

Marinwood Community Services District

Minutes of Board of Directors Meeting Tuesday October 10, 2017

Time and Place: 7:30PM Marinwood Community Center classroom.

Present:

Board Members: Leah Green, Irv Schwartz, Jeff Naylor, Izabela Perry and Bill Shea.

Staff: District Manager Eric Dreikosen, Recreation Director Shane DeMarta, Firefighters Brandon Selvitella, Sean Day, Jeff Smith and Dan Rotwein and Administrative Assistant Carolyn Sullivan.

Others Present: Linda Barnello, Stephen Nestel, Leslie Day, Fire Commissioner Ron Marinoff.

Closed Session

1. *Conference with Legal Counsel-Existing Litigation Section 54956.9(d)(1): Name of Case: Anderson et al., v. Marinwood Community Services District:* Shea reported the Board did not meet in Closed Session; no reportable action was taken.

Open Session Call to Order and Pledge of Allegiance

Agenda

No changes or additions.

M/s Schwartz/Perry to approve agenda as presented. Ayes: Perry, Naylor, Shea, Green and Schwartz. Nays: None. Motion carried unanimously.

Consent Calendar

a. *Draft Minutes of Regular Meeting of September 12, 2017:* No additions.

b. *Bills Paid Nos. 1454-1531:* Naylor requested if the District could consolidate the phone/internet/cable billing. Dreikosen replied the District is on a government plan through At&t for phone, but could examine the internet/cable billing. Naylor asked if the workers compensation adjustment was for Recreation employees only. Dreikosen replied primarily yes but a small amount for Park as well. Nestel commented that he is still trying to figure out teacher payments; a lot of money is paid out and he would like to see the revenues. DeMarta replied the Recreation Instructors are on a contracted percentage, usually 70% /30% split.

M/s Perry/ Schwartz to approve Consent Calendar as presented. Ayes: Perry, Naylor, Shea, Green and Schwartz. Nays: None. Motion carried unanimously.

Public Comment Open Time for Items Not on Agenda

Nestel stated the Millers are being ignored. Nestel suggested every effort be made to avoid legal issues with the Millers; ignoring them will result in a lawsuit.

Barnello commented in regards with communications with the District Manager; Green commented at the last meeting that inundating staff with requests does not help matters. Barnello stated she had only emailed the Manager eight times and went on to list each email and the topic of said email.

District Matters

1. *Update: Marinwood CSD Emergency Services Succession (ESS) Committee to Analyze and Recommend Potential Alternatives for Future Operations and Delivery of Emergency Services to the Community:*

a. *Draft Minutes of ESS Committee Meeting on October 3, 2017:* Naylor stated in the first meeting bylaws/mission/stakeholders were identified. Additionally some financial impacts were discussed. Nestel asked where the Board solicited its members. Dreikosen replied it was posted on the website, Nextdoor and social media. Nestel commented he had examined the San Rafael budget and the money they receive from CSA 19, Marinwood could get the same deal if the District contracts with San Rafael. Marinoff stated 40% of San Rafael's revenues in their budget comes from sales tax; 0% of Marinwood's revenues in the budget come from sales tax. San Rafael and Marinwood are very different. Barnello stated the Fire Department makes a lot of revenue from contracts and special taxes; the residents place importance on the Fire Department.

b. *Amendment to Emergency Services Succession Committee Bylaws:* Schwartz commented the amendment is logical. Nestel stated he does not like the way the Committee is set-up; why act as a "body" and not individually. Naylor responded over the next 9 months the group will deliver analysis and support to inform the citizens of the community about the impacts. Monthly analysis will be presented at each and every Board meeting.

M/s Perry/ Green to approve Amendment to Emergency Services Succession Committee Bylaws as presented. Ayes: Perry, Shea, Green and Schwartz. Nays: None. Abstain: Naylor. Motion carried.

2. *Resolution 2017-07: Request Temporary Transfer of Funds from County Treasury*: Dreikosen stated this is done once a year due to cash flow timing and the District does not pay any interest until the District incurs a negative cash balance.

M/s Perry/ Green to approve Resolution 2017-07: Request Temporary Transfer of Funds from County Treasury. Ayes: Perry, Naylor, Shea, Green and Schwartz. Nays: None. Motion carried unanimously.

3. *Marinwood CSD Memorial and Recognition Policy- Second draft*: Perry commented the latest version includes feedback from the September Board meeting. Schwartz stated he would like to add "Volunteer Firefighter" to the language. Naylor commented the criteria seems a bit simplistic.

M/s Green/ Schwartz to approve Marinwood CSD Memorial and Recognition Policy. Ayes: Perry, Naylor, Shea, Green and Schwartz. Nays: None. Motion carried unanimously.

4. *District Manager Report*: Dreikosen reported Miller Pacific will be doing borings at the creek sites for the geotech report this week. The District entered into contract for assessment and design of the Queenstone Fire Road repairs. The Park and Recreation Commission was updated on the latest information regarding the Ponti Fire Road transition to a multiuse trail. The work being performed by the property owners at 598 Loganberry is almost complete and will most likely be withdrawn from the FEMA claim due to reimbursement eligibility requirements. FEMA has all the receipts and data submitted to them for the emergency protective measures taken during the January storms and the District is waiting on eligibility status of the other sites. Schwartz and Dreikosen met with County planners for a planning consultation for all four potential sites for the Maintenance facility. Dreikosen has entered into an agreement with Prunuske Chatham to conduct a biological site assessment. Additionally the District is underway with the annual audit.

Fire Department Matters

1. *Fire Department Kitchen Remodel Project: Accept bid from Lowest Qualified Bidder in Response to Notice Inviting Bids and Authorize Staff to Enter into Contract with Lowest Qualified Bidder to Complete Project as Specified*: Shea commented the District received two bids. Dreikosen stated the lowest bid was included in the Board packet. Schwartz stated he had gone through the lowest bid piece by piece and suggested deleting items that are unnecessary to lower the price to achieve a cost closer to what is budgeted. Schwartz noted that Dreikosen had informed him that the Attorney General issued a previous opinion that change orders totaling 27% were excessive, creating an impermissible substantial modification. Naylor asked Selvitella what he would like to see back in the kitchen ASAP. Selvitella replied he would like to see a full complete kitchen. The kitchen is the meeting spot for staff and in its current state is an embarrassment. Green questioned what would happen if we treated this project as a business with fair market value; would a community member turn us in? Schwartz commented it would be more likely that a DIR registered Contractor would sue the District. Green replied in that case the District would settle for an amount lower than the lowest bid received and the kitchen would be complete; yes it's risky, but it's thinking out of the box. Perry stated the whole process has been frustrating, but she is not in favor of anything risky. Perry stated she would prefer item 5 of the memo. Naylor asked if CWS Construction visited the site. Dreikosen replied he is unsure. Marinoff commented the Board should make the changes Schwartz has analyzed. A community member and former Firefighter commented that he has been in this situation before; it resulted in unhealthy conditions and Firefighters falling ill. Day commented the Board should go with the lowest bidder; if the community center was in the same predicament the Board would act. Members of local Fire Departments come in to cover the station and it is an embarrassment; the District has the money to spend on its building. Nestel commented the Board had an initial bid of \$25,000 and got cold feet. Barnello commented the initial bid did not include prevailing wages. Barnello added that the lowest bid is only \$27,000 over budget, over the lifespan of the kitchen that is only \$1,000 per year. Selvitella commented he hates the bids they are ridiculous, but the District is several months into the situation right now and the Board is left with no choice.

Motion Perry to authorize the District Manager to coordinate a minimal kitchen remodel to stay under \$25,000 for a workable kitchen for the Firefighters. Motion failed for lack of second.

Green questioned if the Board can instruct staff to change the bid and have them work with the contractor to achieve a lower price.

Motion Perry to approve lowest bidder and communicate with contractor to reduce bid by \$25,000. Motion failed for lack of second.

Dreikosen stated accepting the bid and trying to reduce cost by more than \$20,000 may likely be challenged.

M/s Perry/ Green to authorize District Manager to accept the lowest bidder after assurance from the contractor to lower bid by \$20,000. Ayes: Perry, Naylor, Shea, Green and Schwartz. Nays: None. Motion carried unanimously.

Dreikosen asked Selvitella if they felt this was a reasonable plan. Selvitella stated yes.

2. *Agreement between the County of Marin and Marinwood Community Services District for Fire Protection and Emergency Services to County Service Area 13*: Dreikosen stated this is an annual agreement. Marinoff complimented the District Manager for the clarity of the contract; best one in 50 years.

M/s Perry/ Green to approve Agreement between the County of Marin and Marinwood Community Services District for Fire Protection and Emergency Services to County Service Area 13. Ayes: Perry, Naylor, Shea, Green and Schwartz. Nays: None. Motion carried unanimously.

3. *Agreement between the County of Marin and Marinwood Community Services District for Fire Protection and Emergency Services for the Juvenile Hall Site*: Schwartz questioned if the Department has to respond differently to the area. Day replied no; average amount of calls.

M/s Perry/ Green to approve Agreement between the County of Marin and Marinwood Community Services District for Fire Protection and Emergency Services for the Juvenile Hall Site. Ayes: Perry, Naylor, Shea, Green and Schwartz. Nays: None. Motion carried unanimously.

4. *Fire Activity Summary and Chief Report*: Schwartz commented if the Department has implemented a monthly check of the generators. Day replied they are checked, but the power is not turned off to do a full run of the generators. Nestel questioned who cleans the Firehouse; if there is proper cleaning the mold issues should not occur. Additionally Nestel stated he would like an update on MERA.

Park and Recreation Matters

1. *Draft Minutes of Park and Recreation Commission Meeting on September 26, 2017*: No comments.

2. *Letter of Interest from Sivan Oyserman Seeking Appointment to Park and Recreation Commission in the Vacant Alternate Commissioner Position*: Nestel commented she had poor attendance previously.

M/s Perry/ Green to appoint Sivan Oyserman to the Park and Recreation Commission in the vacant alternate Commissioner position. Ayes: Perry, Naylor, Shea, Green and Schwartz. Nays: None. Motion carried unanimously.

3. *Recreation and Park Maintenance Activity Reports*: DeMarta asked for questions regarding the report. Nestel asked if the food vendors at the events were licensed. DeMarta replied yes.

New and Other Business

1. *Requests for Future Meeting Agenda Items*: Perry commented she was offended by the letter received from Mr. Briare; the letter was a misrepresentation and the facts were twisted. Perry would like the District Manager to provide a response letter. Dreikosen replied he had reviewed this letter and believes the District should not dignify the letter with a response. Perry commented she is afraid of slander. Nestel commented the District needs to respond. Barnello stated the District needs a policy for timely responses to resident's emails.

Nestel stated there is a pending housing bill, the Board needs advance planning when additional residents are added. Naylor suggested the District Manager clarify subject matter boundaries within Board Meetings.

Recognitions and Board Member Items of Interest

Perry thanked all the Firefighters who have helped fight the North Bay fires.

The meeting was adjourned at 10:00PM.

The date of the next Regular Board Meeting was set for November 14, 2017 at 7:30pm.

Respectfully submitted,
Carolyn Sullivan