

Marinwood Community Services District

Minutes of Special Board of Directors Meeting Wednesday March 8, 2017

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

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, and Administrative Assistant Carolyn Sullivan.

Others Present: Linda Barnello and Stephen Nestel.

Open Session Call to Order and Pledge of Allegiance

Barnello handed Shea a piece of paper on which she stated that the meeting should be canceled due to a Brown Act violation. Barnello quoted section 54954.3(a) of the Brown Act. Barnello stated if the Board continues the meeting she will contact the District Attorney and file a Brown Act Violation. Perry and Naylor reiterated the fact that the meeting is open to the public and the public has the opportunity to speak on the sole item in the agenda.

Shea read the Resolution into the record:

“Resolution 2017-02: Resolution of the Board of Directors of the Marinwood Community Services District Requiring Even-Numbered Year Elections for the Board of Directors.”

Shea further commented board approval of Resolution 2017-02 will change the date of all future elections for the Board of Directors to even-numbered years, effective for the upcoming November 2017 election.

Dreikosen commented the District operates under Government Code §61000 et seq., California Special District law. Dreikosen further commented that special districts abide by section §10404 of the Elections Code. The CSD must adhere to SB 415 and whether it happens now or in the near future, the terms of a sitting board will be extended by one year. Dreikosen noted that to date twenty-four other local agencies have taken action on this matter this year and it is the interpretation of the County Elections Department that no districts in Marin qualify for the exemption. Shea commented approval now will set the schedule beginning in 2018 for Board members to serve four year terms. Dreikosen replied that is correct. Naylor commented approving the Resolution this year will also save the District about \$18,000 in 2017 election costs and ultimately failure to comply by 2022 could result in the CSD being open to lawsuits. Schwartz commented the State Government has good intentions here, it will save money and may result in increased voter turnout, but he added he feels a bit funny seeing that he was appointed to his current seat. Perry stated it is an uncomfortable situation, but there are not any financial gains to be made by any of the Board members, we serve without compensation. Nestel stated the Resolution is self-dealing and the information that was provided is incomplete. Nestel noted that LA County is currently objecting to this Bill and the District has until 2022 to comply; this special meeting is unnecessary. Barnello stated Board members are elected to four year terms, some people may not want this Board for an extended year; it's an injustice to the voters. Nestel added the City of San Rafael considered this issue and they did not act. Nestel stated the City Clerk noted that most entities are decreasing the terms to three years, he asked the Board to reduce their terms to three years. Dreikosen replied that is not allowable; the City of San Rafael follows Municipal Code, the District follows CSD law and they are also subject to different sections of the Elections Code. There is no statute for the Board to change their terms to three years. Schwartz asked if SB 415 was overturned may the Board rescind the Resolution. Dreikosen replied yes.

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

M/s Perry/Kleinman-Green to adjourn the meeting. Ayes: Perry, Naylor, Shea, Kleinman-Green and Schwartz. Nays: None. Motion carried unanimously.

The meeting was adjourned at 7:00PM.

Respectfully submitted,
Carolyn Sullivan