43 p.m.

No speakers were present.

Public hearing closed at 7:43 p.m.

Motion: Director Cyr moved, and Director Harris seconded the motion to approve the Board President's appointments to the Action Plan and Budget Committee for Calendar Year 2015

VOTE: 7-0-0

Director Hanko left at 7:44 p.m.

10. Reclassification of Four District Positions and the Addition of One Classification (R-15-12)

Human Resources Supervisor Candice Basnight provided the staff report summarizing the classification study completed by Koff and Associates and described the need for the reclassifications.

Director Riffle inquired as to the impetus for the reclassification studies.

Ms. Basnight explained that they are often at the request of the department manager and several were based on incumbents working out of class for some time.

Public hearing opened at 7:59 p.m.

No speakers were present.

Public hearing closed at 7:59 p.m.

Motion: Director Cyr moved, and Director Hassett seconded the motion to adopt a resolution approving the following position changes:

1. Reclassification of an Accountant to a Senior Accountant in the Administrative Services Department.
2. Reclassification of an Administrative Assistant to a Risk Management Coordinator in the Legal Department.
3. Reclassification of two Real Property Specialists to Senior Real Property Specialists in the Real Property Department.
4. Reclassification of a Real Property Assistant to Real Property Specialist I in the Real Property Department.
5. Addition of a Real Property Specialist II classification to the District's Classification and Compensation Plan.

VOTE: 6-0-0 (Director Hanko absent.)

11. Priority Conservation Areas in San Mateo and Santa Clara Counties (R-15-02)

Senior Planner Tina Hugg described the purpose and intention of Priority Conservation Areas (PCA) as adopted by the Association of Bay Area Governments. PCAs are intended to consist of regionally significant open spaces about which there is broad consensus for long-term protection;

be areas that contain important agricultural, natural resource, watershed, historic, scenic, cultural, recreational, and/or ecological values and ecosystem functions deserving of conservation funding; and be diverse (including recreation areas, watersheds, farmlands, etc.).

Planning Manager Jane Mark described revisions to the PCA program and described the requirements for applying to for the PCA designation.

GIS Coordinator Casey Hiatt described the use of scientific information gathered through the Vision Plan process as supporting evidence for the PCA applications. Ms. Hiatt presented a sample of the potential areas for the proposed PCAs.

Ms. Mark outlined the next steps in the process including the application process and timeline for approval. Ms. Mark also explained how the designation of land as PCAs will hopefully support future funding opportunities.

President Siemens thanked staff for their presentation.

12. Construction and Demolition Waste Diversion Policy (R-15-01)

Project Manager Aaron Hébert described the policy as reviewed by the Planning and Natural Resources Committee and the change to the policy requested by the committee.

Project Manager Gina Coony described the effect of the policy to allow the District to regulate its own waste stream for its construction and demotion projects.

Director Siemens expressed his concern that the policy may further limit the contractors that bid on District projects.

Ms. Coony explained that the policy is largely internal and does not add further demands on contractors because the District already requires contractors to recycle recyclable material.

Public hearing opened at 8:36 p.m.

No speakers were present.

Public hearing closed at 8:36 p.m.

Motion: Director Kishimoto moved, and Director Cyr seconded the motion to approve the new Construction and Demolition Waste Diversion Policy, as reviewed and revised by the Planning and Natural Resources Committee.

VOTE: 6-0-0 (Director Hanko absent.)

VIII. COMMITTEE REPORTS

Director Hassett reported that the Real Property Committee met yesterday to visit the Riggs property, which will be going to the Board in Closed Session on January 28, 2015.

IX. STAFF REPORTS

Assistant General Manager Kevin Woodhouse reported that a volunteer with the Los Altos Hill Open Space Committee contacted the District regarding its Sudden Oak Death efforts, and Cindy Roessler was able to provide helpful information.

Real Property Manager Mike Williams provided an update on staff's work with Supervisor Don Horsley's office regarding farm labor housing.

X. DIRECTOR REPORTS

The Board submitted their compensatory forms to the District Clerk.

Director Hassett reported that the topic of the next general meeting of the South Skyline Association is Global Warming in the Bay Area if any are interested in attending.

Director Riffle reported that as a member of the District's Volunteer Trail Patrol, he was able to spend 71 miles and 361 hours on the District's trails.

Director Riffle will be meeting with Laura Macias to seek opportunities for community engagement in Ward 4.

Director Harris reported that Pulgas Ridge has been very busy recently.

XII. ADJOURNMENT

President Siemens adjourned the Special Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:00 p.m.

Jennifer Woodworth, CMC
District Clerk