

**Citizen's Advisory Committee Meeting  
 Meeting Summary**

7:00 PM on Monday August 24, 2009  
 Open Space Authority Administration Office

**Attendees:**

**Citizen Advisory Committee Members:**

Name	Represent	Present	Absent
Susan McKuhen	District 1	√	
Vacant	District 2	-	-
Jan Hintermeister	District 3		X
Eric Carruthers	District 4	√	
Chris Kangas	District 5	√	
John Fioretta	District 6	√	
Vacant	District 7	-	-
Vacant	Agriculture	-	-
Mandy McClellan	Business	√	
Vacant	Civic Organizations	-	-
Daniel J. Kenney	Development Community	√	
Vacant	Education	-	-
David Poeschel	Environmental	√	
Son Cheong (C.K.) Kuan	Labor	√	
Dorsey Moore	Parks	√	
Kitty Monahan	Trails	√	
	<b>Totals</b>	<b>10</b>	<b>1</b>

**Other Attendees:**

**Board Liaison Present:** The Honorable **Garnetta Annable** – Director, District Four

**Staff Present:** Patrick Congdon, General Manager

**Public Present:** none

1. **Call to Order at 7:10** – Dorsey Moore, Chairperson
2. **Public Presentations for Items not listed on the Agenda (Limit: 3 minutes)**

None

3. **Summary Report of July 24, 2009**

Will be on September 28 agenda

**4. Reports**

A. Board Liaison Report: Garnetta Annable reported that the General Manager has been approached regarding the possibility of establishing an agricultural processing facility on property that has an OSA conservation easement. It would require a substantial amendment to the easement. The Board authorized the General Manager to discuss the matter further with the property owner and also referred the matter to the Use and Management Committee for consideration. The property is on the valley floor and now used for grazing. It also has a wetland easement and a trail easement. The OSA paid a substantial amount to purchase the easement. The inquiry raises questions whether such a use is consistent with the OSA's vision of agriculture and what role does the OSA want to play in supporting

local agriculture infrastructure. She referred CAC members to the last Board minutes regarding this item.

She reported that the Silicon Valley Land Conservancy, which the OSA helped launch to be a non-profit conservation partner, has gone out of business. The Conservancy has approached the OSA to take over its easements and fee simple properties. We are sorry to lose an advocacy group and conservation companion.

B. Staff Report: Authority Staff General Manager Patrick Congdon reported that POST has bought two properties on behalf of OSA and is looking at other Santa Cruz Mountain properties for us. POST participated in the last "Taste of Morgan Hill" festival. They are interested in habitat and trails, such as the Ridge Trail and connecting to the ocean. OSA will partner more with them in the future.

Chris Kangas said that POST has seemed slow to open trails in the Sierra Azul. Patrick Congdon observed that area is out of the Mid Pen service area. Also, Mid-Pen's emphasis has been on acquisition. Now they realize they need to get people out on the land more. The new General Manager Steve Abbors is moving toward more public access. OSA may play an important role in implementing this.

One access challenge relates to the Twin Creeks area where a bridge is needed for a trail connection. Next year we would like to engage with the Water District regarding what exactly is needed to settle the bridge question, e.g. where to put it.

A picnic table has been installed at a vantage point in Rancho Canada de Oro in honor of Larry Coons, the first OSA General Manager.

In response to question by Dan Kenney regarding possible costs associated with taking on the Conservancy properties, Patrick Congdon said there should be no costs because they have management endowments. The transfer will be a long process. The legal documents must be reviewed to do legal due diligence, e.g. there may be liabilities, and some of the easements were created ten years ago and the standards for easements have evolved since then. Some of the endowments are based on a 5% return on investment, while the market is now at the 1-3.5% return level. The difficult part of the process is dealing with the state and federal departments that must approve the transfers. The OSA must apply for approval to hold the easements. The departments ask, since Dist. 2 was disapproved by the court what assurance is there that Dist. 1 will endure? They apply the Land Trust Alliance standards for accreditation of non-profit land trusts to the OSA, which is a public agency.

In response to Dan Kenney's question, Patrick Congdon responded there are few other candidate agencies to take the easements/properties.

Garnetta Annable said that the County Parks Dept had supported formation of the OSA, since it was unable to address open space functions.

Patrick Congdon said the big conservation organizations that had supported the SVLC decided they had spent enough in South Santa Clara County. (Organization name) got a \$5M grant but lost it because it was unable to close the purchase deal within the three-year time limit.

POST is paying high prices for its purchases, thus raising the base for appraisals. In South County there are few comparable purchases on which to base appraisals, and Peninsula prices are inappropriate for South County valuations.

He expects the decision regarding which SVLC easements/properties the OSA will accept will be made in late September.

C. Members Reports: Kitty Monahan reported that Lark Burkhart is seeking volunteers for OSA tables at several community affairs. CAC members volunteered:

Sept 26-27, Sat-Sun Taste of Morgan Hill: Patrick Condon, Alex Kennett, Kitty Monahan

Oct 4, Sunday, YSI: Dorsey 10-1, John Fioretta 1-3

Oct 10, Saturday, Guadalupe River Park: Eric Carruthers 10-1, Susan McKuhen 1-4

Oct 24, Saturday, Audobon: Jan Hintermeister morning, Dave Poeschel afternoon

D. CAC Chairperson Report: Dorsey Moore reported on San Jose Planning Commission's pending action regarding appeal of approval for a development in the trail right of way. OSA has contributed significant funding for the trail, and this development would require that the trail be diverted to city streets for its mid-city stretch. Discussion of possible CAC support concluded that CAC action was limited to recommending to the OSA Board that it support the appeal. However, the Planning Commission is scheduled to act before the next OSA Board meeting, so no action was taken.

## **5. Unfinished Business**

A. CAC Work Plan for FY 09-10. Dorsey Moore reported that the Board had referred the proposed CAC work program to its Administration Committee, which had requested several items be made more specific. He presented the Work Program revisions to address the Administration Committee's requests. Discussion followed.

The CAC unanimously approved the revised FY 09-10 Work Program, motion made by Eric Carruthers, seconded by Dan Kenney.

B. Staff Recognition. Dorsey Moore presented the draft resolution of recognition of the staff's excellent work. There was discussion of some additional tangible recognition. It was decided to provide the staff lunch at an upcoming monthly staff meeting. Kitty Monahan will arrange for a catered lunch, to be paid for by CAC members.

The resolution and recognition lunch were approved by acclamation.

## **6. New Business**

### **A. Speakers for up-coming CAC meetings**

Chair Dorsey Moore asked for suggestions. The following were suggested: (1) Save Our Trails spokesperson Larry Ames to report on San Jose implementation of the Three Creeks Trail from Willow Glen to Kelly Park; (2) the Water District re actions and proposals affecting open space and habitat, including mitigation programs and partnerships with the OSA; (3) the San Jose Greenprint (parks plan) with attention to possible 20% funding projects; (4) San Jose solar programs, (4) POST representative (Mark? Patrick knows him); (5) Greenbelt Alliance and its South Bay program and the ABAG Regional Blue Print project identifying areas to be developed and preserved; (6) the South County Environmental Collaborative, (Connie Rogers, Carole Tognetti); (7) the South County fish habitat and restoration program advocate, (Eric will get contact info); (8) the Sonoma County Agricultural Preservation and Open Space District.

B. John Fioretta asked might a joint Board-CAC meeting might be held regarding the future of the OSA and the 5 Year Plan following complete settlement of the law suit, and what that agenda might be and what the CAC might to do prepare for it. Patrick Congdon responded that the Board has not decided that such a meeting should be held. Garnetta Annable added that it won't be until after the settlement is completed this fall that there can be a clearer picture of what might happen afterwards.

C. CK asked when would there be a joint Board-CAC meeting about the budget, as used to be held annually. Patrick Congdon responded the Board did not feel the need to hold such a special meeting and that the CAC is welcome to attend any meeting of the Board, as when it agendizes its budget actions. In fact, he said, the current budget is so constrained that there is little discretionary money to make decisions about. This year's budget is practically the same as last year.

D. In response to Susan McKuhen's question re public response to the OSA notice of District 2 assessment refunds, Patrick Congdon responded that 487,000 notices were mailed out. 11-14% have responded so far to request the refund. The deadline for response is Sept 23. Refund issuance will begin then.

**7. Items for next meeting**

To be determined.

**8. Announcements**

CK reported on the disastrous typhoon in Taiwan and requested contributions to the aid program. John Fioretta expressed interest in contacting community groups in the district he represents and asked what is the procedure for such outreach. Patrick Congdon said he should coordinate with his District board member, Mike Potter, and with Lark Burkhart the staff outreach coordinator. Patrick Congdon urged CAC members to visit Edith Morley Park in Campbell on the site of the old Winchester Drive in movie. He said this OSA 20% funding project has been beautifully implemented.

**9. Adjourn**

The meeting was adjourned at 9 pm.

Meeting summary prepared by Eric Carruthers