

# Santa Clara County Open Space Authority

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## FINAL MINUTES

### SANTA CLARA COUNTY OPEN SPACE AUTHORITY Regular Meeting of the Board of Directors Thursday, April 24, 2008 Meeting 08-08

#### ROLL CALL/ CONVENED TO CLOSED SESSION

Chairperson Jim Foran called the **regular** meeting of the Santa Clara County Open Space Authority (OSA) to order at **6:30 p.m.** at the Open Space Authority Administrative Office, 6830 Via del Oro, Ste 200, San Jose, CA. He directed the Clerk to take Roll Call.

#### Members Present

A. Kennett, J. Foran, V. Holtz, K. Gill, S. Hall  
G. Annable and M. Potter arrived at 6:35 p.m.

#### Members Excused Absent

None

#### Staff Present

Patrick Congdon, General Manager  
Bill Parkin, Legal Counsel  
Lauren Crook, Clerk of the Board  
Lark Burkhart, Public Information Specialist

#### Public Present

Dorsey Moore  
Jim Parrinello  
Greg West  
Ken Schreiber

#### RETURN FROM CLOSED SESSION

**7:00 P.M.** No reportable actions.

#### OPEN SESSION

Chairperson Jim Foran called the open session of the regular meeting of the OSA to order at **7:06 p.m.**

#### PUBLIC PRESENTATIONS

J. Foran asked if there were any members of the public who wished to address the Board on a topic not already on the agenda.

No members of the public wished to address the Board.

#### ADOPTION OF THE AGENDA

G. Annable moved to adopt the agenda. V. Holtz seconded the motion. The motion passed 7-0.

#### APPROVAL OF MINUTES

Minutes of April 10, 2008

A. Kennett moved to approve the minutes of April 10, 2008. K. Gill seconded the motion.

**The motion passed 7-0.**

#### CONSENT CALENDAR

J. Foran noted that there were no items on the Consent Calendar.

#### WRITTEN COMMUNICATIONS

J. Foran asked the Clerk if there were any written communications.

L. Crook stated there were no written communications.

## NEW BUSINESS

**Agenda Item #1: Appointment of Labor Negotiator pursuant to Government Code Section 54957.6 – Unrepresented Employee – Patrick Congdon, General Manager**

J. Foran introduced the item and asked if any members of the Board if they would like to nominate someone as Labor Negotiator.

V. Holtz nominated J. Foran as Labor Negotiator.

A. Kennett seconded the motion.

J. Foran asked if there were any other nominations. He noted that no other nominations were brought forward.

A. Kennett moved to close the nomination period. M. Potter seconded the motion.

The motion to appoint J. Foran as Labor Negotiator passed 7-0

**Agenda Item #2: Board Discussion and Recommendation to Staff Regarding Open Space Authority Role in Santa Clara Valley Habitat Plan**

P. Congdon introduced the item stating that per the Board's direction at the last meeting, he and Authority Legal Counsel, Bill Parkin, would answer questions regarding the Open Space Authority's role in the HCP. He stated that he would provide the Board with specific information regarding the Authority becoming a Permittee and would like to obtain direction from the Board as to how to move forward. He recommended that the Authority not become a Permittee.

J. Foran stated he agreed with P. Congdon and supported the Open Space Authority not becoming a Permittee within the HCP.

A. Kennett asked what the purpose was of the item before the Board and whether the Board was expected to make a decision on whether or not to be a Permittee.

P. Congdon stated that the purpose of the meeting was to decide whether or not the Open Space Authority would be a Permittee. He stated that this decision would not restrict the Board's ability to choose another role within the HCP.

Board discussion continued.

A. Kennett asked if there were any other benefits to being a Permittee other than receiving Take Permits.

K. Schreiber addressed the board. He stated that he sees the conclusion of reviewing the draft HCP to be a year from now. He outlined the benefits of the Open Space Authority's participation as a Permittee. He noted that State Parks was also looking into being a Permittee.

S. Hall asked K. Schreiber about what kinds of costs the Open Space Authority might be likely to incur by being a Permittee.

K. Schreiber stated that there would be no costs in management or in working on

the development of the Plan. He stated that the six major partners would shoulder the financial responsibility of development of the Plan.

A. Kennett asked when the Open Space Authority had to make a decision.

K. Schreiber stated that the Authority would need to make a decision no later than late August or early September.

G. Annable made a motion to make the Open Space Authority a Permittee.

S. Hall seconded the motion and made an amendment to the motion to have the Open Space Authority pursue becoming a Permittee and the communication of that be made at the next HCP Liaison Group Meeting on May 8<sup>th</sup>, 2008.

G. Annable accepted the amendment.

S. Hall asked that staff bring a report back to the Board outlining the details of the meaning of the Authority's role in being a Permittee.

K. Schreiber stated that each Permittee will need to enter into an Implementing Agreement that lists the responsibility of the agency.

B. Parkin stated that staff would return to the Board at the first meeting in June with a report reviewing the details of what it would mean for the OSA to be a Permittee.

S. Hall amended the motion to change the word 'pursue' to 'explore'. The motion reads: A motion to have the Open Space Authority explore becoming a Permittee and the communication of that intent is made at the next HCP Liaison Group Meeting on May 8<sup>th</sup>, 2008.

S. Hall stated he would like to see some analysis reflecting what might happen within the 50-year time frame and what kind of permits that the Authority would need and the projects that might come up that would require a Take Permit.

L. Crook reread the motion into the record: A motion to have the Open Space Authority explore becoming a Permittee and the communication of that intent be made at the next HCP Liaison Group Meeting on May 8<sup>th</sup>, 2008.

The motion passed 6-0. J. Foran abstained.

S. Hall made a motion requesting staff return to the Board with a report, at a meeting in the near future, with an extensive study on the topic of becoming a Permittee and that the report include, among other relevant details, an analysis of possible Take Permits the Authority might need over the life of the HCP and what the Authority's current experience has been in managing the its land as well as any permits is has needed, to date.

V. Holtz seconded the motion. The motion passed 6-0. J. Foran abstained.

**INFORMATIONAL REPORTS**

**CAC Committee Update  
(from liaisons)**

J. Foran stated that there was no report.

**Acquisition Committee  
Use & Management  
Committee**

J. Foran stated that there was no report.

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**Administration & Budget  
Committee**

J. Foran stated that the Committee met prior to the Board meeting. He stated that the draft Budget was reviewed. He stated the Committee also reviewed a CAC application. He noted that the draft Budget would be put on the agenda for the next Board meeting.

J. Foran stated that the Committee did not meet.

**Agriculture and  
Conservation Mitigation  
Workshop Committee**

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**General Manager's Report  
Legal Counsel Report  
Board Member Reports**

**P. Congdon** stated that he had no report.

**William Parkin** stated that he had no report.

**Alex Kennett** thanked staff for their participation at the Morgan Hill Earth Day event which was a big success.

**S. Hall** stated he attended the Water District Board Meeting and the San Jose City Council meetings on Tuesday and delivered the OSA's statement in interest regarding participation in the HCP.

**Garnetta Annable** stated she had no report.

**Kalvin Gill** stated he there would be a festival on April 26<sup>th</sup>.

**Mike Potter** stated that the State budget deficit is going to be about 7 billion dollars.

**Virginia Holtz** stated that the Cambrian Festival would be on May 17<sup>th</sup> and that she and Garnetta would be at the booth. She noted that the Bay Area Open Space Council meeting would be coming up on May 21<sup>st</sup>.

L. Crook reported that the board members are required to participate in the bi-annual ethics training required of all elected officials. She noted that online training would be available to the member and she would notify them of how they could participate at that level.

Director Holtz asked if Director Hall would be present at the HCP Liaison meeting.

S. Hall stated he would attend the meeting.

**Jim Foran** stated that he would be going on the Rangeland Stewardship Spring Tour put on by the County Ag Extension on May 7<sup>th</sup>.

J. Foran concluded the Open Session at 8:42 p.m. and declared that the Board would return to Closed Session after a five minute break.

The Board returned from Closed Session and had no reportable actions. The meeting was adjourned at 9:05 p.m.

**RETURN TO CLOSED  
SESSION  
Adjournment**

Respectfully submitted,  
Lauren Crook, Clerk of the Board