



**SPECIAL AND REGULAR MEETING
BOARD OF DIRECTORS
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

Wednesday, January 10, 2024

*The Board of Directors conducted this meeting in accordance with
California Government Code section 54953.*

DRAFT MINUTES

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

President Kishimoto called the special meeting of the Midpeninsula Regional Open Space District to order at 5:30 p.m.

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret MacNiven, and Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Controller Mike Foster, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Loana Lumina-Hsu, and Budget and Finance Manager Rafaela Ocegüera

1. Annual Bond Disclosure Training for the Board of Directors, Members of the Disclosure Working Group, and Contributors (R-24-01)

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak introduced Jacqui Jennings with the District's bond counsel ArentFox Schiff and explained the purpose of the annual bond disclosure training for the Board and appropriate staff.

Ms. Jennings presented the annual training on bond disclosure obligations, responsibilities, financial obligations and associated amendments, and potential liabilities of members of the Board of Directors, the Disclosure Working Group, the Disclosure Coordinator, and Contributors.

Director Riffle inquired about the general timeline for the bond issuance sale this year.

Mr. Jaskulak explained that staff aims to complete the new issuance before the fiscal year ends, likely in April or May, and are also seeking guidance from underwriters to determine the optimal timing in the market.

Director Riffle asked how much the public would be involved in the process leading to the issuance.

Ms. Jennings mentioned that all documents the Board approves will be in the board packet. This allows the public to review the Indenture of Trust, Continuing Disclosure Agreement, and the Official Statement draft.

Public comment opened at 6:35 p.m.

District Clerk Maria Soria reported there were no public speakers for this item.

Public comment closed at 6:35 p.m.

No Board action required.

ADJOURNMENT

President Kishimoto adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:35 p.m.

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

President Kishimoto called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 p.m.

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret MacNiven, and Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Loana Lumina-Hsu, Planning Manager Jane Mark, Senior Planner Gretchen Laustsen

President Kishimoto announced this meeting is being held in accordance with Government Code section 54953. 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.

ORAL COMMUNICATIONS

Public comment opened at 7:02 p.m.

Bob Rosenberg, an Ombudsperson for the District, raised concerns about the Ombudsperson process during the timeframe of late October to late December. Despite seeking details from staff, no action followed after assurances in emails. He recommends three improvements: ensure timely responses and status updates for the Ombudspersons. Secondly, any request for an Ombudsperson should require a case to be immediately opened. When an Ombudsperson form is filled out, the Ombudsperson should be notified and kept involved throughout. Lastly, the Ombudsperson should be the one to initiate the closure request. If staff disagrees, they can discuss it with the Ombudsperson, but closure should only happen with the Ombudsperson's agreement. If an agreement is not reached, the matter can then come before the Board for a decision.

Katja Wick commented that she is a boarder at Bear Creek Stables and received an eviction notice on December 20 from Chapparral. She expressed that she did not receive a warning orally or in writing indicating she had done something wrong, nor was giving a process for her to appeal. After persistent inquiry, she learned that the eviction was linked to a preschool field trip held on October 24. However, she commented that the field trip was planned by a preschool teacher and attained prior approval for Chaparral. Ms. Wick commented that the eviction notice came two months after the visit, but she suspects it is in retaliation for her speaking on behalf of another boarder that about to be evicted for raising operational safety concerns. She urged the Board to intervene, as she believes that her eviction is without cause and would set a concerning precedent.

Lisa Stobie Feller expressed support for Ms. Wick. She stated that Ms. Wick sought the Ombudsperson involvement, but the process appears to have not been used as intended. She emphasized that Ms. Wick is regarded as a well-respected, active community member with integrity, a keen eye for detail, and logical problem-solving skills, contributing positively to the Bear Creek Stables community.

Petra Wengler voiced support for Ms. Wick, highlighting Ms. Wick's contributions to the pony co-op, goat co-op, and Bear Creek Stables. Ms. Wengler urged the Board to consider Ms. Wick's contributions when making decisions regarding her situation.

Nancy Cole, representing the Friends of Bear Creek Stables, voiced support for Ms. Wick. She emphasized that without prior discussion, a warning, or a review process, the misunderstanding leading to Ms. Wick's eviction could have been avoided. Ms. Cole suggested the implementation of an equitable, fair, and impartial process to address operator concerns, involving discussions, a warning process, and providing an opportunity to clarify concerns with the aim of reaching a solution.

Public comment closed at 7:16 p.m.

General Manager Ana Ruiz stated that the eviction process occurred during the holidays and will provide information to the Board soon, and based on that information, any additional action can be discussed.

ADOPTION OF AGENDA

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

Public comment opened at 7:17 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 7:17 p.m.

ROLL CALL VOTE: 7-0-0

CONSENT CALENDAR

Director Holman asked about Agenda Item 3 and the timing for future increases in the per-meeting Board compensation.

General Counsel Hilary Stevenson stated that the most recent increase occurred in 2023. Historically, adjustments were made every two years. The Board has the option to implement up to a 5% increase annually, or to aggregate the amount and consider a 10% increase in 2025.

Director Cyr commented that a 5% annual increase might be preferable to a 10% increase every two years. He requested bringing an item to the Board at a future date to discuss the frequency of the per-meeting compensation.

Public comment opened at 7:28 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 7:28 p.m.

Motion: Director Kersteen-Tucker moved, and Director Gleason seconded the motion to approve the Consent Calendar.

ROLL CALL VOTE: 7-0-0

1. **Approve the November 14, 2023 meeting minutes**
2. **Claims Report**
3. **Annual Findings on the number of Compensated Board Meetings and amount of Per-Meeting Compensation (R-24-02)**

General Manager's Recommendation: Adopt a Resolution making annual findings that more than five Board meetings per month are necessary for the effective operation of the Midpeninsula Regional Open Space District.

4. **Award of Contract to Buena Vista Services, LLC., for the La Honda Forest Health Project (R-24-03)**

General Manager's Recommendations:

1. Authorize the General Manager to enter into a contract with Buena Vista Services, LLC., of Alameda, California for \$80,000.
2. Authorize a 15% contingency of \$12,000 to be expended only if necessary to cover unanticipated conditions or needs, for a total not-to-exceed contract amount of \$92,000.

5. Award of Contract to Blankinship & Associates for Technical Literature Review Services (R-24-04)

General Manager's Recommendations: Award a contract to Blankinship & Associates of Davis, California, for a not-to-exceed base contract amount of \$75,000 over four years to provide scientific and technical literature review services to inform updates to the Integrated Pest Management Program.

6. Request for New Positions per the Recommendations of the Financial and Operational Sustainability Model (FOSM) Refresh (R-24-05)

General Manager's Recommendations: Approve 14 new positions to begin implementing the recommendations of the Financial and Operational Sustainability Model (FOSM) Refresh to address operational challenges and capacity gaps for meeting program and project delivery commitments, expand the workflow of capital projects, and ensure capacity keeps pace with the growth in land acreage preserved, new miles of trail added, and overall increase in public visitation of the open space preserves.

BOARD BUSINESS**7. Election of the Calendar Year 2024 Officers for the Midpeninsula Regional Open Space District Board of Directors (R-24-06)**

President Kishimoto thanked the Board and staff for support during her presidency, reviewed the District accomplishments during 2023 recognizing the work and efforts of staff and the Board, and thanked District partners.

Directors Kersteen-Tucker, Holman, and Gleason extended their thanks to President Kishimoto for her leadership throughout the prior year. They appreciated her grace and creativity in leading the Board, keeping discussions streamlined. The Directors acknowledged her effective handling of the work conducted in 2023, the introduction of Brown Bag lunches, and commended her for being judicious, polite, effective, and always well-prepared.

District Clerk Maria Soria described the procedure for electing Board officers and opened the nominations for Board President.

Director Kersteen-Tucker nominated Director MacNiven for Board President and Director Holman seconded the nomination. No further nominations were presented.

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

ROLL CALL VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director MacNiven as Board President for Calendar Year 2024.

President MacNiven thanked the Board for her nomination and for having faith in her leadership. In addition, she thanked Director Kishimoto for her steadfast leadership in 2023. President MacNiven also thanked staff for the myriad of reports they prepare, adding that their efforts are appreciated. Furthermore, the District's mission of preservation, protection, and ecologically sensitive public access has endured for 51 years despite many external pressures. She hopes to help the District continue on this trajectory into forever.

President MacNiven called for nominations for Board Vice-President.

Director Riffle nominated Director Cyr for Board Vice President and Director Kishimoto seconded the nomination. No further nominations were presented.

Motion: Director Cyr moved, and Director Kersteen-Tucker seconded the motion to close the nominations for Board Vice-President.

ROLL CALL VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Cyr as Board Vice President for Calendar Year 2024.

President MacNiven called for nominations for Board Treasurer.

Director Kishimoto nominated Director Gleason for Board Treasurer. Director Holman seconded the nomination. No further nominations were presented.

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

ROLL CALL VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Gleason as Board Treasurer for the 2024 calendar year.

President MacNiven called for nominations for Board Secretary.

Director Kersteen-Tucker nominated Director Riffle for Board Secretary and Director Kishimoto seconded the nomination. No further nominations were presented.

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

ROLL CALL VOTE: 7-0-0

By a vote of 7 to 0, the Board elected Director Riffle as Board Secretary for Calendar Year 2024.

8. Award of Contract with Ascent Environmental to provide Planning and Environmental Review (CEQA) Services for the Purisima Creek Redwoods Open Space Preserve Comprehensive Use and Management Plan (R-24-07)

Senior Planner Gretchen Laustsen reported that the Purisima Comprehensive Use and Management Plan (Plan) will incorporate all the proposed preserve-wide actions and improvements to streamline the environmental review, public engagement, and Board approval process. The Plan will set the course for long term management with the goal of protecting and enhancing natural resources while integrating land management activities and ecologically sensitive public access and include numerous site improvements and restoration activities, including the Purisima-to-the-Sea Trail, Highway 35 Multi-Use Trail Crossing, North Ridge Parking expansion, Purisima multimodal access improvements, and the Irish Ridge restoration project. The Plan will also serve as the basis to conduct the environmental review under CEQA. The CEQA project description will be defined in the summer and fall when the design plans and additional information are ready to help inform the environmental review. An Initial Study Mitigated Negative Declaration (ISMND) document will be prepared over the winter and spring of 2025, and then the CEQA document would be brought to the Board for certification in the summer or fall of 2025.

Public comment opened at 7:48 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 7:48 p.m.

Director Holman expressed concern that there is an assumption that there will be no significant impact and that an ISMND is all that will be required. She noted that this may suggest to the preparers of environmental documents a predetermined direction or intention of where the process is expected to end up.

Ms. Laustsen stated that the primary goal is to construct projects to avoid significant impacts. Despite aiming for this goal, uncertainty remains. Staff is not entirely certain if an ISMND is the right path and are making an educated assumption to set the scope of work for the contract. However, if during the project description and initial study checklist potential significant impacts are identified, staff would need to amend scope to complete the necessary environmental document.

Director Holman asked how the District will communicate to the contractor not to minimize an impact and solely rely on an ISMND.

Ms. Laustsen responded that the Request for Proposals clearly states that the determination would be made after completing the initial checklist and assessing potential impacts.

Planning Manager Jane Mark explained the District has worked with Ascent Environmental on several projects, including EIRs and addendums. The contractor is quite conservative in terms of making sure that they have done a thorough job analyzing the potential environmental impacts of a project.

Director Holman expressed concern about the wording of the General Manager's recommendation, particularly the phrase "seek certification," as the certainty of certifying the documents is unknown at this point.

Ms. Mark assured the Board that any changes to the process would be communicated, especially if they deviate from the initial assumption of a mitigated negative declaration.

Ms. Ruiz remarked that staff will confirm whether an ISMND is the right tool as they progress with the initial study. Currently, with the available information at hand, including existing conditions and feasibility studies, an ISMND seems to be the most appropriate path.

Motion: Director Kersteen-Tucker moved, and Director Kishimoto seconded the motion to:

1. Authorize the General Manager to enter into a contract with Ascent Environmental to provide services to support the Purisima Comprehensive Use and Management Plan for a base amount not to exceed \$142,175.
2. Authorize a 15% contingency of \$21,326 to be awarded if necessary, to cover unforeseen conditions, for a total contract amount not-to-exceed \$163,501.
3. Authorize a separate contract allowance of \$20,000 for additional technical studies, if needed, bringing the not-to-exceed contract amount to \$183,501.

ROLL CALL VOTE: 7-0-0

INFORMATIONAL MEMORANDA

- Highway 35 Parking Area Expansion Project Delivery Streamlining

Director Riffle expressed appreciation for the provided FYI.

Director Gleason thanked Director Riffle for initiating the request to evaluate opportunities for project streamlining. He also thanked staff for going back and finding creative options that were not proposed in the initial recommendation and stated that allowing for creativity and flexibility in making different choices can lead to better outcomes.

INFORMATIONAL REPORTS

A. Committee Reports

There were no Committees updates.

B. Staff Reports

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak invited the Board to sign a *Room to Breathe* book for Grants Program Manager Deborah Hirst and Public Affairs Manager Kori Skinner. Ms. Hirst's last day with the District will be January 18 and Ms. Skinner will be January 31.

C. Director Reports

Director Gleason reported that he attended the last volunteer event of the year at the Bear Creek Redwoods Preserve former Christmas Tree Farm and learned more about the restoration project. He commented that as part of one of his New Year's resolutions, he aims to complete riding and hiking every District trail. He recently hiked all of Los Trancos and completed a 12-mile hike at Rancho San Antonio.

Director Riffle reported that he will be attending former San Mateo County Supervisor Don Horsley's memorial on Saturday, January 20 in Redwood City. He also shared news about NPR covering a positive piece about the Pescadero Creek watershed improvements project for salmonid that was conducted from member station KQED with national coverage.

Director Kersteen-Tucker reported that the San Mateo County Board of Supervisors voted to enter into an option to purchase the 50-acre Bay City Nurseries Property. This is significant news for the potential development of farmworker housing and affordable housing on the coastside. There may also be an opportunity for the District to participate in the project consistent with the District's new Agricultural Policy.

President MacNiven attended the Hawthorns Public Access Working Group meeting in December where trail and parking options were reviewed.

ADJOURNMENT

President MacNiven adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 8:17 p.m.

Maria Soria, MMC
District Clerk