



DRAFT MINUTES

SANTA CLARA COUNTY OPEN SPACE AUTHORITY
Regular Meeting
Thursday, March 11, 2010
Meeting 10-05

ROLL CALL	Vice-Chairperson Mike Potter called the regular meeting of the Santa Clara County Open Space Authority (OSA) to order at 6:31 p.m. at the Santa Clara County Administrative Office, 6980 Santa Teresa Blvd. Suite 100, San Jose, California.
Members Present	Alex Kennett, Virginia Holtz, Mike Potter, Calvin Gill, Jim Foran, Garnetta Annable arrived at 6:33 p.m.
Members Excused Absent	Sequoia Hall
Members Unexcused Absent	None
Staff Present	Patrick Congdon, General Manager Bill Parkin, Legal Counsel Lauren Crook, Clerk of the Board Jayne Brownlee, Accountant
Public Present	Dave Poeschel, CAC member John Fioretta, CAC member Roland LeBrun
CONVENE TO CLOSED SESSION	At 6:31 p.m. Director Potter convened the meeting to Closed Session.
RETURN FROM CLOSED SESSION	The Board members returned from Closed Session at 7:06 p.m. Director Potter stated there were no reportable actions.
ADOPTION OF AGENDA	Director Kennett moved to adopt the Agenda. Director Gill seconded the motion. Director Annable asked that the February 11, 2010 minutes be removed from the agenda. She asked that the discussion of the Doan Ranch in Public Presentations include more detail. The motion passed 6-0.

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**PUBLIC
PRESENTATIONS**

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

**WRITTEN
COMMUNICATIONS**

Director Potter asked if there were any written communications.

L. Crook stated that the Board received a letter from Santa Clara County Supervisor Don Gage which encouraged the Authority's participation in the Santa Clara Valley Habitat Plan

**APPROVAL OF
CONSENT ITEMS**

- Adoption of Resolution Directing Preparation of the Engineer's Report for Open Space Acquisition & Maintenance District No. 1

Motion: Director Annable moved to approve the consent calendar. Director Foran seconded the motion. The motion passed 6-0.

BOARD BUSINESS

Agenda Item #1: Presentation of the Fiscal Year 2009/2010 second quarter Financial Statements and investments reports ending December 31, 2009.

J. Brownlee greeted the Board and reviewed the Fiscal Year 2009/2010 second quarter Financial Statements and investments reports ending December 31, 2009.

Board questions ensued.

Director Holtz asked what memberships the Authority paid for.

P. Congdon stated that the Authority pays for membership in CSDA and CPRS among other organizations.

Director Holtz asked if the Open Space Authority was a member of the Bay Area Open Space Council.

P. Congdon stated that the Authority was not a member because the annual membership fee was about \$3,000 and the benefit was not equivalent to the price paid.

Director Holtz asked if the Authority could send a letter requesting a pro-rated membership.

P. Congdon stated the BAOSC was aware of the situation and stated again he felt that the benefits did not warrant the high price for membership.

Director Holtz stated that she felt that membership provided the benefit of belonging to a consortium of like-minded agencies and asked if an item to discuss consideration of membership in the BAOSC be sent to the

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Administration and Budget Committee.

P. Congdon stated that it was an item better discussed within the context of the full Board.

Agenda Item #2: Adopt Resolution to amend the Budget for Fiscal Year 2009/2010.

P. Congdon stated the materials were in the packet for the Board to review.

J. Brownlee reviewed the changes to the amended budget.

Board discussion ensued.

Motion: Director Kennett moved to approve Resolution 10-08, approving an amendment to the Budget for FY 2009/2010. Director Foran seconded the motion. The motion passed 5-0. Ayes: A. Kennett, J. Foran, M. Potter, V. Holtz, K. Gill. G. Annable abstained from the vote.

Agenda Item #3: Continued – Discussion and Direction to Staff Regarding the Santa Clara Valley Habitat Plan (SCVHP) Implementing Agreement

P. Congdon stated that after the last meeting, he, Bill Parkin, and Directors Holtz and Hall met to discuss the issues brought up in the previous Board meeting in regards to the SCVHP. He stated that they had developed three recommendations as a result of their meeting. He included them in the Board report.

Director Holtz stated it was helpful to meet to discuss these issues. She said, in general, the Authority should accept lands as conservation easements as staff recommends. She says there may be times when it would be prudent or appropriate to accept land in fee title. She suggested that the recommendation be modified to include language that says the Authority would, as a general rule, accept mitigation lands as conservation easements however, in some instances on a case by case basis would consider accepting lands in fee title.

Board discussion ensued.

J. Foran stated in regards to recommendation #3, he suggested a change to the last sentence so it would read as follows:

...Where properties are not restricted, the Authority should require adequate compensation for Authority lands...

Director Potter asked if any members of the public would like to speak on the

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matter before the Board.

Roland LeBrun approached the podium and greeted the Board. He distributed a memo from the County of Santa Clara, Office of the County Executive which was directed to Supervisors Gage and Kniss and the HLUET Committee. He stated that there were a couple of items in the memo he would like to make the Board aware of. He pointed out that California State Parks have decided to decline partnership in the Plan. He also pointed out that according to the memo there will not be an increase in public recreation but a reduction as noted on Page 5 of the memo. He said he admired the Open Space Authority and what they have been doing. He said he had a completely different experience with County Parks. He said he had concerns about the SCVHP and he is against it.

P. Congdon asked for clarification on the recommendations before the Board. He confirmed that no changes were suggested for Recommendation #1.

Director Annable suggested that Recommendation #2 should state both mitigation as well as general management.

B. Parkin suggested the following language:

"The Board resolved that as a general rule, the Authority will accept mitigation lands under the SCVHP in the form of conservation easements, which has been the Authority's practice, rather than in fee title. However, on a case-by-case basis, fee interests in mitigation lands will be accepted, and the Board directed Staff to negotiate compensation for costs incurred by the Authority for general administration and management of such property as well as mitigation management".

P. Congdon asked if there were any changes in Recommendation #3.

B. Parkin stated that the word, "adequate" be added to the recommendation.

Motion: Director Foran moved to approve direction to staff in the form of the following recommendations:

- 1) The Board directed Staff to reaffirm with the SCVHP management team the Authority's desire to be a permittee and recipient of lands set aside pursuant to the SCVHP;
- 2) The Board resolved that as a general rule, the Authority will accept mitigation lands under the SCVHP in the form of conservation easements, which has been the Authority's practice, rather than in fee title. However, on a case-by-case basis, fee interests in mitigation

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lands will be accepted, and the Board directed Staff to negotiate compensation for costs incurred by the Authority for general administration and management of such property as well as mitigation management; and,

- 3) The Board resolved that properties independently purchased by the Authority not be counted towards the acreage requirements set forth in the SCVHP if there are grant funding restrictions prohibiting the use of specific property for mitigation. Where properties are not restricted, the Authority should require adequate compensation for Authority lands that are used to meet mitigation requirements under the SCVHP.

Director Kennett seconded the motion. The motion passed unanimously, 6-0.
Ayes: A. Kennett, J. Foran, M. Potter, V. Holtz, K. Gill, G. Annable.

B. Parkin stated he and P. Congdon would be meeting with Ken Schreiber and Chris Beale to pass on the recommendations.

COMMITTEE MEETING SUMMARIES

**Citizen's Advisory
Committee**

Director Potter stated that there was no report.

**Acquisition
Committee**

Director Potter stated there was no report.

P. Congdon noted the next meeting would take place on the fourth Monday of the month at 8:30 a.m.

**Use & Management
Committee**

Director Potter stated there was no report.

**Administration &
Budget Committee**

Director Potter stated that the Committee met and there was no report.

**General Manager
Evaluation Ad Hoc
Committee**

Director Potter stated there was no report.

**General Manager's
Report**

P. Congdon stated that staff hoped to close on the 353 Palms acquisition by the end of March; he stated that the California Coastal Conservancy and the Open Space Authority were audited by the state; he noted that two OSA employees attended the weed awareness week to meet with local representative in the state capitol.

Legal Counsel Report

W. Parkin stated he had no report.

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**Board Member
Reports**

Director Gill stated he had no report.

Director Holtz stated she had no report.

Director Kennett stated he had no report.

Director Foran that the Bay Area Ridge Trail Ridge-to-Bridge would be coming up in April.

Director Annable stated she had no report.

Director Potter attended the local CSDA meeting.

ADJOURNMENT

Director Potter adjourned the meeting at 8:14 pm

Respectfully submitted by
Lauren Crook
Clerk of the Board