

Marinwood Community Services District

Minutes of Board of Directors Meeting
Tuesday December 12, 2017

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

Present:

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

Absent: Izabela Perry.

Fire Commissioners: Ron Marinoff and Pascal Karsenti.

Staff: District Manager Eric Dreikosen, Recreation Director Shane DeMarta, Firefighters Ryan Brackett and Sean Day and Administrative Assistant Carolyn Sullivan.

Others Present: Linda Barnello, Mr. and Mrs. Monahan and Stephen Nestel.

Open Session Call to Order and Pledge of Allegiance

Closed Session:

Conference with Labor Negotiators Section 94957.6 Agency designated representatives: Jack Hughes, Eric Dreikosen. Represented employees: Marinwood Professional Firefighters.

The Board entered into closed session at 7:00PM. The Board exited closed session at 7:36PM, the Board took no action there was nothing to report.

Agenda

No changes or additions.

M/s Green/ Naylor to approve agenda as presented. Ayes: Naylor, Schwartz, Green and Shea. Absent: Perry.

Nays: None. Motion carried.

Consent Calendar

a. *Draft Minutes of Regular Meeting of November 14, 2017:* No comments.

b. *Draft Minutes of Special Meeting of November 21, 2017:* No comments.

c. *Bills Paid Nos. 1634-1709:* Naylor commented \$710 for the Marin IJ annual subscription is very expensive and requested it be negotiated next year. Naylor questioned bill 1661. Sullivan replied it is the Costco bill. Naylor questioned bill 1699. Dreikosen replied it is the legal fees due primarily to open space issues.

Barnello stated that at the November meeting she wanted verbiage added to the record regarding "libel" in regards to the letter by Bob Brier. Barnello stated Perry's comment was her opinion not fact.

Nestel stated in general the meeting notes always portray himself with negative grievances; specifically at the last meeting he requested the revenues need to be itemized.

M/s Schwartz/ Green to approve Consent Calendar as presented. Ayes: Naylor, Schwartz, Green and Shea.

Absent: Perry. Nays: None. Motion carried.

Public Comment Open Time for Items Not on Agenda

Barnello read a prepared statement stating that she "wants to apologize to our firefighters, the Chief and our volunteers working with the Fire Department. You all deserve better and more respect from the District Manager and Board of Directors". Barnello stated her five reasons for making her statement and they are as follows: Working without a usable kitchen, stalled Paramedic talks, delayed purchased of a Fire utility vehicle, filing a lawsuit to settle overtime issues and working without an MOU.

Nestel commented the District paid over \$60,000 in legal fees recently and he is concerned with the Millers. The Millers have a legitimate claim and they have been shut down by the District. Nestel added he is angry with the private resident who cut down trees on District property; the District should get restitution, it was felony vandalism and the parks need to be protected.

District Matters

1. *Announcement of settlement agreement and terms in litigation matter. Name of case: Anderson, et al., v. Marinwood Community Services District:* Dreikosen commented all the language is included in the packet. Nestel stated he is very angry with this situation; the community cannot afford this Fire Department; the Board needs better legal advice. Naylor stated a good deal of time was spent by the District Manager, including upfront legal costs, to resolve the FLSA concern; this was presented to the firefighters' lead negotiator prior to the District being served a lawsuit and was either ignored by the firefighters or not presented to them and was immediately followed with these lawsuits. The total in attorney fees came to \$102,201; The Fire Department personnel are public servants and the line of communication must remain open which will go a long way towards getting them in a better place. Green agreed.

2. *Update: Marinwood CSD Emergency Services Succession (ESS) Committee:*

a. *Draft Minutes of ESS Committee Meeting on December 5, 2017:* Naylor stated the committee worked on the 5 years past and 5 years future forecast, call volume, and location. It should be noted that 55% of calls are in San Rafael via mutual aid and that 90% of calls are medical/ public assist in nature. Discussion will occur regarding mergers with three entities, Novato, San Rafael and Marin County. Barnello suggested printing fliers for the residents of the community to make them aware. Green replied that is a good idea, but the District is not ready with all the information yet.

3. *Resolution 2017-10: Declaring that governing body members and volunteers shall be deemed to be employees of the District for the purpose of providing workers' compensation coverage for said certain individuals while providing their services:* Dreikosen stated this paperwork arrived from SDRMA. Naylor inquired if there was a specific timeline. Dreikosen replied no, but he can further investigate. Dreikosen stated the Board is already covered and has been for years. He also noted that other volunteers have never been covered in the past that he is aware of. Green inquired if there will be an additional expense. Shea tabled the Resolution until next month when the District Manager is provided with more information.

4. *District Manager Report:* Dreikosen stated the report from Miller Pacific in regards to FEMA claims 1 and 2 is expected to be received this month. Roach commented the Queenstone repairs will have to wait until the 2017 Fire season is over. Dreikosen reported claims 6, 7 and 8 are all complete and approved. The Park maintenance facility had a robust biologic assessment study completed and is awaiting a topographic map to be complete; the initial design needs to be done by an architect for site plan reviews. The 2016/17 Audit is almost complete; Dreikosen does not believe there will be additional observations and the majority of the 2015/16 findings have all been resolved.

Barnello asked how much money was spent on Park maintenance facility. Dreikosen replied less than \$4,000 on the study. Nestel stated the riverbank near the facility could erode further and it was built illegally with concrete; it is a problematic location. Nestel stated there was no mention of the intrusion into the parks; Nestel stated he received a letter from the District Manager stating the situation would be dealt with internally. Shea requested Nestel not speak to items not on the agenda.

Fire Department Matters

1. *Draft minutes of Fire Commission meeting of December 5, 2017:* Schwartz asked when the Marinwood firefighters can work as paramedics. Roach replied when the discussions are complete between the Board and the Labor group. Schwartz asked if the taxpayers are paying for a service they are not receiving. Roach replied no, Marinwood doesn't have the same service and the residents pay a lower rate. Dreikosen noted it would require a ballot measure to increase the Paramedic tax. Schwartz stated with that in place the residents would have an increased level of service and the firefighters would have an increase in wage.

Schwartz commented he believes in a strong defensible space and that residents should be allowed to clear 100 feet from their property; the language needs to be updated. Nestel stated 100 feet is a lot of space and suggested 6 feet instead stating he strongly disagrees with the defensible space policy. Marinoff stated the CSA requires homeowners that border open space to clear 100 feet from their property and 99% of the resident abide. All Fire department personnel agree that 100 feet is the bare minimum for defensible space. Roach agreed, 100 feet is a bare minimum to protect property from fires.

2. *Fire department kitchen remodel project: advise staff on project scope, appliances and materials specifications and associated request for bids:* Shea asked if it had been updated. Roach replied yes. Schwartz stated the refrigerator is an add on, the pony wall left in and the under counter lighting is an alternate. Naylor asked if donation of appliances would break the SB854 rule. Dreikosen replied it may be fine. Schwartz stated the donation concept works for the refrigerator, but not for the oven which has to be placed in between cabinets, the contractor would need the specs before they could complete the project. Nestel stated the project could be done for less than \$25,000.

3. *Fire activity summary and Chief report:* Roach reported the Department has three firefighters at the Thomas fire in Southern California and the new hire began work last week.

Park and Recreation Matters

1. *Draft minutes of Park and Recreation Commission meeting of November 28, 2017:* DeMarta stated that all 2018 camp and pool fees will come before the Board next month. Shea asked if increased expenses are due to the minimum wage increase. DeMarta replied partially, additionally we added camps. Naylor asked about the vandalism issue and the new lighting. DeMarta replied he believes the vandalism is occurring during daylight hours, but having no proper lighting was a safety issue as well. Nestel stated the playground damage was a design flaw, not vandalism. DeMarta stated it is intended for children under 6 years of age only and the structure is over 15 years old.

2. *Request for permanent encroachment onto District property – APN 164-630-01:* Dreikosen noted he would send a letter to the Monahan's if the encroachment is approved and add additionally insured; the District holds the right to reverse the agreement.

M/s Green/ Naylor to approve request for permanent encroachment onto District property. Ayes: Naylor, Schwartz, Green and Shea. Absent: Perry. Nays: None. Motion carried.

The Monahan's thanked the Board.

3. *Upgrade lighting at Las Gallinas mini-park to brighter LED light fixtures*: Dreikosen stated this idea was born in the Commission, the current lights are very old. There is money in the street light budget for the upgrade; it will cost \$1,800. Barnello questioned if it will affect the neighboring house. Dreikosen replied all street lights were updated to LED years ago, if the homeowner would like to purchase a shield through the District they may.

M/s Naylor/ Green to approve upgrading lighting at Las Gallinas mini-park to brighter LED light fixtures.

Ayes: Naylor, Schwartz, Green and Shea. Absent: Perry. Nays: None. Motion carried.

4. *Recreation and Park maintenance activity reports*: DeMarta fielded any questions. Shea asked about Winterfest. DeMarta replied it went very well. Green stated she was very impressed.

DeMarta noted that the Marinwood signage is back with new landscaping.

Roach commented the Lions Club did a great job cleaning up the Marinwood exit off-ramp area.

Schwartz noted that there is a dead tree limb on the berm at Lucas Valley Estates. DeMarta replied he will have the maintenance crew investigate.

New and Other Business

1. *Appoint incoming Fire Commissioners*:

M/s Naylor/ Green to appoint Pascal to the permanent position and Farac to the alternate position. Ayes:

Naylor, Schwartz, Green and Shea. Absent: Perry. Nays: None. Motion carried.

2. *Appoint incoming Park and Recreation Commissioners*: Naylor commented it is an extreme asset to have Campo and Tune on the Commission, Valentine has been a good Chair and Oyserman has renewed interest. Naylor suggested placing Oyserman to the regular position and Joseph to the alternate position, not reappointing Call.

M/s Naylor/ Green to appoint Campo, Valentine and Oyserman to regular positions and Joseph to the alternate position. Ayes: Naylor, Schwartz, Green and Shea. Absent: Perry. Nays: None. Motion carried.

Nestel stated Call is well meaning she deserves recognition. Naylor agreed.

3. *Election of Board officers for 2018: President and Vice President*:

M/s Naylor/ Schwartz to nominate Green for President and Perry for Vice President. Ayes: Naylor, Schwartz, Green and Shea. Absent: Perry. Nays: None. Motion carried.

4. Requests for future meeting agenda items:

- Nestel: Intrusion into CSD property.
- Nestel: Written policy re: panhandle trail to maximize natural environment.
- Nestel: Upgraded natural playground equipment.
- Barnello: Written policy regarding communications from the District Manager in a timely manner.

Recognitions and Board Member Items of Interest

Shea thanked the Lions Club for their organization and clean-up of the Marinwood exit off-ramp. Shea would like to acknowledge the Mize Family for their Mickey Christmas House and dedication for many years. Shea would also like to acknowledge the Nisja family for their Christmas Bears House and their dedication for many years. It is the last year for both of these displays.

Schwartz would like a thank you letter to be sent to Call.

The meeting was adjourned at 9:46PM.

The date of the next Regular Board Meeting was set for January 9, 2018 at 7:30pm.

Respectfully submitted,
Carolyn Sullivan