



## Final MINUTES

**SANTA CLARA COUNTY OPEN SPACE AUTHORITY**  
**Regular Meeting**  
**December 9, 2010**  
**Meeting 10-22**

**CALLMEETING TO  
ORDER / PERFORM  
OATH OF OFFICE**

Chairperson Sequoia Hall called the **regular** meeting of the Santa Clara County Open Space Authority (OSA) to order at **6:35p.m.** at the Administrative Office, 6980 Santa Teresa Blvd. Suite 100, San Jose, California.

Ms. Monack performed the swearing in of new Board member, Clark Williams and then performed the swearing in of Directors Foran and Holtz.

**CONVENE TO  
CLOSED SESSION**

At 6:40 p.m. Director Hall convened the meeting to Closed Session.

**RETURN FROM  
CLOSED SESSION**

Members returned from Closed Session at 7:02 p.m.

Legal Counsel William Parkin reported from Closed Session.

Director Hall stated the Board would be returning to closed session after the end of the open session.

**ROLL CALL**

Director Hall asked L. Monack to call roll.

**Members Present**

Alex Kennett, Sequoia Hall, Virginia Holtz, Jim Foran, Garnetta Annable, Clark Williams

**Members Excused  
Absent**

Kalvin Gill

**Members Unexcused  
Absent**

None

**Staff Present**

William P. Parkin, Interim General Manager/Legal Counsel  
Lauren (Crook) Monack, Clerk of the Board  
Doug Reynaud, Open Space Technician  
Megan Robinson, Open Space Technician  
Andy Evert, Seasonal Open Space Technician  
Derek Neumann, Supervising Open Space Technician  
Jayne Brownlee, Accountant  
Dana Litwin, Volunteer and Outreach Coordinator  
Teri Rogoway, Coordinator of Interpretive Programs  
David Tharp, Open Space Technician

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**Public Present** Roland LeBrun  
Dave Poeschel  
Eric Carruthers  
John Fioretta  
Dorsey Moore  
Gloria Chun Hoo

**ADOPTION OF AGENDA** **MOTION:** Upon motion by Director Kennett, seconded by Director Williams, the Board approved the revised agenda. (Vote: 6-0-0)

**WRITTEN COMMUNICATIONS** Director Hall asked if there were any written communications.  
Ms. Monack stated there were no written communications.

**PUBLIC PRESENTATIONS** Director Hall asked if there were any public presentations for items not on the agenda.

Roland LeBrun greeted the Board and asked if a recording of the minutes could be made available on the website. He also noted he had corrections to the Minutes of August 26, 2010:

1. (page 4) He said he learned from County records that Union Pacific...
2. (page 4) He said that City of San Jose councilperson Madison Nguyen was concerned about safety on the trails.
3. (page 5, third paragraph) – noted typo, change “trial” to “trail”.

Director Holtz stated she had a correction on page 5:

1. Heather Learner, executive director of Happy Hollow Foundation, addressed the Board stated that she was very enthusiastic about Save Our Trails and the trail alignment.

**APPROVAL OF MINUTES** August 26, 2010

**MOTION:** Upon motion by Director Kennett, seconded by Director Holtz, the Board moved to adopt the Minutes of August 26, 2010 with corrections noted by Roland LeBrun and Director Holtz.

**Discussion:** Mr. Parkin asked for clarification of the corrections.

**Vote: 4-0-2** Director Annable and Director Williams abstained from the vote.

**CONSENT** Consent Calendar

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**CALENDAR**

- Review OSA Check Ledger ending October 31, 2010

**BOARD BUSINESS**

**Agenda Item #1: Presentation from Field Staff re: Visitor Services**

Open Space Technicians Megan Robinson and Doug Reynaud gave a presentation on visitor services at the Open Space Authority. This is the second of three presentations given to the Board.

Ms. Robinson presented PowerPoint slides highlighting OSA participation in local public events.

Mr. Reynaud said that Open Space Technicians (OST's) described the many "hats" they have serving the public and representing the OSA. He said they are the liaisons for the agency.

They spoke about their work with interns and volunteers.

Director Annable said they gave an excellent presentation.

Director Holtz asked about the volunteers and asked how many volunteers have been recruited by an event such as REI. Ms. Robinson said she does keep track. She said the volunteers fill out contact forms and said that about 25% will return for other projects.

Director Kennett asked if they could give their presentation to the Environmental Affairs Committee January 13 at 8:00am. He said he works hard to get the business and environmental communities together.

Director Foran said that the REI volunteer day is part of the Bay Area Ridge Trail day, so the OSA is connected with both the store and the Bay Area.

Public Comment:

Eric Carruthers referenced the abandoned vehicle program by the State and said it may be helpful.

The Board thanked the Staff for their presentation and accepted the report. No formal Board action was required for this item.

**Agenda Item #2: Review and Approve Changes to Section 2.30 of Board Operating Rules and Procedures – Board Staff Communications**

Mr. Parkin introduced the item. He stated that Director Holtz worked with the Committee to develop the Board/Staff Communication Plan. He said they

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used the City of Saratoga's Council/Staff Communication Plan as a template.

Director Holtz said the original communications policy shows the inserted language and changes by the committee (in red type and in green type). She said her recommendations were made after the Committee's edits were made. She said the content is not changed, but the new language shows clarifying statements.

Director Annable said there needs to be some context when the document is to be applicable. She suggested deferring action. Mr. Parkin said he understands Director Annable's concern.

Director Hall suggested that the Committee review the changes proposed by Director Holtz.

Director Annable offered some suggestions to add clarification to the policy. Committee members working with Staff are able to contact Staff directly and if there are individual Board/Staff concerns the matters may be agendaized and reviewed by the entire Board.

Director Foran asked that the item be continued to another meeting and stated that he was concerned that the Board Operating Rules and Procedures were being updated piece meal. He said that policies are for the agency and rules and guidelines are for the Staff and Board. He agreed that Staff should not take direction from individual Directors, or groups of Directors.

Director Williams said that Director Holtz is on the right track. He said that there are issues that need clarification. He said there are a number of resources available. He said separate issues should not be incorporated into a single document. He said he favored policies that are generic in nature. He said he would like to lend his expertise in working on these documents.

Director Holtz recommended the item be continued to January. She suggested that if the Committee was to be reconvened to discuss the Board/Staff Communications, Director Williams be invited to attend the Committee.

Director Kennett said that the policy should be in the perspective of the Board. He said that there should be an equivalent Staff document. W. Parkin said that the section is being modified and it is not a new section. It is part of the existing operating guidelines. And that the committee was tasked with amending this part of the existing guidelines.

Director Hall said that this document is time sensitive due to the General Manager situation. He acknowledged Director Foran's concerns about the piecemeal process, but he said that they should move forward and need to

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come to agreement. He said that it is important to reflect the nature of the role of the Board of Directors more clearly. The Board does create policy and Staff needs to acknowledge that this is their job. He said it is also necessary to reflect the structure of the Board Committees.

Director Foran said that the document should be consistent throughout regarding Board, General Manager and Staff communications.

Public Comment:

Dana Litwin stated that she was part of the Committee that worked on the Board/Staff Communication document. She stated she welcomed Director Williams's input and that she hopes the original spirit of the document is not lost.

Eric Carruthers stated the issues that were being discussed were familiar issues. All local government agencies deal with these issues.

John Fioretta stated he had concerns with some of the language in the document. He thanked Director Holtz for taking on the project. Director Holtz recognized the Staff members working on this policy too.

Roland LeBrun suggested that instead of using the word "debate" he suggested using the term "interaction". He also suggested adding "members" after Board.

Director Hall stated the item would be deferred for further review and work. He said that Director Williams would be added to the working group.

Director Foran asked for context and meaning on the word debate.

W. Parkin gave some context and stated that the Staff needs to feel safe in giving unvarnished recommendations.

Director Williams stated that words are powerful. The word retaliation seemed like a very strong word, and he doesn't like to see words like that in policy. Other agencies have templates that could be advantageous to the Authority in wording the policy correctly.

Director Hall stated that the Board should treat the Staff with respect and that the item would be continued. No action was taken. The item was sent back to Committee for review

**Agenda Item #3: Discussion re: CAC and Board Direction**

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Director Holtz introduced the item stating the recommendation is to address three issues of concern and suggested that in a future date in a committee be created, comprised of Board, Staff and CAC members to address the following concerns:

- Bring clarity to the Role of CAC. Perhaps having the CAC review projects the Use and Management Committee currently works on.
- Clarify Communication between the OSA Board and CAC
- Clarify Communication between CAC and Staff.

She gave brief information about each issue and gave her recommendations and suggestions.

- Use & Management would still have many projects to work on.
- Communications between CAC and Board: Bare bones are in the handbook and need some flesh and additional clarifying language.
- Communications between CAC and Staff: Staff has its own liaison to CAC meetings.
- CAC chair and Vice chair would still meet with General Manager on a regular basis

Director Holtz reiterated her recommendation that a Committee be formed.

She noted the list of the CAC's accomplishments on the back of her memo. She stated that the CAC has drafted a number of policies for OSA and should be recognized for their good work.

Director Kennett asked if the OSA or the Enabling Act established the CAC. Mr. Parkin said that there was a task the CAC was created to do by the Enabling Act. That task was completed and the Board decided to continue the CAC and has the authority to do so. Director Annable said that her understanding was that the CAC would be continuous and not a one time committee. She said that the Board has chosen to give the CAC more duties.

Director Foran stated that he is very happy to see the CAC receive regular assignments and make recommendations to the Board. He said he is comfortable with the CAC working on some Use and Management projects and bringing forth recommendations to the Board. He said he is less comfortable with the CAC working on policies as they could involve some legal issues. Nor is he comfortable with studying issues, as it's very vague and goes well beyond the Enabling Legislation. Specific assignments from the Board are okay. He disapproves of the reading of the language of the Enabling

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Act because the CAC was to perform a task for “the appointed Board” for representation of the public, and now that the Board is elected, its members are representatives of the public. He said the tasks and the nature of the Committee have changed over time.

Director Williams stated he was comfortable with changing the role of the CAC. The CAC is comprised of very committed and talented, diverse individuals, and that the Board has not used their individual skill sets to the best of OSA’s advantage. He stated the role of the Board is to govern and the role of the CAC is to advise. He said that the CAC members are comfortable serving in an advisory role. He stated that the discussion of the role of the CAC should be considered over a period of time so that CAC members and Board members are comfortable

Director Hall thanked Director Holtz on her work. He said that the role of the agency has been something that has needed to be clarified for some time, the whole agency has had this challenge, not just the CAC, but now the agency is in a position to move forward. He said it is very important to re-define the CAC and it should be included in the Strategic Plan process. He said he is reluctant to make a definition to say what the CAC is supposed to do or change the role of the CAC at this moment. He stated that the Strategic Planning process will be crucial in addressing this issue, as the Board and the Agency is still trying to define what its major initiatives are.

Director Holtz asked Director Hall if there was not some project that the CAC could be working on now while the Strategic process is underway. Director Hall said that there are many tasks that the CAC could be working on. That public awareness is key to OSA. He added that the Strategic Plan is the most important plan the agency is working on and that everyone should be engaged in it; that the majority of the things going on at the moment are procedural or structural in nature and will give the foundation to go forward. The agency is very different now than it was 15 years ago.

Mr. Parkin suggested that the CAC review the CAC Guidelines. There are some changes that need to be made from a legal perspective. There are a lot of procedural issues the agency is currently working on, and should be addressed before moving forward. He said one of the things that the CAC should think about is setting up a process to bring the Staff and the CAC together.

Director Foran stated that Staff does the work at the agency. He stated that Staff is developing the items that come to the Use & Management Committee. The Committee makes recommendation to the whole Board. The Board makes decisions. He said there is a need to give the CAC more specific duties. The Committee should discuss the issues brought up tonight and see what

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their recommendations are.

Director Hall reiterated that the Staff does the work at the agency and coordinates the OSA's professional relationship with other agencies. The CAC is appointed by the Board and not a Staff driven agency. He said there needs to be more active coordination between Staff and the members of the CAC. The Board sets the policy and looks for recommendations by the CAC on the policies, but it is essential that Staff be the coordinator between all activities at the agency.

Director Annable said she appreciated hearing what the goal is. She said that the CAC has done a tremendous amount of work.

Director Williams said that the work quality by the CAC was very high, but they are volunteers. He said he would feel uncomfortable assigning high-level advisory work to the CAC without having Staff participation.

Public Hearing:

John Fioretta stated he supports Director Holtz's proposal. He said he doesn't see why the CAC cannot have meaningful work at the moment instead of waiting for the Strategic Plan. He said the CAC would respond positively.

Director Hall stated it was premature to give definitive tasks at this time. He said the CAC should be given meaningful work, which is to be involved in the Strategic Planning Process

Roland LeBrun stated he agreed with expanded staffing at the Open Space Authority. He asked the Directors to remember what happened to Santa Clara County Parks and discussed their staffing problems.

Gloria Chun Hoo stated that reviewing the CAC handbook would be a worthy task for the CAC, particularly as it would help with the Strategic Planning process, which she knows nothing about. She looks forward to learning more about it. She said members of the CAC would not be likely to stay on if they do not have meaningful work.

Eric Carruthers stated that over the past couple of years the agency has suffered from distraction. The Board has not been able to work with substance with the CAC. He said all of the CAC communication has been done through the General Manager.

Dorsey Moore stated that he is excited about the Strategic Planning process and under the guidance of the Board, looks forward to the future. He concurs with Director's Hall assessment that meaningful projects will happen in good time.

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Director Hall acknowledged that communication between Board, Staff and CAC has not been good for the past couple of years. He stated that the Board does not have the clarity of what the agency should be focusing on.

Dave Poeschel thanked the Board for acknowledging the role of the CAC. He said he would like the Board to give the CAC some solid direction, even if it is only to review the CAC Handbook. He said there is some confusion right now on how the CAC can move forward. He said he would like to get involved in public outreach.

Director Hall stated that the challenges of public outreach have all come from lack of communication. He said the best place for keeping the communication in good standing is to work with the Staff.

Mr. Carruthers said that when Ms. Burkhart took on that responsibility, he thought the issues of coordination of events and communication was resolved. He asked if that system was working. Director Hall said it still was not working perfectly.

Director Holtz thanked everyone for their input and the discussion.

Some procedural processes were discussed between the Board and CAC members in the audience.

Mr. Parkin stated that his recommendation is Staff make a list of tasks and procedural issues that need to be accomplished and bring the recommendation to the CAC. The CAC can decide what they want to do based on the Staff recommendation.

Director Williams stated that it is very important for the CAC to be actively involved in the Strategic Plan process. Director Holtz said the CAC is the eyes and ears of the public. It is a diverse Committee. She said she supports Director Williams's statement.

No formal Board action was required on this agenda item.

**Agenda Item #4: Discussion re: Committee Meeting Assignments; Approve Changes**

Director Hall suggested that Director Williams replace Director Holtz as CAC Liaison. Director Holtz said she was okay with this suggestion.

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Director Hall suggested himself as the Acquisition Committee replacement. He recommended Director Gill for the General Manager Search Committee. He recommended Director Williams as the Liaison to the CSDA (California Special District Association).

**MOTION:** Upon motion by Director Holtz, seconded by Director Kennett, the Board unanimously approved the changes to the standing committees. (Vote: 6-0-0)

**COMMITTEE MEETING SUMMARIES**

**Citizen's Advisory Committee** Director Hall noted the CAC did not meet.

**Acquisition Committee** Director Hall stated the Committee did not meet.

**Use & Management Committee** Director Holtz stated the Committee did not meet.

**Administration & Budget Committee** Director Hall stated the Committee did not meet.

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**Agricultural Land Conservation Committee** Director Kennett stated the Committee has been working and discussing various tasks.

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**General Manager Search Committee** Director Hall stated the General Manager's Search Committee met to discuss the behavioral values for the General Manager. He noted that he spoke to Bobbi Peckham and asked for the General Manager salary survey, which she has not provided nor has she provided the job announcement.

He noted that Ms. Monack has done a lot of work coordinating meetings and information. He said he found the process of determining the behaviors and values was a good process. He stated the top ten traits they desire in the General Manager. He said the seven years of management experience, including parks experience requirement will be included in the job announcement.

Director Holtz said that this has been a good process.

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**Strategic Plan Guidance Committee** Ms. Monack stated that the Strategic Plan Guidance Committee would meet on December 14, 2010.

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**General Manager's  
Report**

Mr. Parkin stated he had no report due to the return to Closed Session. Director Hall asked that he send out a written update to the Board. Director Holtz said that past communications from Mr. Parkin have been very helpful.

**Legal Counsel Report**

Mr. Parkin stated he had no Legal Counsel report.

**Board Member  
Reports**

Director Kennett stated he had no report.

Director Foran stated he had no report.

Director Annable thanked Derek Neumann for the Board field trip to the Palm property on December 3. She said that the information he provided put real meaning to it. She had a question about signage on the property.

Director Holtz stated she had no report.

Director Williams thanked everyone for all of their help in his transition from the CAC to the Board.

Director Hall stated he did not attend the HCP meeting, but instead Rachel Santos attended the meeting.

At 9:41pm the Board reconvened to Closed Session

**ADJOURNMENT**

10:58 p.m. Director Hall adjourned the meeting.

Respectfully submitted by  
Lauren (Crook) Monack  
Clerk of the Board