

# Save Our Trails!



Promoting trails in Santa Clara County for the benefit and enjoyment of all

## Minutes

Save Our Trails Meeting  
Monday, August 19, 2013  
Dwell Christian Church

### ADMINISTRATION

The meeting was called to order at 7:10 pm.

#### Attendance

##### Directors in Attendance

Joan Bohnett, Martin Delson, Jake Jacobson, Scott Lane, Roland LeBrun, Taisia McMahan, Jack Nadeau, Mary Ellen Petrich, Bill Rankin, Richard Silva, Lars Thurfjell (officially on leave, and not voting), Bruce Tichinin, and Bertha Ward (making a quorum).

##### Directors Absent

Corinne Asturias (excused), Joe Carpenter (excused).

##### Members in Attendance

Larry Ames

##### Visitors in Attendance

Lara Tran, staff to Councilmember Oliverio; Kathryn Mathewson

##### Invited Speakers

None

#### Rules of Conduct

Tai read the rules of conduct adopted on 2/7/2011.

#### Changes to the Agenda

Taisia determined that the report of the Communications Committee should be combined with "Deferred Issues" item numbers 2-4, and added time for visitor Kathryn Mathewson to speak after consideration of the new issues.

#### Minutes Amended

The draft minutes of the meeting of June 4, 2013 were amended and accepted as amended by a vote of 9-2 with 1 abstention.

### Minutes Accepted

The draft minutes of the meeting of July 22, 2013 were accepted as submitted by a vote of 7-2 with 3 abstentions.

## **DIRECTORS' REPORTS**

### **President's Report**

Taisia reported that she heard from County Supervisor Cortese that he would like to address SAVE OUR TRAILS. She moved that the Supervisor be placed on the agenda for the September 17<sup>th</sup> meeting, and that the meeting be publicized to the broader public. The motion passed by a vote of 11-0 with 1 abstention.

Taisia also urged Board Members to respond to requests to vote by email. A Board Member may respond affirmatively, or negatively, or may abstain in writing, but the Board Member should not simply ignore the request. Mary Ellen added that the results of email votes should be reflected in the minutes of the next meeting.

### **Vice-President's Report**

Bill said that Mollie Tobias had asked the help of SAVE OUR TRAILS to deliver fliers to the property owners whose properties adjoin the Three Creeks Trail, asking their permission for the city to remove graffiti on the trail side of the fences on the property line. Taisia assigned the planning of the action to the Clean-Up Committee.

Roland suggested that a second flier be delivered at the same time to provide these property owners with information about SAVE OUR TRAILS.

### **Treasurer's Report**

Mary Ellen reminded the Board of her intention to resign her duties as Treasurer effective the end of our business year as soon as a replacement can be named, but by the end of our business year at the latest.

### **Secretary's Report**

Martin reported that in accord with a vote taken by email, he wrote a letter of support of the application by the *Bay Area Ridge Trail Council* for a grant from the National Park Service.

### **Attorney's Report**

Bruce said, according to his understanding of Article V Section 1 of our By-Laws (*"The Board of Directors shall... consist of the four Officers of the Organization, plus [the] ... at-large Directors"*), an Officer could not also be a Director. It was Bruce's opinion that the election of the four officers to be Directors as well as Officers was invalid.

Martin suggested that if the By-Laws were misleading on this point, they should be modified to reflect the actual way in which we have been operating since our founding.

The Board took no action on this issue.

## **CURRENT ISSUES**

### **Status of Action Items**

- 67 Taisia said she had an appointment to meet with Representative Lofgren and would bring up the action item that had been assigned to Corinne, viz, whether Federal money might be available for trail acquisition and/or construction.
- 148 Mary Ellen posted information on the web site that there may be a delay before receipts for donations are mailed to the donor.
- 149 Martin installed reflector tape on four bollards on the Hwy 237 bikeway at 1<sup>st</sup> Street.
- 153 Roland distributed to the Board information regarding best practices for the intersection of trailheads with streets.
- 154 Martin said he would no longer remind Taisia to assign start times and end times to every agenda item, since she did not want to do that before the meeting.
- 155 Joan said she would defer seeking a facilitator unless the Board explicitly asked her to pick up this issue again.

## **ANNOUNCEMENTS**

None.

## **COMMITTEE REPORTS**

### **Clean-Up Committee**

Roland passed around the following memo (distributed earlier by email):

*Progress:*

- Piles of wood chips and mulch have been delivered between Coe and the trestle.

*Issues to be discussed/resolved:*

*1) Preparation prior to Bark Day (City or?):*

- Piles of branches need to be moved out of the way and turned into wood chips and mulch.
- Tall weeds need to be whacked prior to laying cardboard and chips/mulch.

*2) Assembling the team:*

- eBay have not come through (so far).
- Current plan: re-assemble the Fo5WT Coyote Creek cleanup Team: SOT, Fo5WT (SJSU), Clean Creeks/Healthy Communities (Kim Thai) & Downtown Streets Team.
- Mollie (wheelbarrows, shovels and rakes).
- Bertha and her husband (awnings, tables, benches + "feeding the troops").
- Joan & Jake (registration and t-shirts).
- Corinne (Artwork/Poster/FB page).

- Next Fo5WT cleanup is October 12th (SOT is invited): **October 12 is out for Bark Day.**
- Possible SOT "Bark Day" dates: September 28 or October 26.

Before getting in touch once more with Mollie, Roland wanted to confirm the availability of Joan and Jake for both potential days (9/28 and 10/26) and to poll the Board for the preferred date. More Board Members indicated a preference for October 26.

### **Governance Committee**

Taisia deferred the report of the Governance Committee for consideration among "Deferred Issues"

### **History Committee**

No report.

### **Membership Committee**

No report.

### **Communications Committee**

No report. In lieu of a recommendation on the topic assigned to the committee, viz. *Issue of determining who should respond to messages from the general public addressed to the SOT Board*, Taisia said that she would take the responsibility for doing so.

### **Reflector Tape Project Team**

Martin reported that between the months of May and July, the team applied reflector tape to a total of 19 bollards and 3 gates on the Guadalupe River Trail, the Los Gatos Creek Trail, and Three Creeks Trail, and the Highway 237 Bikeway.

Roland objected that the reflector tape project was a private initiative of Martin's, and was not authorized as a SOT project; indeed, that SOT had explicitly voted not to authorize this project.

Martin rejoined that the project had indeed been authorized, and referred to the minutes of the meeting of May 31, 2011:

*"Martin moved that the SOT go on record as being willing to help CSJ in making trail hazards such as bollards more visible, and that he be authorized to write a letter to Yves informing him of this decision. The motion passed by a vote of 9-0-1."*

## **DEFERRED ISSUES**

### **Voting on all issues be mail**

Martin stated that numerous times in the past, one or another Board Member sent around an email asking for a vote on a proposal, even though our policies allow us to vote by email on only three very narrowly defined issues: (a) giving a Board Member the right to speak in the name of SOT on a subject at a public hearing; (b) authorizing the Secretary to write a specific letter to a public body; or (c)

authorizing the expenditure of funds. Martin found himself having to remind the Board Member that votes on other issues were not authorized, and suggested that perhaps the Board might want to consider allowing votes by email under a broader range of circumstances.

Bruce and others felt that the absence of a broader policy had been an obstacle to an expeditious response to circumstances in the past.

Various Board Members suggested that:

- Votes by email should be taken within a defined time
- The voting deadline should be specified by the maker of the motion
- As earlier, a majority of the full Board should be required for the motion to pass.
- As earlier, if there are two or more no votes, then consideration of the motion must be deferred to the next Board meeting.
- Only issues that must be decided before the next Board meeting may be proposed for a vote by email.
- The vote should be documented in the minutes of the next meeting.

Bruce moved that the following policy be adopted:

In urgent situations, where a vote on an issue is necessary before a Board Meeting can be convened, a vote may be taken by email. To do so, the Board Member who proposes a vote shall send the text of the motion by email to all Board Members, shall assign a date and time when the votes shall be counted, and shall tally and report the votes to the full Board when the deadline has been reached. When voting, Board Members shall respond to the full Board. If a majority of the Board responds affirmatively, then the motion shall be considered to have passed as if the vote had been taken at a regularly scheduled meeting. However, if two or more Board Members object (even if a majority are in favor), the motion shall be considered to have been rejected. The Secretary shall document the vote on the motion in the minutes of the subsequent Board Meeting.

Visitor Larry Ames commented that this policy doesn't give the public a chance to weigh in on issues being voted on.

The motion carried by a vote of 10-2, with no abstentions.

**Recommendation of the Governance Committee on Meeting Information**

The Board unanimously approved the recommendation of the Governance Committee that when a meeting is called, the communication should identify the time, date, and place of the meeting.

**Other Recommendations of the Governance Committee**

Taisia changed the agenda to consider New Issues before the consideration of two remaining Deferred recommendations of the Governance Committee.

**NEW ISSUES**

**Day on the Bay**

Roland moved that SAVE OUR TRAILS again participate in “*Day on the Bay*” being organized by Supervisor Cortese for Sunday, October 13<sup>th</sup>, as we had for the last two years. Lars, Bruce, and Bill volunteered to set up and man the booth that day (10 AM – 3 PM) at the Alviso Marina. The motion passed by a vote of 11-1 (no abstentions.)

**Technical Advisory Committee formed by the Bay Area Ridge Trail Council**

Martin reminded the Board of the email forwarded by Taisia from the *Bay Area Ridge Trail Council* where the *Council* proposed forming a “Technical Advisory Committee” including representatives from the Ridge Trail, Bay Trail, Rails-to-Trails Conservancy, SAVE OUR TRAILS, the City of San Jose, and VTA. Martin said that in responding to that email, he volunteered to attend meetings of the Technical Advisory Committee as an individual, but he required Board approval to attend as an official representative of SAVE OUR TRAILS.

A motion was made to confirm Martin as the representative of SAVE OUR TRAILS at future meetings of the Technical Advisory Committee. The motion passed by a vote of 10-1 (1 abstention)

**Trail Count**

Yves Zsuttu called on SAVE OUR TRAILS to host a count station at the corner of Bird Avenue and Willow Street on the Three Creeks Trail on Wednesday, September 18<sup>th</sup>. Martin said we should not agree unless we had a minimum of four people who would agree to serve. Bill, Bruce, and Jake volunteered to host the station. It was moved that SOT agree to participate. The motion carried by a vote of 11-0 (1 abstention.)

Tai said that she would send an email to the membership asking for volunteers to participate in the trail count.

**PRESENTATIONS BY GUESTS**

Kathryn Mathewson informed the Board of difficulties she was having with her neighbor who was acting in such a way as to harm a tree that the city has on the queue for designation as a heritage tree. She requested that SAVE OUR TRAILS write a letter to City Council recommending that an ordinance be

passed, when construction could jeopardize a potential Heritage Tree, there should be a way to quickly have the City Council vote to immediately place the tree on the Heritage Tree List.

She further proposed the following issues for discussion:

- Can we assess the potential Heritage Trees along our creeks and try to get them on the Heritage Tree List?
- On our trail maps could we show where these trees are located?
- Is it possible to get more homes along our creeks listed as National Wildlife Federation “Certified Wildlife Habitats”?
- Can something be done about banning AstroTurf on property boundaries? This is especially important near creeks.

Members of the board thanked her for her contribution, and sympathized with her regarding the difficulties she is facing, but took no action on her request.

**NEW ACTION ITEMS**

No.	Date	Who	Action	Due
156	8/19/13	Roland	Work with the Clean-up Committee to coordinate delivery of fliers to property owners whose properties abut the Three Creeks Trail.	9/15/13
157	8/19/13	Bertha	Coordinate with Roland on “Bark Day”: awnings, tables, benches, plus “feeding the troops”	9/28 or 10/26
158	8/19/13	Joan, Jake	Coordinate with Roland on “Bark Day” by handling registration and the distribution of t-shirts.	9/28 or 10/26
159	8/19/13	Bill, Bruce, Lars	Prepare to man the booth at “Day on the Bay” on Sunday, October 13, from 10 am to 3 pm.	10/13/13
160	8/19/13	Taisia	Send email to Membership asking for participation in the trail count.	9/1/13
161	8/19/13	Bill, Jake, Bruce	Host a count table on the Three Creeks Trail on Trail Count Day.	9/13/13
162	8/19/13	Roland, Martin	Draft cover letter to be distributed to property owners related to graffiti removal (once liability release forms have been reviewed by Bruce and approved by the SJ Legal Department)	Tbd
163	8/19/13	Corinne	Work with Roland on the posted for “Bark Day”	10/1/13

**ADJOURNMENT**

Taisia moved to adjourn. Joan objected that the report of the Governance Committee has been on the agenda since June, and never voted on, and that this evening the report was first combined with “Deferred Issues”, and then moved to after “New Issues” and the contributions from our guest, and finally not heard at all. She asked that the issue be placed before other business on the agenda of the next meeting. Martin said he would.

The meeting was adjourned at 9:05 pm. The next meeting is scheduled for Monday, September 16<sup>th</sup>, at 7:00 pm, at the Dwell Christian Church, 1292 Minnesota Ave., San Jose, CA 95125.