



FINAL MINUTES

SANTA CLARA COUNTY OPEN SPACE AUTHORITY
Regular Meeting
August 11, 2011
Meeting 11-15

**CALL MEETING TO
ORDER / ROLL CALL**

Chairperson Virginia Holtz called the regular board meeting of the Santa Clara County Open Space Authority (OSA) to order at 6:38 p.m. at the Administrative Office, 6980 Santa Teresa Blvd. Suite 100, San Jose, California.

Ms. Monack performed Roll Call:

Members Present

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

**Members Excused
Absent**

None

**Members Unexcused
Absent**

None

**CONVENE TO CLOSED
SESSION**

At 6:38 p.m. Director Holtz convened the meeting to Closed Session.

**RETURN FROM CLOSED
SESSION**

Members returned from Closed Session at 7:01 p.m.

Ms. Holtz stated that there were no reportable actions from Closed Session.

Staff Present

Andrea Mackenzie, General Manager
Jonathan Wittwer, Legal Counsel
Lauren Monack, Administration Manager
Derek Neumann, Supervising Open Space Technician
David Tharp, Open Space Technician

**ADOPTION OF
AGENDA**

Director Kennett moved to approve the agenda. Director Williams seconded the motion. Motion passed unanimously 7-0.

**PUBLIC
PRESENTATIONS**

Director Holtz asked if there were any public presentations for items not on the agenda.

Ms. Monack stated there were no public presentations.

Santa Clara County Open Space Authority
Final Minutes
11-15
August 11, 2011

**WRITTEN
COMMUNICATIONS**

Director Holtz asked if there were any written communications.

Ms. Monack stated there were no written communications.

**APPROVAL OF
MINUTES**

Minutes of June 23, 2011

MOTION: Upon motion by Director Foran, seconded by Director Williams, the Board unanimously approved the **June 23, 2011 Board Meeting Minutes**. (Vote: 7-0-0)

Minutes of July 14, 2011

Director Gill asked for clarification on how Chair and Vice Chair are elected. He said he thought that traditionally the Board members with the most seniority were rotated into these positions. He also requested clarification on the election process for deciding which Board member serves on certain committees; whether the Chair had prerogative to choose members or if members were elected by majority vote.

Director Gill stated he had a correction on Page 3:

Director Kennett moved to close the nominations for Vice-Chairperson not Director Holtz.

Director Holtz stated there was another correction on Page 3:

Director Holtz did not make the motion to approve Director Williams as Vice-Chairperson.

Director Holtz requested that Director Gill's requests for clarification of election and board officers be put on the agenda for a future Board meeting.

Ms. Mackenzie confirmed the two points Director Gill was seeking clarification were:

1. Policy and history regarding selection of Board Chair and Vice-Chair
2. Policy regarding selection of Board Committee members

Director Holtz stated that approval of the July 14, 2011 minutes would be deferred to the next Board meeting.

NEW BOARD BUSINESS

Agenda Item #1 Appointment of Board Liaison to Non-OSA Bodies: SCC Parks Commission

Director Holtz introduced the item.

Santa Clara County Open Space Authority
Final Minutes
11-15
August 11, 2011

Upon motion by Director Kennett, seconded by Director Gill, the Board unanimously appointed Director Annable as the Board Liaison to the SCC Parks Commission. (Vote: 7-0-0)

Agenda Item #2 Review and Discussion of Roles of OSA in Santa Clara Habitat Conservation Plan; Direction to Staff

Ms. Mackenzie introduced the item. She pointed out that although the OSA refers to the Habit Conservation Plan as the HCP, it is referred to by the other agencies and the Valley Habitat Plan or VHP. Ms Mackenzie reviewed the history of the OSA and the Valley Habitat Plan.

Roland LeBrun addressed the Board stating his opposition to the HCP. He pointed out that Attachment A in the 3rd paragraph states that the County and the VTA became partners in the HCP in order to move the project forward expeditiously. He stated his opinion was that both entities were to study the HCP, not become partners.

Ms. Mackenzie clarified that Attachment A is a handout from the Habitat Plan Public Review Process and was not prepared by OSA Staff.

Director Holtz further clarified that the document was generated in 2009.

Director Williams asked the board member liaisons to the HCP whether they were in agreement with Ms. Mackenzie that OSA should abide by the Principles of Participation.

Director Hall stated he had some concerns about what happens when the plan is over.

Board discussion ensued.

Director Foran stated that the Plan has been continually changed and will continue to change. He stated that the HCP's success is dependent on OSA; that until the plan is completed OSA should not commit legally. He stated that OSA should enroll their lands in a reserve system that does not constitute mitigation for development or create a target area that will require mitigation funds for land management or habitat conservation.

Director Foran cautioned that the plan might actually lead to more developed space than open space. He stated that though the overall reserve system has been substantially reduced, OSA's contribution to the system has not been reduced proportionately.

Santa Clara County Open Space Authority
Final Minutes
11-15
August 11, 2011

Director Foran stated his disappointment that a budget for public access has been removed from the Plan and expressed concern regarding conservation easements, thus precluding public use and enjoyment of the lands.

Director Foran disapproved the use of the word "funding" as the OSA was contributing land, and not financial backing to the HCP.

Director Foran cited that item # 7 of the Principles of Participation "presents OSA a beneficial opportunity to receive long term funding for land management" as being a judgment call and would like to see it removed.

He also stated he would like the word "unlikely" removed from Item #10.

Ms. Mackenzie stated that since the OSA already has a high standard of conservation protection which would require a vote of the people to change, that no conservation easements would be required on dedicated lands contributed by the OSA to the HCP according to Public Resources Code 35152.

Director Foran stated that he would like written documentation that the OSA would retain the right to create trails on lands donated to the HCP.

Director Kennett stated that the initial plan of the HCP was to purchase private land for mitigation for development. He stated his concern that public land was not only being used instead of private land, but that public access was being stripped as well. He inquired when the HCP plan would be implemented once approved.

Ms. Mackenzie stated that the HCP budget did provide for planning of areas used for public recreation as long as the plans did not interfere with the protection of resources.

Director Foran stated that the Principles of Participation is an understanding, not a commitment. He enquired about the process necessary to approve and implement the Plan.

Ms. Mackenzie stated that Mr. Ken Schreiber would like to address the Board once the Plan was out for review. She also stated that the HCP was requesting a statement from the OSA liaisons on the possibility of donating a thousand acres from the Authority's Palassou property

Director Gill stated that it is very important that OSA not commit to donating land until the proper devices that ensure trail systems can be

Santa Clara County Open Space Authority
Final Minutes
11-15
August 11, 2011

implemented on any of the lands OSA donates to the HCP are in place.

Director Hall stated that as Board liaison, he planned to express the following concerns regarding the Principles of Participation to the HCP at the next liaison meeting on August 18th:

The wording in #3 “{commits to working with the Habitat Plan Implementing Entity for the duration of the permit to pursue joint land Acquisition that is mutually beneficial to each agency on a case by case basis...”

The wording in #4 “The OSA does not expect to be directly reimbursed for the cost of land acquisition or projects on a case by case basis allows for financial benefits the OSA will receive through grant funding under the Plan and funding for management before granting a conservation easement.”

Director Hall stated he will represent OSA at the HCP meeting as an agency that wants to help make the Plan possible, but that the OSA also expects that monies will be spent in order to protect the species without case by case evaluation. There must be management monies in order to succeed.

Director Foran stated that the Plan only addresses protection of habitats of endangered species; omission of non-endangered species is cause for concern.

Ms. Mackenzie stated a Memorandum of Understanding was created with The Nature Conservancy in regards to Palassou. The Memorandum states that before Palassou is opened for public use that a resource management plan must be in place.

Ms. Mackenzie requested that the Board liaisons report at the HCP meeting that a provision will be made in OSA’s Principles of Participation that compatible trail use not be withheld.

Director Foran suggested that the Principles of Participation be revisited in a future meeting.

Ms. Mackenzie stated that Staff would review the Principles of Participation and bring the recommended changes to the Board at a future meeting.

Santa Clara County Open Space Authority
Final Minutes
11-15
August 11, 2011

COMMITTEE MEETING SUMMARIES

| | |
|--|--|
| Citizen's Advisory Committee | Director Annable stated that there was no report. |
| 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 Holtz stated the Committee met before the board meeting and there is no report. |
| General Manager's Report | <p>Ms. Mackenzie acknowledged the great work that went into the Volunteer Appreciation Party and she especially acknowledged Dana Litwin for her successful planning of the event; Ms. Mackenzie announced that the OSA with the Bay Area Ridge Trail Council would be holding a trail dedication on October 22; she reported that the OSA was working on a partnership with Guadeloupe River Park Conservancy. The Conservancy was given a grant from Yahoo to provide educational programs for children including those with special needs. The pending agreement between the OSA and Guadeloupe River Park would allow a portion of the grant to compensate the OSA's Interpretive Coordinator while she works on their program; Ms. Mackenzie also reported that she met with the San Francisco PUC and Alameda County Resource Conservation District. They have a new initiative which provides funding to preserve open space and land in the Alameda Creek/Watershed, two-thirds of which is in Santa Clara County. The PUC passed a bond measure which includes \$20 million dollars for conservation and restoration of the watershed to which PUC contributed an additional 30 million of their own funds. PUC is seeking participation by OSA in the partnership.</p> <p>Ms. Mackenzie stated she met with several dignitaries this week, including Councilmembers Pyle, Herrera, Kalra, the mayor of Morgan Hill, Steve Tate and other city officials. Morgan Hill city councilmember Rich Constantine visited her at the OSA office, and she and Chair Holtz met with County Supervisor Wasserman. She stated she would be meeting Supervisor Kniss next week.</p> <p>Ms. Mackenzie informed the Board that Staff was working on a tour of Stone House at Palassou for interested Board members.</p> <p>Director Foran suggested a VIP tour of Sierra Vista before the dedication</p> |

Santa Clara County Open Space Authority
Final Minutes
11-15
August 11, 2011

occurs.

Legal Counsel Report

Mr. Wittwer stated he had no report

Board Member Reports

Director Gill reported the Day in the Park event would be held on Saturday, October 1 at Lake Cunningham; He reported that the Egyptian Festival would be held August 26th through 28th at St. George Coptic Church in Campbell.

Director Williams stated he had no report.

Director Annable stated she received a suggestion that one of the Board members become a liaison to the Santa Clara Valley Water District.

Ms. Mackenzie stated that she has been following the Water District closely and anticipates meeting with their Board members and General Manager in the near future. She suggested that designation of a liaison to the Water District be made after the meeting.

Director Annable requested that Staff forward the most current acquisition chart to Board members.

Director Kennett requested that a field trip to El Toro be arranged for the Morgan Hill Chamber of Commerce Environmental Affairs Committee for October 13.

Director Foran reported that the Bay Area Ridge Trail Council has a new initiative focused on the last hundred miles of trail. He stated that preparation for future trails is necessary now as those lands might not exist in the future.

Director Hall had no report.

Director Holtz stated that she would be attending the Land Trust Alliance conference on October 13th.

ADJOURNMENT

9:05 p.m. Director Holtz adjourned the meeting.

Respectfully submitted by
Lauren Monack
Clerk of the Board