

Marinwood Community Services District

Minutes of Board of Directors Meeting Tuesday March 14, 2017

Time and Place: 6:30PM Marinwood Community Center classroom.

Closed Session

1. *Conference with labor negotiators section 54957.6. Agency designated representatives: Jack Hughes, Liebert Cassidy and Whitmore; Eric Dreikosen. Represented employees: Marinwood Professional Firefighters.*
2. *Conference with Legal Counsel – Existing Litigation Pursuant to Government Code 54956.9(d)(1): Name of Case: Anderson, et al., v. Marinwood Community Services District.*

The Board entered Closed Session at 6:30. The Board exited Closed Session at 7:14; no action was taken the Board advised its representatives.

Present:

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

Staff: District Manager Eric Dreikosen, Fire Chief Thomas Roach, Recreation Director Shane DeMarta, Firefighters Sean Day, Ryan Brackett and Dan Rotwein and Administrative Assistant Carolyn Sullivan.

Others Present: John Hammond, Ron Marinoff, Linda Barnello and Stephen Nestel.

Open Session Call to Order and Pledge of Allegiance

Agenda

No changes or additions.

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

Consent Calendar

a. *Draft Minutes of Regular Meeting of February 14, 2017:* Perry commented she would like to add the name of the third Brewer who attended Home Brew Happy Hour; Jim Philes.

b. *Draft Minutes of Special Meeting of March 8, 2017:* Naylor commented he would like to add to his statement that "...failure to comply by 2022 could result in the CSD being open to lawsuits".

c. *Bills Paid Nos. 726-807:* Naylor asked if the overtime costs paid to San Rafael for \$17,332 were offset by revenues. Roach replied the District will see about \$4,000 in revenues not yet received. Naylor asked why payrolls were posted early, there were three in February. Sullivan replied there is no set schedule for reimbursing the payroll account.

M/s Perry/ Schwartz to approve consent calendar with amended minutes. Ayes: Perry, Naylor, Shea, Kleinman-Green and Schwartz. Nays: None. Motion carried unanimously.

Public Comment Open Time for Items Not on Agenda

Nestel congratulated the Board direction regarding Capital expenditure reserves. Nestel continued stating that if the proposed maintenance building is not moved away from the riverbank he will object at the County level.

Barnello recited Article X, Item B of the Board Bylaws regarding decorum. Barnello also referenced Brown Act 54954.3 regarding public criticism. Barnello stated it was very disrespectful of Naylor to comment that Barnello was hijacking the Special Meeting.

District Matters

1. *Re-approve March 8, 2017 Special Meeting adoption of Resolution 2017-02 Requiring Even-Numbered Year Elections for the Board of Directors, so as to provide additional opportunity for public comment at a regular meeting:* Dreikosen noted due to a concern raised by a member of the public regarding agenda formatting and a possible Brown Act violation the Board this has been placed back on the agenda to allow further public comment and potentially re-approve the Resolution as adopted on March 8th. Shea commented the law was passed in 2015 and passing the Resolution saves the District about \$20,000 in 2017 Election costs. Nestel stated the Board doesn't know the cost of the 2017 election. The information that the Board was given was incomplete. Nestel stated the Board should hold the 2017 election and have a five year term at that point. Barnello stated this Resolution is an injustice to the voters it does not seem morally right. Schwartz stated he does find this weird, but given the alternatives this Resolution is reasonable. The Board of Directors are not compensated, additionally many districts have already opted out the 2017 Election therefore the District's election costs would continue to rise.

M/s Perry/ Naylor to Re-approve March 8, 2017 Special Meeting Adoption of Resolution 2017-02 Requiring Even-Numbered Year Elections for the Board of Directors. Ayes: Perry, Naylor, Shea, Kleinman-Green and Schwartz. Nays: None. Motion carried unanimously.

2. *Draft District Budget for Fiscal Year 2017-2018; Set Date for Budget Hearing:* Dreikosen commented this is the first go around and the budget is still evolving. Note the Park vehicle expenditure will be transferred to Measure A. Shea questioned the large increase in legal fees. Dreikosen responded it is due to reviewing actuals as well as the pending lawsuit filed against the District. Perry questioned what Consultant Fees comprised of. Dreikosen replied GASB reporting for PERS and a small amount dedicated to an accounting consultant. Perry asked about utility expenditures. Dreikosen responded gas prices have increased dramatically. Perry asked about fire membership dues. Roach replied it is CSDA and training officer dues as well as Chief's association. Perry asked about marketing expenditures. Dreikosen replied he had Sullivan journal the website redesign costs to the marketing GL line as well as bulk mail services and will include these items in this category for future budgets. Kleinman-Green asked if the CSA 13 payment was reduced from last year. Dreikosen replied the number has not been finalized yet, it is based upon actual total budget and reconciled at the end of each with potential adjustments carried to the following year. Naylor reminded Dreikosen to include the Capital reserves and the OPEB Trust accounts. Marinoff commented CSA 13 has strong reservations about paying for the Fire Departments legal fees. Barnello stated the Fire Department overtime calculations are wrong, she advised the Board to just fix the issue and avoid the lawsuit. Dreikosen replied the cost in legal is largely due to the lawsuit, but not solely. Nestel stated it is time for the District to reassess the marketing strategy the funds dedicated towards the Marinwood Review are not well spent and told the Board they should shift to digital media.

The Board set the Budget hearing for April 25, 2017 at 6pm.

3. *Board Recommendation for Compensation Adjustment of District Manager position:* Naylor commented that Eric started as District Manager on January 20, 2015 and works under a contract with the District and is not eligible for step increases. His contract stipulates that he receive an annual review of his performance. He never received a review in 2015 nor change in compensation. The current Board prepared a set of permanent and current year objectives in 2016 and reviewed his performance in early 2017. Eric has done an excellent job in his position and managing several difficult initiatives that will help the District run more efficiently. Examples include prioritizing and working with the Board to create or update District Policies and championing and managing the migration to an in-house accounting system. Eric earned an outstanding review from the Board with a single new member abstaining. Naylor proposed the following:

In recognition of the missed 2015 review and performance, a 4% raise in pay effective by the first pay period after April 1, 2017 and to reduce the usual period to earn an extra week of vacation by half and have him start accruing the extra week in July 2017.

Perry asked to see the math on the proposal. She commented the increase affects the long term liabilities not necessarily the day to day expenditure. Naylor replied Dreikosen is PERS 2% at 62.

Marinoff stated he is in favor of the increase, but would like to see the same for the Fire Chief who has done an excellent job under tough circumstances. Nestel commented there is huge room for improvement; the solar contract was delayed for example and Dreikosen hasn't followed the law with recent FOIA requests. The District needs to cut expenses and operate more efficiently. Barnello asked if the goals stated earlier were in place when Dreikosen was hired. Naylor replied no. Barnello stated the MOU negotiations have been going on for 22 months, the RFP has been going on for 1 ¼ years and the solar project was delayed. DeMarta has been fabulous and stabilized the Parks Department after it was downsized. Barnello suggested the 4% increase should be split between DeMarta, Dreikosen and Roach.

M/s Perry/ Kleinman-Green to approve Naylor's proposal of a 4% raise in pay effective by the first pay period after April 1, 2017 and to reduce the usual period to earn an extra week of vacation by half and have him start accruing the extra week in July 2017. Ayes: Perry, Naylor, Shea, Kleinman-Green and Schwartz. Nays: None. Motion carried unanimously.

4. *District Manager Report:* Dreikosen reported he has been speaking with OES and is attending a meeting tomorrow in Santa Rosa. Hydrologist Rachel Kamman did a site visit and will provide a proposal, but she commented that she is not overly concerned with erosion near the pump house in terms of urgency.

Solar power is operating and going well.

Nestel questioned why there was a tarp on the Idylberry trail. DeMarta replied the homeowner placed the tarp to mitigate the erosion damage that had occurred over the past few months.

Nestel stated he would like monthly updates on the solar power project. Perry commented that is unnecessary; there is no need to review solar power data on a monthly basis.

Fire Department Matters

Roach commented he would like to introduce the newest Shop Steward, Sean Day. Roach stated he would like to thank Barnello for donating \$2,500 going towards Captain Brackett to travel to Guatemala as part of Firefighters Without Borders. Brackett will be working with local Guatemalan Firefighters helping them train as first responders.

1. *Draft Minutes of Fire Commission Meeting of March 7, 2017:* No additional comments.

2. *Fire Activity Summary and Chief Report:* Roach commented Dean Barsocchini and Dan Rotwein have both completed the academy and are on shift; overtime costs have been reduced.

3. *Authorize Staff to Proceed with Expenditures Related to Remodel of Firehouse Kitchen (Non-Budgeted Item)*: Roach commented after the mold was discovered it was abated quickly, but left the Firehouse with no operating kitchen. Roach has received a bid from North Bay Environmental which had bid the kitchen at less than \$25,000. Roach stated he had received bids from Kitchen Works as well as Home Depot and North Bay Environmental is the lowest bid by far. The Fire Commission approved the project at their last meeting not to exceed \$24,999. Schwartz commented the estimate from North Bay Environmental did not include specifications, and wants to be sure the price will not exceed the limit. Roach replied he is working closely with the contractor and staff to assure the costs are kept low, yet provide mid-level industrial materials. Schwartz asked if the money would come from the general fund. Roach replied yes, but the Department does have about \$18,000 from the sale of the recent engine. It was supposed to be dedicated for a utility in FY 2017-18, but spending it on this project might be better applied. Naylor asked about permitting. Roach stated this estimate does not include permits, but it should be less than \$1,000. Barnello asked if the Firefighters pay for their own food while on shift. Roach replied yes, but it is a tax write off. Nestel questioned the value of this project. He stated granite countertops are expensive and suggested Formica instead. Marinoff noted CSA 13 would be pleased to pay for their share of this project.

M/s Perry/ Schwartz to authorize staff to proceed with expenditures related to remodel of firehouse kitchen not to exceed \$24,999 and to obtain one more bid. Ayes: Perry, Naylor, Shea, Kleinman-Green and Schwartz. Nays: None. Motion carried unanimously.

4. *Placement of Marinwood CERT (Community Emergency Response Team) Sign Board and Information Kiosk on District Property*: Hammond commented he is requesting signage be placed near the CERT trailer close to the Fire Department. The kiosk would be a permanent structure and wired for lighting and the Lions Club has offered to pay for the structure. Additionally the Fire Commission had approved the project at their last meeting. Naylor questioned if CERT was open to other ideas such as a mobile kiosk to be able to garner more foot traffic. Hammond replied CERT could have two, one mobile, one permanent. The intent is to make the area a location for residents to seek information and they will see the kiosk when they drive by. Schwartz expressed concern that the kiosk would be used for information not pertinent to emergency services. Perry thanked Hammond for his activism, but advised against a permanent structure. The location in question does not see any foot traffic additionally placing a permanent structure will set a precedent. Kleinman-Green agreed with Perry, it is not a suitable location. Naylor offered to attend the next CERT meeting to discuss other possible solutions and requested the item be tabled until next month. Nestel commented the District should have a community board possibly located in the park on the pathway to the pool.

M/s Naylor/ Kleinman-Green to table the placement of the CERT sign board and information kiosk on District property. Ayes: Perry, Naylor, Shea, Kleinman-Green and Schwartz. Nays: None. Motion carried unanimously.

Naylor commented the 3rd anniversary of the Shared Services Agreement with San Rafael is approaching and the primary objective was to have paramedics on the engine; it is very disappointing that has yet to occur.

Park and Recreation Matters

1. *Draft Minutes of Park and Recreation Commission Meeting of February 28, 2017*: Barnello stated at the meeting Call handed a piece of paper to Sullivan in which she requested the minutes be modified to state what was on the paper. Barnello questioned why it was included in the minutes. Sullivan replied the Commission approved the minutes as presented not as amended, the verbiage was not added to the January minutes.

2. *Marinwood Park Palette as Recommended by Park and Recreation Commission*: Dreikosen commented Commissioners Campo and Tune had spent a lot of time on this document; they are very knowledgeable and were meticulous in choosing the plants. Naylor agreed, they identified their criteria, it is a well thought out living document. Schwartz asked if trees will be added to the palette. DeMarta replied yes.

3. *Park Maintenance Facility Replacement Initiative: Site Layout Drawings*: Dreikosen commented the included exhibits were created for potential use in an upcoming Community Input meeting. Dreikosen suggested the date of April 25th for this meeting and to conduct this meeting in place of the standard Park & Rec Commission Meeting scheduled for that evening. Schwartz commented Joe Runco a local community member had so graciously provided the exhibits. He urged the Board not to form an opinion until after the public has had the chance to voice their opinions. The architecture is important, but the location is more important. Schwartz stated he would like to see all the Districts rolling stock locked away and out of sight. Naylor agreed with Schwartz and requested a letter of appreciation be sent to Runco. Nestel commented the last time the Park and Recreation Commission pitched the project to the public it failed due to the lack of visuals. Barnello commented option two is a poor idea. Having a path adjacent to the creek will invite kids to create bike jumps into the creek eroding the creek bed.

M/s Naylor/ Perry to approve park maintenance facility replacement initiative: Site layout drawings to be used as a starting point at a public meeting to be scheduled for April 25th, as a part of or in place of the already scheduled Park & Rec Commission meeting, to engage public on review and feedback of preliminary drawings. Ayes: Perry, Naylor, Shea, Kleinman-Green and Schwartz. Nays: None. Motion carried unanimously.

(Kleinman-Green had to depart the meeting.)

4. *Staff Recommendation to Purchase Accessories Needed for New Park Department Maintenance Truck*: Dreikosen commented that we purchased a fleet vehicle, it is bare bone vehicle. DeMarta replied there are items in the estimate that do not need to be purchased immediately. He stated the most important items right now are the bed liner and the lumber rack.

M/s Perry/ Naylor to approve purchase of accessories necessary to protect the new truck; with the elimination of the tool boxes and rear floor mats. Ayes: Perry, Naylor, Shea and Schwartz. Nays: None. Absent Kleinman-Green. Motion carried.

Nestel stated most small maintenance crews have a utility trailer and that is a better way to go. Barnello questioned how many bids DeMarta received before the final decision. DeMarta replied four. Barnello replied she finds it difficult to understand why the board had issues with spending money on the Firehouse kitchen, yet is willing to spend money on the Parks Department. Barnello stated \$25,000 for a new kitchen is cheap, the Fire Department needs more respect from the Board.

5. *Recreation and Park Maintenance Activity Reports*: DeMarta stated camp registration has been going strong. When non-resident registration opened the Department received about \$200,000 within thirty minutes. The inspection report from the Commission is attached and staff is cognizant of the items. DeMarta thanked Schwartz for hiking up to the Ponti Fire Road; it does not look good. Nestel stated the panhandle continues to get wider and wider, it is an eyesore and the District needs a management plan. Barnello commented there are many puddles on the panhandle that could be remedied by placing dirt in the crevasses.

New and Other Business

1. *Marin LAFCO: Election Ballot for Special District Member*:

M/s Perry/ Schwartz to vote in order for Craig Murray, Lew Kiou and Todd Gates. Ayes: Perry, Naylor, Shea and Schwartz. Nays: None. Absent: Kleinman-Green. Motion carried.

2. *Requests for Future Meeting Agenda Items*: None.

Recognitions and Board Member Items of Interest

Perry thanked Runco and Schwartz for their time.

Shea thanked Barnello for her donation.

DeMarta commented the Parks staff wanted to offer their thanks to the Board for the new vehicle.

The meeting was adjourned at 10:26PM.

The date of the next Regular Board Meeting was set for April 11, 2017 at 7:30pm.

Respectfully submitted,
Carolyn Sullivan