

**Agenda for the Regular Meeting of the Board of Directors
Tuesday – July 14, 2015**

7:30 PM - Marinwood Community Center Classroom

	Time	Description:	Board Action
A.	7:30 PM	CALL TO ORDER AND PLEDGE OF ALLEGIANCE	
B.	7:30 PM	AGENDA	Approve
C.	7:35 PM	CONSENT CALENDAR a. Draft Minutes of Regular Meeting of June 9, 2015 b. Bills Paid Nos. 1068-1192	Approve
D.	7:45 PM	OPEN TIME FOR ITEMS NOT ON AGENDA <i>Speakers are asked to limit comments to two minutes. Speakers may comment only on non-agenda and Closed Session items. The Board may not take action on, consider or debate items not on the agenda except under narrow circumstances meeting statutory tests. Response to comments on non-agenda items will be limited to factual information or clarifying questions from staff or Board. The President may refer the matter to staff, or refer the matter to a future meeting agenda.</i>	
E.	7:55 PM	CORRESPONDENCE	
		1. Marin Professional Firefighters, June 25, 2015: Concerns over proposed Civic Openness in Negotiations (COIN)	Review
		2. Bruce Anderson, June 29, 2015: Providing suggestions for District board candidate forums in upcoming election	Review
		3. Jonathon Yank, Messing Adam & Jasmine LLP on behalf of Marinwood Professional Firefighters, IAFF Local 1775, June 29, 2015: Requirement that District meet and confer prior to changing staffing levels	Review
		4. Jennifer S. Stoughton, Messing Adam & Jasmine LLP on behalf of Marinwood Professional Firefighters, IAFF Local 1775, June 30, 2015: California Public Records Act Request	Review
		5. Russel Albano, July 5, 2015: Response to Director Hansell's letter dated June 24, 2015	Review
F.	8:10 PM	BOARD MATTERS	
		1. Discussion regarding Director Hansell's Letters to District Board of Directors and District Commissions dated June 9, 2015 (see minutes 7-9-15), June 24, 2015 (included in packet), July 9, 2015 (included in packet)	Discuss
G.	8:40 PM	FIRE DEPARTMENT MATTERS	
		1. Draft Minutes of Fire Commission Meeting of July 7, 2015	Review
		2. Fire Department - Activity Summary Report for June, 2015	Review
		3. Fire Department - Chief Report	Review
		4. Shared Services Update	Discuss
		5. Resolution 2015-06: Authorizing Execution of Joint Exercise of Powers Agreement II Relating to The Marinmap Project	Approve
		6. Fire Commission Bylaws	Approve
		7. Resolution 2015-07: Calling A Special Election Be Held In Its Jurisdiction; Establishing A Date For Election; Adopting Intended Ballot Language; Ordering The Consolidation Of Said Election; Requesting Election Services By The Registrar Of Voters (<i>Ballot Measure Language for Appropriations Limit Increase for Fire Protection and Emergency Services</i>)	Approve
		8. Date of Next Fire Commission Meeting – August 11, 2015	
H.	9:10 PM	PARK AND RECREATION MATTERS	
		1. Draft Minutes of Park and Recreation Commission Meeting of June 23, 2015	Review
		2. Recreation and Maintenance Activity Reports	Review
		3. Proposed Ballot Measure Altering Current Park, Open Space & Street Landscape Special Tax from Per Parcel Basis to Per Unit Basis	Approve
		4. Date of Next Commission Meeting – August 25, 2015	

	Time	Description:	Board Action
I.	9:40 PM	FISCAL MATTERS	
		1. 2015-2016 Budget Amendment to Reflect Approval of PG&E Rebate and On-Bill Financing of Pool Energy Efficiency Project Revenue and Associated Expenditure	Approve
J.	9:50 PM	NEW AND OTHER BUSINESS	
		1. Resolution 2015-08: Election of Directors to the Special District Risk Management Authority Board of Directors	Vote
		2. Energy Efficiency Projects Update	Discuss
		3. SEED Solar Power Purchase Agreement Update	Discuss
		4. LAFCo Update	Discuss
		5. Requests for Future Meeting Agenda Items	
K.	10:00 PM	RECOGNITIONS and BOARD MEMBER ITEMS OF INTEREST	
		CLOSED SESSION <i>Personnel exemption; The Board may meet in closed session to confer with its designated representatives to Marinwood Professional Firefighters regarding wages, benefits and working condition matters, pursuant to Government Code section 54957.6</i> <i>Designated Representatives: Bill Shea, Justin Kai, Jeff Naylor</i>	
		DATE OF NEXT REGULAR BOARD MEETING – August 11, 2015 at 7:30 PM	

Marinwood Community Services District

Draft Minutes of Board of Directors Meeting

Tuesday June 9, 2015

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

Present:

Board Members: President Tarey Read, Justin Kai, Bill Hansell, Deana Dearborn and Bill Shea.

Staff: District Manager Eric Dreikosen, Fire Chief Thomas Roach, Recreation Director Shane DeMarta, Firefighter Brandon Selvitella and Administrative Assistant Carolyn Sullivan.

Park and Recreation Commissioners: Chair Izabela Perry.

Others Present: Stephen Nestel and Linda Barnello.

Call to Order and Pledge of Allegiance

Agenda

Read moved item I (1) to before Consent Calendar.

New and Other Business

1. *Exploratory Discussion Regarding Marinwood Plaza as Potential Site for Marinwood Community Services District Purposes:* Kai commented community member Tom Royal had approached the Board a few months ago requesting discussion regarding the possibility of the District purchasing the property. Read stated it would require a bond issue and a 2/3 vote by the constituents. Shea stated the District would be purchasing an environmental money pit. Dearborn agreed with Shea; additionally it is not the nature of the CSD to purchase private land and the CSD does not have the money. Hansell commented he has a folder regarding the Plaza that goes back ten years. The District is not in a position to fully acquire the land. The property has four plots, if Marinwood Market purchases their plot it would make the potential purchase less costly to the District. Hansell noted these are just creative thoughts and all discussion should happen in public. Read commented in her opinion the purchase would be a money pit especially due to the nature of the former dry cleaning business. Kai stated it was his intent to have discussion regarding the topic, but feels that if purchase were to occur it would only make sense if the District is the only purchasing party. Nestel questioned the purchase price. Kai said fully entitled, roughly about 12 million. Nestel commented Hyott is under order to clean up the property, there are concerns regarding contamination at Silveria Ranch as well as Casa Marinwood. A community member commented that the District should keep an open mind; the Government has grants to help improve communities; we may be able to build an auditorium or a community garden. He added limited housing may be ok, but this community doesn't need stack and pack housing. Read reminded the public that any entitlements would be at the County level, not the CSD's. Kai commented it is not ideal for the District to purchase the property at this time; we can't move swiftly enough for a ballot measure. There are other buyers involved and he feels a better proposal for the land is in the near future. Hansell commented if the Hyott's would like to donate the land to the District it would be considered.

Consent Calendar

- a. *Draft Minutes of Regular Meeting of May 12, 2015:* No comments.
- b. *Draft Minutes of Special Meeting of the Board of May 26, 2015:* No comments.
- c. *Bills paid Nos. 991-1067:* Shea stated he was pleasantly surprised with the low overtime costs. Roach replied with the temporary hire the department is fully staffed.
M/s Dearborn/ Shea to approve Consent Calendar. Ayes: Kai, Read, Hansell, Dearborn and Shea.
Nays: None. Motion carried unanimously.

Open Time for Items not on Agenda

Hansell distributed a letter to the Manager, Board and Commissioners with attached spreadsheet. Hansell read the letter aloud. (Please see attached material.)

Barnello asked the amount of interest the District paid for the dry period loan. Dreikosen replied net interest is \$76.00. Barnello asked if Dreikosen had contacted Counsel regarding Brown Act Training. Dreikosen replied yes and that nothing currently scheduled. They discussed the possibility of county-wide training after the November elections.

Fiscal Matters

1. *FY 14-15 Budget Amendment- Fund transfer of Measure A Funds:* Dreikosen stated there is no net change to the budget.
M/s Shea/ Dearborn to approve 14-15 Budget Amendment- Fund transfer of Measure A Funds.
Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

Fire Department Matters

1. *Draft Minutes of Fire Commission Meeting of June 2, 2015:* Roach reported the Commissioners reviewed the bylaws with approval occurring in July. Kai asked about the status of the homeless encampment. Roach responded he had met with the Sheriff and the person has vacated the area and the site has been cleaned. Roach noted he is looking for direction in regards to the change order for the fire engine. The Board gave direction to have the change order paid in fiscal year 14-15. Perry asked if the change order was unforeseen. Roach replied the District was aware a change order would occur and did budget for the amount. Dearborn commented in engineering change orders are common.
2. *Fire Department – Activity Summary Report for May 2015:* Roach reported it was a busy month. The vegetation flyer has been printed and volunteers will be distributing the material. Tomorrow he, DeMarta and Dreikosen will be meeting with a grant writer.
3. *Fire Department Chief Report:* Roach reported Rudy Gelenter has stepped down from the Commission. The Commission decided to drop to a five person Commission with two alternates; this will be written in the bylaws.
4. *Shared Services Update:* Hansell stated this is a lopsided agreement, the call volume differential is substantial. Roach commented discussion needs to occur with the labor group in regards to the paramedic situation.
5. *Implementation of Vesting Schedule for Post-Retirement Health Benefits as Agreed Upon in 2012 MOU signed with Marinwood Professional Firefighters' Local 1775:* Dreikosen stated the District needs to engage in an actuarial study prior to adopting the vesting schedule; the one done in 2013 is outdated. The cost for the two required studies is \$14,300 and is budgeted for in the 2015/16 budget. If the Board would like to add future miscellaneous hires to the vesting schedule study it will be an additional \$7,000; for current employees it would be an additional \$4,700. Hansell stated the studies are required, but the MOU states they may done when feasible; additionally this had been tabled by the Union at their request. The Union has requested the miscellaneous employees be included in the vesting schedule, but it is false to assume that the past study was to encompass the whole District. Dearborn stated the Board should consider budgeting for a miscellaneous employee study to be done in FY 2016-17.

M/s Hansell/ Dearborn to Implement Vesting Schedule for Post-Retirement Health Benefits as Agreed Upon in 2012 MOU signed with Marinwood Professional Firefighters' Local 1775 as well as the study required by GASB 45. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

Park and Recreation Matters

1. *Draft Minutes of Park and Recreation Commission Meeting of May 26, 2015:* Nestel stated attendance continues to be an issue. Dreikosen replied one member was ill, one was out of state and one had just given birth. They all notified the Manager before the meeting and all Commissioners were aware. Kai commented his name was left off the attendance. Sullivan apologized. Barnello questioned why the Recreation Department would want to "grow". Read replied she should direct that question to the Commission.
2. *Recreation and Maintenance Activity Reports:* DeMarta reported summer camps begin on Monday with mandatory staff training to be held on Saturday and Sunday. Registrations are strong. The first Music in the Park is set for June 26th from 6-8pm. The nature trail in the main playground is complete; it looks great and staff has received many compliments. Staff continues to work on cleaning out the maintenance shed. DeMarta stated he had also dealt with some fallen trees in the open space. Dreikosen encouraged the Board members to visit the renovated section of the playground; it looks great. Shea commented he had seen a positive change in the appearance of the whole District.

New and Other Business

2. *SEED Solar Power Purchase Agreement Update:* Dreikosen commented SolEd is finalizing their financing; an email was received today, but has yet to open it. Hansell stated he will monitor the progress for the Board. Nestel stated the Board should be aware that if the material provided is not the same as what was specified in the contract there will be repercussions. Dearborn asked if there was an update regarding the pool equipment efficiencies. DeMarta replied he had spoken with the installer today, we will be moving forward and the District was granted on-bill financing.
3. *Resolution 2015-04: Determining 2015-2016 Appropriations Limit on Tax Proceeds:*
M/s Kai/ Shea to approve Resolution 2015-04: Determining 2015-2016 Appropriations Limit on Tax Proceeds. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

4. *Resolution 2015-05: Proposing an election be held in its jurisdiction; requesting the Board of Supervisors to consolidate with any other election conducted on said date, and requesting election services by the Marin County Elections Department:*
M/s Shea/ Dearborn to approve Resolution 2015-05: Proposing an election be held in its jurisdiction; requesting the Board of Supervisors to consolidate with any other election conducted on said date, and requesting election services by the Marin County Elections Department. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.
5. Requests for Future Meeting Agenda Items:
Roach requested GAN Limit approval.
Dearborn requested an update on the PG&E efficiencies.
Barnello requested a LAFCO update. Read replied Kai will update the Board on LAFCO when applicable; as of now there are no new updates.

Recognitions and Board Member Items of Interest

Dreikosen noted the District had just completed a Cal PERS audit; the auditor was in house for four days. During the exit interview she had given the District good marks and noted she had never seen a part-time employee (Sullivan) so organized and responsible.

Dearborn offered a thank you to all staff; they work hard and it is much appreciated.

Hansell stated he would like to give kudos to Dreikosen; he had done a great job in regards to the fact-finding situation.

The meeting was adjourned at 9:15PM.

Respectfully submitted,
Carolyn Sullivan

09 June 2015

District Manager Eric Dreikosen
Marinwood CSD Board of Directors,
Fire Commissioners, and P&R Commissioners
775 Miller Creek Road
San Rafael, CA 94903

Dear District Manager Dreikosen, Fellow Board Directors, and Commissioners,

For the records of tonight's board meeting, I would like to outline a few important items I intend to raise during the Open Agenda Time for future consideration and discussion. Please include this letter and the associated attachments in the meeting minutes:

1.) Marin Grand Jury Report "The Need For Labor Negotiation Transparency":

I have attached the Marin Grand Jury Report released last Friday, 6/4/15, for review by the Board and Commissions, as well as an article in the Marin IJ that covered the topic. The report makes a number of important recommendations which the District should implement. I believe that a lack of public transparency jeopardizes not only good governance but fiduciary responsibility. The District cannot legally approve benefit changes without properly notifying the public of the financial impact of those changes, therefore all negotiation processes should follow the steps of COIN (Civic Openness In Negotiations). The first step is "to hire a professional independent Lead Negotiator for all negotiations of wages, hours, and terms and conditions of employment." I have been arguing this point for years and the District has only followed that advice once. It turned out to be the only time the District empowered itself to gain much deserved and overdue concessions. Had the District hired professional negotiators prior to that and followed the steps of COIN, it might have avoided the financial burdens it unfairly carries today.

The subsequent steps of COIN follow open disclosure guidelines that allow for the public to review and comment on negotiation proposals. The Board needs to acknowledge that it is acting on behalf of the public's best interest and therefore must allow public comment during the process not at its presumed conclusion. Previous amateur negotiators have mistakenly assumed that they were or should be empowered to reach final agreements without public consent and that has cost the District substantially.

I request that the COIN process be placed as an agenda item for the July Board meeting for consideration and approval. I urge the Board to implement it as quickly as possible and to follow its guidelines for the next pending Union negotiation (FY2015-2016.)

2.) The Problem with Budgeting Overtime and Associated Inequities

The excessive use of overtime by the District must end. For years, the District has postponed managing the assumed need for overtime by the Fire Department. I have attached the District's 2014 public employee compensation disclosure numbers which disclose the scope of the problem. The total regular pay for CSD firefighters last year ("Base Pay" + "Shift Differential" – "Fire Chief") was \$879,155.51 (approximately 54% of the total District non-union regular wages). Overtime costs of the CSD firefighters totaled \$271,664.90, or 30.9% of their normal pay total, and 16.67% of the total

District regular pay. Once you factor in the heavily additional benefit costs for these employees, you can see that the CSD cannot continue to carry this burden.

I request that the overtime problem be placed on the July Board meeting agenda and recommend that the District take ALL measures to restrict any further use of overtime with the goal of eliminating it completely and managing its financial resources better. The public needs to be informed as to why this issue has not been addressed to date. It should be noted that the CSD staff who do not qualify for paid overtime and by comparison receive only minimal administrative leave as a benefit are not receiving equal compensation for the many times they work beyond their regular hours. Finally, since Strike Team assignments create a portion of this overtime burden, the District should elect to immediately cease participation until a full actuarial study (including the costs on equipment and other resources) are factored in. The CSD is not in a position to increase overtime via Strike assignments when it may be beyond its financial capabilities to do so.

3.) Budgeted Reserves Do Not Equal "Profit"

Repeatedly over the last couple of budgeting cycles it has become apparent that there is a general tendency to confuse budgeted "reserves" with "available profit". When the Board directed staff to include three line-items totaling 6.5% of every budget (2.25% for Capital Replacement + 3.25% for Unfunded Liabilities + 1% for Emergency Fund Balance), its intention was to plan for the future. While the last few years have resulted in net positive operational budgets, the "savings", as they are often referred to, do not indicate funds available for current operational purposes. They are for the future. Indeed, the annual target of 6.5% has yet to be met and we continue to fall short.

To put the need for these set-asides in context, please see the attached page from the "Actuarial Valuation of Postemployment Medical Benefits" report, dated 7/1/12. Note that the "Annual Required Contribution" at the time was \$399,527. This should be compared to our 3.25% Unfunded Liabilities target noted above which we fell far short of meeting that year. Also note that \$244,148 of that annual contribution is due to the burden of the Fire Department benefits alone. Last December, we were informed of rate increases for PERS contributions so that will add an additional annual burden to what was projected in 2012.

I request that an agenda item be added to the July Board meeting to discuss the continued shortage in budgeting for the set-asides and to consider "pre-funding" payment options to PERS amongst other ideas. Our constituents need to consider the continued financial situation when reviewing any further proposals to employee compensation, and should be suspicious of claims that the District has "profits to share."

Thank you for your consideration.

Sincerely,



Bill Hansell

Marinwood Community Services District
 2014 Public Employee Compensation
 Regular Full Time Employees in order of Total Gross Pay
 (From Jan 2015 report issued to Bay Area News Group)

Name	Job Title	Dept	Base Pay	Overtime	Shift Differ.	Gross Pay	Benefit cost	PERS	ee PERS	Other	Life, SS/Med	Total Cost
01	Heine, S.	Fire	91,679.66	40,823.40	5,244.16	137,747.22	16,291.86	31,232.73	969.24	300.00	14,754.93	201,295.98
02	White, J.	Fire	93,198.56	36,244.57	5,489.60	134,932.73	20,575.86	31,801.27	986.88	300.00	14,609.49	203,206.23
03	Conrea, C.	Fire	82,817.28	30,276.24	12,365.86	125,459.38	16,291.86	30,671.82	951.93	300.00	13,407.24	187,082.13
04	Papanikolaou, J.	Fire	81,288.48	31,399.25	6,148.96	118,836.69	8,128.50	28,175.84	874.37	300.00	12,830.28	169,145.68
05	Smith, B.	Fire	81,288.48	31,059.28	6,036.78	118,384.54	20,575.86	28,139.69	873.25	300.00	12,795.69	181,069.03
06	Selvitella, B.	Fire	80,269.28	27,197.73	7,121.75	114,588.76	16,291.86	28,160.89	873.91	300.00	12,458.43	172,673.85
07	Cespedes, E.	Fire	76,440.00	29,934.03	4,670.44	111,044.47	16,291.86	26,137.03	811.10	300.00	12,011.14	166,595.60
08	Roach, T.	Fire	108,257.12	0.00	0.00	108,257.12	20,575.86	34,884.77	1,082.57	0.00	13,261.50	178,061.82
09	Brackett, R.	Fire	76,440.00	20,030.13	5,867.40	102,337.53	20,575.86	26,522.74	823.07	300.00	11,345.06	161,904.26
10	Anderson, R.	Fire	71,373.12	24,700.27	4,753.86	100,827.25	8,128.50	15,767.42	761.27	300.00	10,996.45	136,780.89
11	Horne, T.	District Manager	97,448.01	0.00	0.00	97,448.01	18,079.86	11,683.04	1,705.34	0.00	11,937.38	140,853.63
12	DeMarta, S.	Rec	91,624.00	0.00	0.00	91,624.00	22,891.86	10,984.80	1,603.42	0.00	11,223.94	138,328.02
13	Bagala, J.	Fire	83,603.04	0.00	3,058.80	86,661.84	8,128.50	27,925.91	866.62	300.00	10,475.37	134,358.24
14	Harrelson, G.	Park Manager	71,250.29	0.00	0.00	71,250.29	22,891.86	8,542.20	1,246.88	0.00	8,728.16	112,659.39
15	Collins, P.	Senior Administrative	63,200.81	0.00	0.00	63,200.81	18,079.86	7,577.15	1,106.01	0.00	7,742.10	97,705.93
16	Fretwell, L.	Rec	56,960.80	0.00	0.00	56,960.80	18,079.86	6,829.03	996.81	0.00	6,977.70	89,844.20
17	Sibbaluca, V.	Park Maintenance	55,394.88	38.94	0.00	55,433.82	22,891.86	6,645.96	970.09	0.00	6,788.85	92,730.58
18	Chavez, E.	Park Maintenance	52,686.40	37.99	0.00	52,724.39	9,016.50	6,321.13	922.68	0.00	6,456.99	75,441.69
19	Garcia, L.	Park Maintenance	52,686.40	0.00	0.00	52,686.40	22,891.86	6,316.57	922.01	0.00	6,454.08	89,270.92
20	Giron, M.	Park Maintenance	52,686.40	0.00	0.00	52,686.40	22,891.86	6,316.57	922.01	0.00	6,454.08	89,270.92
21	Bruton, R.	Rec	48,722.00	0.00	0.00	48,722.00	9,016.50	3,045.13	852.64	0.00	5,968.45	67,604.72
Totals By Dept:												
		Fire	926,655.02	271,664.90	60,757.61	1,259,077.53	171,856.38	309,420.11	9,874.11	3,000.00	138,945.58	1,892,173.71
		Admin	97,448.01	0.00	0.00	97,448.01	18,079.86	11,683.04	1,705.34	0.00	11,937.38	140,853.63
		Rec	260,507.61	0.00	0.00	260,507.61	68,068.08	28,436.11	4,558.88	0.00	31,912.19	393,452.87
		Park	284,704.37	76.93	0.00	284,781.30	100,553.94	34,142.43	4,983.67	0.00	34,882.16	459,373.50
	Grand Total:		1,569,315.01	271,741.83	60,757.61	1,901,814.45	358,588.26	383,681.69	21,122.00	3,000.00	217,677.31	2,885,883.71

Health Benefit Costs Under GASB 45

The first year Annual Required Contribution (ARC) consists of the Normal Cost plus the current period amortization of the Unfunded Actuarial Accrued Liability.

Normal Cost is the portion of the actuarial present value of future benefits that is allocated to a particular year. Another interpretation is that the Normal Cost is the present value of future benefits that are "earned" by employees for service rendered during the current year. This valuation is based on the Entry Age Normal actuarial cost method and an attribution period that runs from date of hire until the expected retirement date.

In the year the new accounting rules become effective an employer is allowed to commence amortization of the Unfunded Actuarial Accrued Liability, over a period not to exceed 30 years. The following Tables are based on a level percent of projected payroll amortization over a closed 30-year period. Note: Statement 45 also allows amortization using a level dollar method.

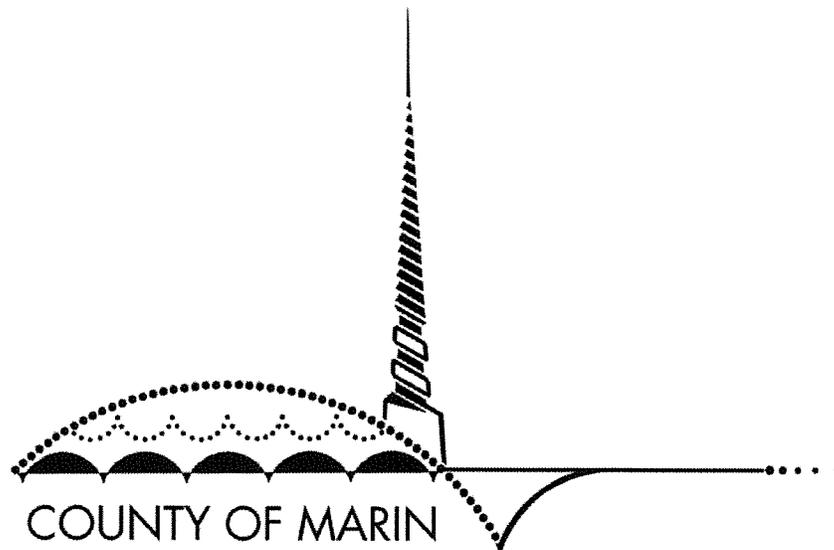
Table 2-3 presents the District's 2012/13 Actuarial Accrued Liability, Unfunded Actuarial Accrued Liability and Annual Required Contribution at a 4.00% discount rate.

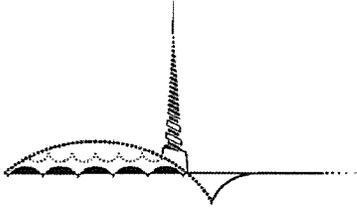
Table 2-3	
Development of Illustrative Fiscal Year 2012/13	
OPEB Annual Required Contribution – based on a 4.00% discount rate	
Actuarial Accrued Liability	\$ 4,736,435
Actuarial Value of Assets	<u> \$ 0</u>
Unfunded Actuarial Accrued Liability	\$ 4,736,435
Illustrative Amortization Period	27 years
Level percent of pay Amortization Factor (based on a 4.00% discount rate and a 3.25% annual increase in payroll)	23.668
Annual Level Percentage of Pay Amort. of Unfunded AAL	\$ 200,122
Normal Cost (based on the Entry Age Normal Method)	<u>\$ 199,405</u>
Annual Required Contribution	\$ 399,527 *
* \$244,148 for firefighters plus \$155,379 for others	

2014/2015 MARIN COUNTY CIVIL GRAND JURY

The Need for Labor Negotiation Transparency

Report Date: June 1, 2015
Public Release Date: June 4, 2015





Marin County Civil Grand Jury

The Need for Labor Negotiation Transparency

SUMMARY

During the 2014-2015 Marin County Grand Jury investigation leading to its 2015 report, *Pension Enhancements: A Case of Government Code Violations and A Lack of Transparency*, the Grand Jury learned that negotiations between Marin County, and the cities and towns therein, and their respective unions (hereafter collectively referred to as the “Parties”) are conducted in private, without transparency, and removed from the scrutiny of the Marin community. Although Marin County residents pay taxes to support decisions made by the Marin County Board of Supervisors (BOS) and the City and Town Councils, (hereafter collectively referred to as “Employer(s)”), there are numerous times when no transparency into the background of those decisions is made to the public.

The Grand Jury learned that the public is notified of a negotiated tentative labor agreement only when the agenda, which schedules consideration of the agreement, is posted—some three to four days prior to the Employers' public meetings. This is also the meeting at which the Employers vote to approve or disapprove the agreement. Prior to the agenda posting, little or no detailed information is made public about the terms of the tentative agreement or what it will cost. Without this information, there is no full public disclosure of the terms and cost of an agreement during the negotiation process and prior to its being voted upon. With no transparency, the public is excluded from input until it is too late for a reasoned public dialogue.

During its investigation, the Grand Jury also learned that various California cities and Orange County adopted a formal negotiation process, Civic Openness In Negotiations (COIN), which allows for community review of not only what is being negotiated, but also what a tentative agreement will cost to implement. One key element of the COIN process is the stipulation that the Employer hire an experienced, independent Lead Negotiator for all negotiations. This requirement precludes any city or county employee from negotiating terms that may benefit that employee, thus avoiding any conflict of interest.

The common elements of the COIN process are as follows:

1. The Employer hire an experienced, independent Lead Negotiator for all negotiation of wages, hours, and terms and conditions of employment.

2. The Employer hire an independent auditor to assess the fiscal impacts of each provision in the current labor contract. This fiscal impact is made available for public study.
3. After each proposal is accepted or rejected by either of the Parties, it is publicly disclosed (generally on the Employer's website). The costs for the implementation of the proposal are verified by an independent auditor and also publicly disclosed.
4. Seven days prior to the Employer's public meeting, the final tentative agreement is made public (generally on the Employer's website), including all associated costs, which are independently verified.
5. After seven days, the final tentative agreement is placed on two consecutive Employer's public meeting agendas: at the first meeting, the agreement is a discussion item; at the second meeting, the Employer votes on the agreement.

The Grand Jury recommends that the Employers adopt an ordinance implementing the COIN process to ensure transparency and prior public review of all proposals and final tentative labor agreements.

BACKGROUND

During the 2014-2015 Marin County Grand Jury investigation leading to the 2015 Grand Jury report, *Pension Enhancements: A Case of Government Code Violations and A Lack of Transparency*, the Grand Jury learned that labor negotiations in Marin County and the cities and towns therein are conducted without transparency, and are thereby removed from the scrutiny of the community. During this time, the Grand Jury also learned that various California cities and Orange County had adopted a transparent negotiation process, Civic Openness in Negotiations (COIN), which allows for community review of tentative proposals being negotiated and also what those proposals will cost if accepted or rejected. As a result, the Grand Jury decided to investigate whether a more transparent negotiation process might be appropriate for Marin County and its cities and towns.

APPROACH

The Grand Jury interviewed representatives of the Orange County Management of Government Affairs, various Marin County officials directly involved with labor contract negotiations, and officials from Costa Mesa who are engaged in the implementation of COIN. Orange County and Costa Mesa COIN ordinances were reviewed along with numerous websites of various cities and counties involved in the use of COIN. Additionally, Grand Jury members attended multiple Marin County Board of Supervisors meetings at which the public brought COIN to the attention of the Board of Supervisors. Grand Jury members also attended the April 28, 2015, BOS meeting where COIN was agendaized for discussion; they later viewed the video of the meeting and read the staff report relating to COIN as presented at that meeting.

DISCUSSION

The Need for Civic Openness in Labor Contract Negotiations (COIN)

Although Marin County residents pay taxes to fund decisions made by the Marin County Board of Supervisors and the City and Town Councils, often there is no transparency into the background of those decisions. One specific area that lacks transparency is labor negotiations between the Parties. In general, the public is notified of the Parties' tentative agreements only three to four days prior to the Employers' public vote; it is only then that the meeting agenda is posted for public view. Prior to the agenda posting, little or no detailed information is made public about the terms of the tentative agreement or what it will cost. In sum, there is no transparency before the vote on the tentative agreement.

This short time period (three to four days) gives the residents of Marin little time to review the tentative agreement in order to provide input at an Employers' public meeting—the meeting at which the tentative agreement is presented for approval. Furthermore, the public receives no information regarding any proposal made by either Party or the associated costs of those proposals, which leads to the question: *What should be disclosed to the residents of Marin and when?*

COIN Started In Costa Mesa

The Grand Jury learned that a newly elected Costa Mesa City Council had discovered the financial strain placed on their city by their unfunded pension liabilities. This discovery, coupled with the realization that opaque labor negotiations had created an environment devoid of public oversight, review or input, motivated the Council to adopt a more transparent process for all labor negotiations. Accordingly, the City of Costa Mesa adopted a COIN ordinance in September of 2012, the first municipality in California to do so.

Subsequently, Beverly Hills, Fullerton and Rancho Palos Verdes also adopted variations of COIN, as did Orange County (Appendix A)¹. For all these entities, the principal objective of the COIN process is to allow the public to review and to provide input during negotiations. One person interviewed stated, "...it occurred to the Council that the public's full understanding of what they are being asked to pay for is good governance."

Learning this, the Grand Jury investigated various existing COIN ordinances and procedures to determine what the COIN process might mean for Marin Country and its cities and towns.

¹ Orange County Employee Association has made an unfair practice charge to the Public Employment Relations Board concerning how COIN was adopted, not the implementation of COIN. This is not yet resolved.

What COIN Is: Key Components

The common elements of the COIN process are as follows:

1. The Employer hire an experienced, independent Lead Negotiator for all negotiation on wages, hours, and terms and conditions of employment. This requirement precludes having a city or county employee negotiate terms of an agreement that could directly benefit such employee.
2. The Employer hire an independent auditor to assess the fiscal impacts of each provision in the current labor contract. This fiscal impact is made available for public study.
3. Labor contract negotiations begin.
4. After each proposal is accepted or rejected by either Party to the negotiation, the proposal is publicly disclosed (generally on the Employer's website). The long-term and short-term costs of the proposal are verified by an independent auditor and also publicly disclosed.
5. Negotiations conclude with a final tentative agreement.
6. Seven days prior to the Employer's public meeting, the final tentative agreement is made public (generally on the Employers' website), including all associated costs that are independently verified.
7. Following these seven days, the final tentative agreement is placed on the following two consecutive Employer's public meeting agendas: at the first meeting, the tentative agreement is a discussion item; at the second meeting, the Employer(s) vote on the tentative agreement.

The above process is used in a number of municipalities. For more details see Appendix A.

What COIN Is Not: Misconceptions

The Grand Jury learned that there are many misconceptions about the COIN process, as follows:

Misconception #1: The public negotiates.

COIN does NOT involve the public in actual negotiations, nor does it disclose what occurs at the negotiation table. Fair-minded taxpayers recognize that such an attempt would lead to an unproductive bargaining environment at best and would likely evolve into intractable positions by both sides that would prevent a constructive outcome.

Misconception #2: Negotiations are held open for public observation.

In none of the cities or Orange County are COIN negotiations open for public view or public participation. Negotiations occur in private, but the decisions on proposals are made available for public review.

Misconception #3: COIN slows down the negotiation process.

The Grand Jury has learned that, during the first round of negotiations using the COIN process, there is a learning curve, since COIN provides a new framework within which to operate. However, after learning the new process, those interviewed noted that negotiations proceeded in a timeframe similar to prior negotiations.

Misconception #4: Not all types of negotiation methods can adapt to the COIN processes.

The COIN process is about transparency and not about the negotiation method. Commonly used negotiation practices, such as interest-based or adversarial, can still be the norm while using the COIN process.

The COIN process is about the transparency of decisions made during negotiations that lead to a tentative agreement – the agreement that is recommended to the Employer for approval. It is through the COIN process that the public is made aware of the terms and associated costs of tentative agreements well before they are adopted, thereby giving taxpayers opportunity to provide timely public review and input.

FINDINGS

- F1. The residents of Marin County pay taxes to support decisions made by the Board of Supervisors and City and Town Councils; however these residents have minimal opportunity to provide input into labor negotiations.
- F2. The COIN process can be implemented without affecting the manner in which tentative agreements are negotiated but which nevertheless will ensure public awareness of the terms and cost of those agreements in advance of their being adopted.
- F3. The COIN process mandates transparency in government decision-making, allowing residents to be informed and to participate in public discussion of how their tax dollars are spent.

RECOMMENDATIONS

- R1. Marin County Board of Supervisors and each City Council and Town Council in Marin County adopt and implement a COIN ordinance prior to June 1, 2016, or prior to the next round of negotiations, whichever comes earlier.

- R2. Marin County Board of Supervisors and each City Council and Town Council in Marin County adopt and implement a COIN ordinance which includes, but is not limited to the following:
1. Hire an independent, experienced Lead Negotiator to negotiate all labor agreements.
 2. Hire an independent auditor to determine the fiscal impact of each provision in the current contact, and make this analysis available for public review.
 3. Make public each proposal, after it is accepted or rejected by either Party, and publicly verify the costs of that accepted or rejected proposal by an independent auditor.
 4. Make public seven days prior to a Board or Council meeting the negotiated tentative agreement and the fiscal analysis thereof, which are to be independently verified.
 5. After seven days, place the final tentative agreement on the following two consecutive Employer's public meeting agendas: the first meeting is for discussion of the tentative agreement; the second meeting is for a vote by the Employer to approve or disapprove the tentative agreement.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- Marin County Board of Supervisors: All Findings and Recommendations.
- City Council of Belvedere: All Findings and Recommendations.
- Town Council of Corte Madera: All Findings and Recommendations.
- Town Council of Fairfax: All Findings and Recommendations.
- City Council of Larkspur: All Findings and Recommendations.
- City Council of Mill Valley: All Findings and Recommendations.
- City Council of Novato: All Findings and Recommendations.
- Town Council of Ross: All Findings and Recommendations.
- Town Council of San Anselmo: All Findings and Recommendations.
- City Council of San Rafael: All Findings and Recommendations.
- City Council of Sausalito: All Findings and Recommendations.
- Town Council of Tiburon: All Findings and Recommendations.

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Ralph M. Brown Act.

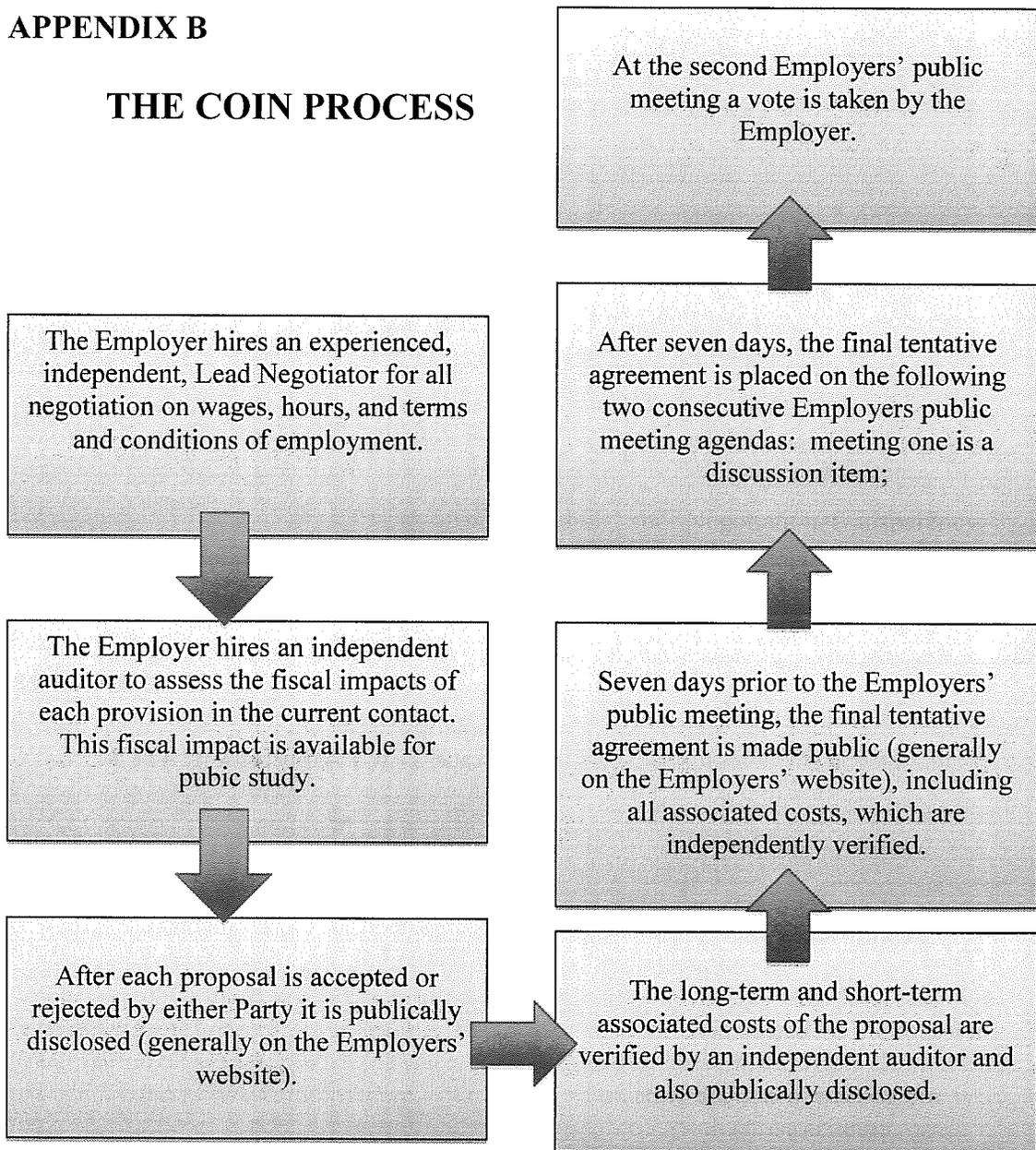
APPENDIX A

Summary of “COIN” Requirements Adopted by City/ County

Requirement	Costa Mesa	Beverly Hills	Fullerton	Rancho Palos Verdes	Orange County
Applies to all negotiations between the Parties.	Yes	Yes	Must include Salary Changes	Yes	Yes
Independent Negotiator	Yes	Yes	May be Waived by Council	Yes	Yes
Executive Employee Involved in Bargaining	Yes	Yes	Yes	Yes	Yes
Pre-Negotiation Economic Analysis (Baseline)	Yes	Yes	Yes	Yes	Yes
Each Accepted or Rejected Proposal plus the Economic Analysis made public	Yes	Yes	Yes	Yes	Yes
Proposals Verified Independently	Yes	Yes	Yes	May be Waived by Council	Yes
Tentative Agreement an Agenda Item on 2 Meetings Prior to Adoption	Yes	Yes	Yes	Meetings must be 2 Weeks Apart	Yes

APPENDIX B

THE COIN PROCESS



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Grand Jury: Marin taxpayers have right to know about public employee pay deals

By Nels Johnson , Marin Independent Journal

marinij.com

The public has a right to know about how Marin's elected officials strike pay and benefit deals with public employees, the county's civil grand jury says.

The jury Thursday urged county supervisors and city councils across Marin to let taxpayers see how pay and benefit pacts progress and what they cost, giving them a chance to chime in before decisions are final — and making officials more accountable for the result.

The jury's report, "The Need for Labor Negotiation Transparency," urges officials to adopt a formal negotiation process used in Orange County, Beverly Hills and several other Southern California cities called Civic Openness In Negotiations, or COIN.

The program requires public agencies to hire independent professional negotiators and an outside auditor, issue a fiscal analysis of all pay and benefit proposals, and post details of tentative labor pacts at least two board meetings before they are adopted. After each proposal is accepted or rejected during closed-door negotiations involving labor and management, it is publicly disclosed, along with costs. Tentative agreements would be made public a week before their consideration, and a final agreement would be placed on the agenda for discussion for two consecutive meetings of the agency board, giving taxpayers time to weigh in.

"Although Marin County residents pay taxes to support decisions by the Marin County Board of Supervisors and the city and town councils, there are numerous times when no transparency into the background of those decisions is made to the public," the jury said.

The issue, as the jury framed it, is "What should be disclosed to the residents of Marin, and when?" More disclosure than now provided is needed, jurors concluded.

There is now little or no time for the public to react to city or county agenda announcements of labor pact deals, and little advance disclosure of fiscal impacts in a process that excludes taxpayers "until it is too late for a reasoned public dialogue," the jury observed.

Marin residents have "minimal opportunity" to review and comment on labor issues, and the COIN process can be put to work without affecting the manner in which tentative agreements are negotiated, the jury said.

The COIN process, it asserted, illuminates "decisions made during negotiations that lead to a tentative agreement." Negotiations are not held in public, and the program does not allow the public to negotiate. It does require periodic reports about proposals and their costs — and time for the public to react to a final package before it is adopted.

Advertisement

"The COIN process mandates transparency in government decision-making, allowing residents to be informed and to participate in public discussion of how their tax dollars are spent," the jury reported.

The panel urged the county board and local city councils to adopt COIN ordinances no later than July 1, 2016, including providing for independent negotiators and auditors, fiscal analysis, public disclosure and weeks-in-advance notice before agreements are adopted. It sought formal responses from the county

board and Marin's 11 city councils.

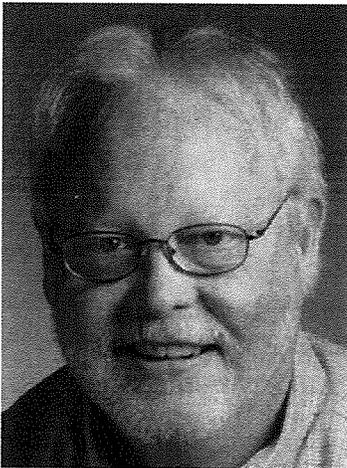
Marin's Citizens for Sustainable Pension Plans urged the county board to adopt the COIN plan in April but it drew heated protests from union representatives. County supervisors expressed lukewarm interest, calling aspects of the plan challenging but worth exploring.

Supervisor Judy Arnold at the time said supervisors will never "open existing contracts" and cut benefits. Arnold, questioned about the grand jury report Thursday, said she intended "to put the report where I put all jury reports," and then, told she would be quoted, added, "...in a bag to take home and read this weekend."

Roland Katz, head of the Marin Association of Public Employees, could not immediately be reached for comment Thursday, but made clear last April he was no fan of the COIN program.

Jody Morales, head of the sustainable pension group, was jubilant after reading the jury report, noting it will force elected officials at the Civic Center and in city halls across Marin to issue formal responses.

"We will now have answers as to how our elected officials feel about this critical issue," Morales told pension critics in an email blast. "We should all offer our thanks to this, and all grand juries, for their vigilance on our behalf."



Nels Johnson

Reach the author at njohnson@marinij.com or follow Nels on Twitter: [@NelsJohnsonNews](https://twitter.com/NelsJohnsonNews).

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MARINWOOD COMMUNITY SERVICES DISTRICT
REQUEST FOR PAYMENT OF CLAIMS

Fund 73700

Cost Centers- 4100 St Lgts
Cost Centers- 3100 Fire
Cost Centers- 2100 Recreation
Cost Centers- 1100 Park

Approved by the Board of Directors on July 14, 2015

NO.	VENDOR	TOTAL CLAIM	PURPOSE	Cost Center	GL Account	Functional Area	AMOUNT
1068	Ca Assoc of Pro Fire	214.50	Long Term Dis June	3100	5211330	103000	214.50
1069	San Rafael Fire Dept	22,694.48	OT exchange	3100	4640415	103000	17439.18
				3100	5210110	103000	5255.3
1070	Marin Pro Firefighters	590.00	Union dues June	3100	5211330	103000	590.00
1071	Marinwood CSD	159,891.83	Fire Reg Salary	3100	5110110	103000	34,294.69
			Fire Overtime	3100	5120110	103000	12,439.59
			Shift Cap/Work Week	3100	5110319	103000	469.96
			Admin Asst	3100	5110210	101000	589.26
			Admin Mngr	3100	5110110	101000	1,865.60
			Admin Mngr	3100	5110210	101000	140.55
			Admin Asst	2100	5110210	101000	589.26
			Admin Asst	1100	5110210	101000	294.62
			Admin Mngr	2100	5110110	101000	932.80
			Admin Mngr	1100	5110110	101000	932.80
			Admin Mngr	2100	5110210	101000	70.28
			Admin Mngr	1100	5110210	101000	70.27
			Rec Salary	2100	5110110	103000	10,513.60
			Park Salary	1100	5110110	102000	7,472.00
			Bldg Attendant	2100	5110210	104000	332.00
			Pool Staff	2100	5110210	105000	14,554.87
			Swim Team	2100	5110210	113000	5,809.00
			Aquatics/Lessons	2100	5110210	106000	5,099.87
			Summer Prog	2100	5110210	107000	53,696.56
			Preschool	2100	5110210	108000	1,780.00
			Adult Prog	2100	5110210	111000	100.00
			Payroll billing	3100	5210230	103000	161.09
			Payroll billing	2100	5210230	103000	334.97
			Payroll billing	1100	5210230	103000	23.94
			FICA	3100	5140140	103000	3,581.80
			FICA	2100	5140140	103000	7,540.70
			FICA	1100	5140140	103000	474.94
			CA/Edu	2100	5140145	103000	2,797.62
			Benefits withholding		2120066	103000	-7,070.81
1072	Marinwood CSD	101,614.49	Fire Reg Salary	3100	5110110	103000	33,923.71
			Fire Overtime	3100	5120110	103000	2,954.43
			Shift Cap/Work Week	3100	5110319	103000	1,545.63
			Holiday Pay	3100	5110313	103000	17,025.12
			Admin Asst	3100	5120110	101000	548.90
			Admin Mngr	3100	5110110	101000	1,865.60
			Admin Mngr	3100	5120110	101000	702.75
			Admin Asst	2100	5110210	101000	548.90
			Admin Asst	1100	5110210	101000	274.44
			Admin Mngr	2100	5110110	101000	932.80
			Admin Mngr	1100	5110110	101000	932.80
			Admin Mngr	2100	5110210	101000	351.38
			Admin Mngr	1100	5110210	101000	351.37
			Rec Salary	2100	5110110	103000	10,513.60
			Rec Hourly	2100	5110210	103000	2,069.25
			Park Salary	1100	5110110	102000	6,272.00
			Park Hourly	1100	5110210	102000	240.00
			Bldg Attendant	2100	5110210	104000	712.00
			Pool Staff	2100	5110210	105000	6,163.98
			Swim Team	2100	5110210	113000	5,884.00
			Aquatics/Lessons	2100	5110210	106000	954.00
			Summer Prog	2100	5110210	107000	1,841.13
			Preschool	2100	5110210	108000	3,255.50
			Youth Prog	2100	5110210	110000	285.00
			Adult Prog	2100	5110210	111000	50.00
			Payroll billing	3100	5210230	103000	170.33
			Payroll billing	2100	5210230	103000	107.04
			Payroll billing	1100	5210230	103000	18.13

NO.	VENDOR	TOTAL CLAIM	PURPOSE	Cost Center	GL Account	Functional Area	AMOUNT
			FICA	3100	5140140	103000	4,212.50
			FICA	2100	5140140	103000	2,943.52
			FICA	1100	5140140	103000	474.94
			CA/Edu	2100	5140145	103000	553.79
1073	Marinwood CSD	79,812.47	Benefits withholding		2120066	103000	-7,064.05
			Fire Reg Salary	3100	5110110	103000	34,529.89
			Fire Overtime	3100	5120110	103000	1,134.72
			Shift Cap/Work Week	3100	5110319	103000	398.40
			Admin Asst	3100	5110210	101000	530.74
			Admin Mngr	3100	5110110	101000	1,865.60
			Admin Mngr	3100	5110210	101000	187.40
			Admin Asst	2100	5110210	101000	530.74
			Admin Asst	1100	5110210	101000	265.36
			Admin Mngr	2100	5110110	101000	932.80
			Admin Mngr	1100	5110110	101000	932.80
			Admin Mngr	2100	5110210	101000	93.70
			Admin Mngr	1100	5110210	101000	93.70
			Rec Salary	2100	5110110	103000	10,513.60
			Rec Hourly	2100	5110210	103000	1,508.25
			Park Salary	1100	5110110	102000	6,272.00
			Bldg Attendant	2100	5110210	104000	755.00
			Pool Staff	2100	5110210	105000	5,157.48
			Swim Team	2100	5110210	113000	5,671.00
			Aquatics/Lessons	2100	5110210	106000	495.00
			Summer Prog	2100	5110210	107000	346.00
			Preschool	2100	5110210	108000	7,614.25
			Adult Prog	2100	5110210	111000	100.00
			Payroll billing	3100	5210230	103000	112.46
			Payroll billing	2100	5210230	103000	111.97
			Payroll billing	1100	5210230	103000	18.12
			FICA	3100	5140140	103000	2,733.22
			FICA	2100	5140140	103000	2,875.90
			FICA	1100	5140140	103000	474.94
			CA/Edu	3100	5140145	103000	121.34
			CA/Edu	2100	5140145	103000	484.36
			Benefits withholding		2120066	103000	-7,048.27
1074	Ca Assoc of Pro Fire	214.50	Long Term Dis.	3100	5130120	103000	214.50
1075	Delta Dental	2,694.06	Dental Ins June	3100	5130120	103000	1,419.87
				2100	5130120	103000	521.75
				1100	5130120	103000	752.44
1076	PERS Retirement	17,004.47	Retirement 5/29/15	3100	5130510	103000	13,466.45
				2100	5130510	103000	2,043.11
				1100	5130510	103000	1,494.91
1077	AIG Life	347.76	Life Ins June	3100	5130120	103000	173.42
				2100	5130120	103000	94.30
				1100	5130120	103000	80.04
1078	PERS Retirement	24,506.14	Retirement 6/12/15	3100	5130510	103000	20,963.78
				2100	5130510	103000	2,045.28
				1100	5130510	103000	1,497.08
1079	Vision Svcs Plan	459.36	Vision Ins.	3100	5130120	103000	250.56
				2100	5130120	103000	93.96
				1100	5130120	103000	114.84
1080	Vision Svcs Plan	459.36	Vision Ins.	3100	5130120	103000	250.56
				2100	5130120	103000	93.96
				1100	5130120	103000	114.84
1081	PERS Retirement	17,105.74	Retirement 6/26/15	3100	5130510	103000	13,553.76
				2100	5130510	103000	2,050.09
				1100	5130510	103000	1,501.89
1082	AFLAC	127.40	Disability Ins	1100	5130120	103000	127.40
1083	Verizon Business	102.41	Fire data	3100	5210725	103000	102.41
1084	PG&E	1,345.35	Streetlights May	4100	5210825	103000	1,345.35
1085	Nextel	214.63	Cell phones	3100	5210725	103000	214.63
1086	AT&T	79.00	Internet	3100	5210725	103000	79.00
1087	PG&E	5,215.95	Gas/Electric	2100	5220810	103000	1,366.46
				3100	5220810	103000	84.87
				2100	5220810	103000	2,945.26
				3100	5220810	103000	666.82

NO.	VENDOR	TOTAL CLAIM	PURPOSE	Cost Center	GL Account	Functional Area	AMOUNT
1088	Comcast	110.82	Internet	1100	5220810	103000	152.54
				3100	5210725	103000	55.41
				2100	5210725	103000	55.41
1089	AT&T	252.45	Phones May	3100	5210725	103000	152.12
				2100	5210725	103000	82.99
				1100	5210725	103000	17.34
1090	Project A	40.00	Email svcs	3100	5210725	103000	20.00
				2100	5210725	103000	20.00
1091	Church of the Nativity	285.00	Room rentals	2100	5220819	107000	285.00
1092	Honey Bucket	361.70	Porta Potty	1100	5220310	103000	361.70
1093	Three Twins Ice Cream	195.00	Vending	2100	5220826	105000	195.00
1094	Marin Dance Theatre	510.00	Dance Camp	2100	5210146	107000	510.00
1095	Incredifix	952.00	Movie making camp	2100	5210146	107000	952.00
1096	Capoeira of Marin	150.00	Camps Break out Labs	2100	5220819	107000	150.00
1097	Ace Promotions	4,523.50	Camp shirts	2100	5220819	107000	4,523.50
1098	Youth in Arts	320.00	Camps Break out Labs	2100	5220819	107000	320.00
1099	Jubilee Jumps	621.00	Waterslides	2100	5220819	107000	621.00
1100	Airgas	598.76	Co2 Pool	2100	5220810	105000	598.76
1101	Vanguard Cleaning	295.00	Janitorial	2100	5211110	104000	295.00
1102	McInroy, Kebby	1,300.00	Studio4Art	2100	5210146	107000	1,300.00
1103	KME Apparatus	11,779.34	Engine Change order	3100	5220916	103000	11,779.34
1104	Buckeye Nursery	481.45	Plant materials	1100	5220310	103000	481.45
1105	Mad Science	1,080.00	Mad Science camps	2100	5210146	107000	1,080.00
1106	Gillein, Stacee	2,200.00	Jewelry camps	2100	5210146	107000	2,200.00
1107	Speedpro Imaging	132.36	Marketing	2100	5210122	107000	132.36
1108	Capoeira of Marin	150.00	Camps Break out Labs	2100	5220819	107000	150.00
1109	Baer, Heather	200.00	Camps Break out Labs	2100	5220819	107000	200.00
1110	MC Fire Chief Assoc.	255.25	Mobile data	3100	5220825	103000	255.25
1111	Postal Palace	16.41	FedEx charges	3100	5220110	103000	16.41
1112	Marin Mommies	375.00	Marketing FY15-16	2100	5220819	107000	375.00
1113	Oakland Zoo	1,694.00	Field Trip	2100	5220819	107000	1,694.00
1114	Delta Charter Svcs	1,934.10	Camp transportation	2100	5220819	107000	1,934.10
1115	Jubilee Jumps	130.50	Bounce houses	2100	5220819	107000	130.50
1116	Commercial Pool Systems	1,038.32	Pool Maint	2100	5220215	105000	1,038.32
1117	Marin Dance Theatre	682.50	Dance	2100	5210146	110000	682.50
1118	Cal Skate	850.00	Field Trip	2100	5220819	107000	850.00
1119	Youth in Arts	160.00	Camps Break out Labs	2100	5220819	107000	160.00
1120	Marinwood Market	175.23	Tea Party	2100	5220819	112000	175.23
1121	Embassy Suites	302.50	Business room rentals	3100	5211325	103000	302.50
1122	LN Curtis	145.46	Fire Equip	3100	5220810	103000	145.46
1123	Swift Tree Care	2,400.00	Tree maint	1100	5220220	103000	2,400.00
1124	Burtons Fire	48.49	Fire Equip	3100	5220810	103000	48.49
1125	Landesign	2,985.00	Maint. Contractor	1100	5211125	103000	2,985.00
1126	R&S Erection	1,000.00	Garage door Maint	3100	5220180	103000	1,000.00
1127	Krav Maga	1,350.00	Adult Fitness Prog	2100	5210146	111000	1,350.00
1128	Alice inc	150.00	Website Maint	2100	5220110	103000	150.00
1129	Games2U	379.00	Camps	2100	5220819	107000	379.00
1130	Project A	40.00	Email svcs	3100	5220110	103000	20.00
				2100	5220110	103000	20.00
1131	CPRS	300.00	Staff Training	2100	5220819	107000	300.00
1132	United Camps	1,456.12	Camp Overnight	2100	5220819	107000	1,456.12
1133	Costco	318.67	Office supplies	2100	5220110	103000	30.98
			Pool Maint	2100	5220819	105000	183.81
			Vending	2100	5220826	105000	103.88
1134	State of Ca Dept Ind. Rel.	440.00	Pool Slide Inspection	2100	5220215	105000	440.00
1135	Co of Marin Tax Collect	2,263.83	Co Counsel	3100	5210131	103000	1,588.75
				3100	5210910	103000	675.08
1136	Great America Financial	217.41	Copy machine	3100	5220130	103000	65.22
				2100	5220130	103000	130.44
				1100	5220130	103000	21.75
1137	Pitney Bowes	116.00	Meter lease	2100	5220110	103000	116.00
1138	Performing Arts Academy	350.00	Camps Break out Labs	2100	5220819	107000	350.00
1139	Marin Sanitary Svcs	2,265.60	Garbage May	3100	5210815	101000	226.56
				2100	5210815	101000	1,585.92
				1100	5210815	101000	453.12
1140	Leslie's Pool Supply	992.42	Pool chems	2100	5220810	105000	992.42
1141	Jacksons Hardware	34.18	Clothing	1100	5220825	103000	34.18

NO.	VENDOR	TOTAL CLAIM	PURPOSE	Cost Center	GL Account	Functional Area	AMOUNT
1142	John Deere Landscapes	269.39	Tractor Maint	1100	5210940	103000	269.39
1143	Marin Ace Hardware	228.92	Fire equip	3100	5220220	103000	38.55
			Grounds Maint	1100	5220310	103000	190.37
1144	Pitney Bowes	116.00	Meter lease	2100	5220110	103000	116.00
1145	Staples	917.50	Office supplies	2100	5220110	103000	86.70
				2100	5220110	107000	780.70
				3100	5220110	103000	50.10
1146	Ewing	1,405.66	Irrigation maint	1100	5220310	103000	1,405.66
1147	ASCAP	337.29	Music licensing	2100	5220819	107000	168.65
				2100	5220819	112000	168.64
1148	All Star Rents	291.09	Aerator rental	1100	5211220	103000	291.09
1149	Diego Truck Repair	9,133.49	Engine 58 Repairs	3100	5210910	103000	9,133.49
1150	Smiths Gopher & Mole	300.00	Pest control	1100	5220310	103000	300.00
1151	US Bank	9,308.56	Vehicle Maint	3100	5210910	103000	169.99
			Bldg Maint	3100	5220310	103000	113.61
			Equip maint	3100	5220210	103000	85.93
			Gas	3100	5220610	103000	507.71
			BG checks	3100	5220810	103000	108.45
			Meetings	3100	5211325	103000	201.44
			Phones	3100	5210725	103000	455.18
			Station Supplies	3100	5220825	103000	63.91
			LGT/Aquatics	2100	5220819	106000	944.45
			Summer Prog	2100	5220819	107000	644.45
			Janitorial	2100	5211110	103000	2,492.99
			Office supplies	2100	5220110	103000	498.75
			Staff CPR	2100	5211315	103000	805.00
			Vending	2100	5220826	105000	122.40
			Marketing	2100	5210122	103000	283.25
			Sunscreen	2100	5220819	105000	135.00
			Fingerprinting	2100	5210128	103000	456.00
			Pool LG Hats	2100	5220825	105000	78.12
			Pool Chemical kit	2100	5220810	105000	166.87
			Pool Supplies	2100	5220819	105000	435.31
			Adult Prog	2100	5220819	111000	247.00
			Pool umbrella	2100	5220215	105000	97.90
			Pest control	1100	5211532	103000	194.85
1152	DeMarta, Shane	340.12	Vending	2100	5220826	105000	51.00
			Camp Supplies	2100	5220819	107000	289.12
1153	Chew, Snow	420.00	Camp Refund	2100	4631920	107000	420.00
1154	McBride, Ann	88.20	Irish Dance	2100	5210146	110000	88.20
1155	Laing, DJ	1,056.60	TaeKwonDo	2100	5210146	110000	1,056.60
1156	Bowen, Timothy	1,495.00	Lego camps	2100	5210146	107000	1,495.00
1157	Glogoza, Marie	235.00	Refund Jewelry camp	2100	4631920	107000	235.00
1158	Rubin, Ki	261.00	Refund camps	2100	4631920	107000	261.00
1159	Besharati, Halleh	2,470.00	Sewing camps	2100	5210146	107000	2,470.00
1160	Fretwell, Luke	476.63	Pool Chemicals	2100	5220810	105000	476.63
1161	Fretwell, Luke	179.06	Pool Chemicals	2100	5220810	105000	179.06
1162	Bruton, Robyn	852.94	Camp supplies	2100	5220819	107000	852.94
1163	Brown, Jennifer	146.00	Refund Camps	2100	4631920	107000	146.00
1164	Duffy, Laura	105.00	Refund CIT	2100	4631920	107000	105.00
1165	Sullivan, Carolyn	16.99	Camp music	2100	5220819	107000	16.99
1166	DeMarta, Shane	85.85	Vending	2100	5220826	105000	85.85
1167	Schulist, Michael	1,020.00	Jazz camps	2100	5210146	107000	1,020.00
1168	Bruton, Robyn	90.60	Camps	2100	5220819	107000	90.60
1169	Sullivan, Carolyn	719.03	Pool equip	2100	5220819	105000	331.98
			Camp Supplies	2100	5220819	107000	387.05
1170	Bustanza, Juli	28.00	Refund Swim lessons	2100	4631917	105000	28.00
1171	Bahreyni, Shahrzad	43.00	Refund Camps	2100	4631920	107000	43.00
1172	Elizondo, Mary Grace	197.00	Refund LGT	2100	4631917	106000	197.00
1173	DeMarta, Shane	1,994.56	Camps	2100	5220819	107000	150.07
			Grounds Maint	1100	5220310	104000	1,844.49
1174	Bruton, Robyn	909.26	Camps	2100	5220819	107000	909.26
1175	DeMarta, Shane	1,100.00	MW in the Park	2100	5220819	112000	1,100.00
1176	Mehciz, Gerald	5,649.00	Tennis Programs	2100	5210146	109000	5,649.00
1177	Diaz, Claudia	319.00	Refunds camps	2100	4631920	107000	319.00
1178	Weinstein, Elena	319.00	Refunds camps	2100	4631920	107000	319.00
1179	Bruton, Robyn	207.67	Camps	2100	5220819	107000	129.82

NO.	VENDOR	TOTAL CLAIM	PURPOSE	Cost Center	GL Account	Functional Area	AMOUNT
			First aid	2100	5220828	103000	10.39
			Comm Events	2100	5220819	112000	26.25
			Pool vending	2100	5220826	105000	41.21
1180	DeMarta, Shane	428.95	Summer prog	2100	5220819	107000	428.95
1181	Fretwell, Luke	490.97	Summer Prog	2100	5220819	107000	490.97
1182	Kenley, Scott	7,278.38	Consultant	3100	5210120	103000	7,278.38
1183	Murphy, Mary	405.00	Refund camps	2100	4631920	107000	405.00
1184	Clarke, Lisa	204.00	Refund camps	2100	4631920	107000	204.00
1185	DeMarta, Shane	100.00	Camps	2100	5220819	107000	100.00
1186	Cauz, Kristen	299.00	Refund camps	2100	4631920	107000	299.00
1187	Fretwell, Luke	502.50	Comm Events	2100	5220819	112000	502.50
1188	DeMarta, Shane	323.67	Summer Prog	2100	5220819	107000	323.67
1189	Bruton, Robyn	202.39	Camps	2100	5220819	107000	202.39
1190	Sullivan, Carolyn	373.36	Camp supplies	2100	5220819	107000	373.36
1191	Clippinger, Skip	249.75	Ballroom Dance	2100	5210146	111000	249.75
1192	Costello, Christine	516.00	Zumba classes	2100	5210146	111000	516.00

TOTAL:		540,604.65					540,604.65
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Total by Department:			
Streetlights	4100		1,345.35
Fire Department	3100		267,602.22
Recreation Department	2100		249,864.67
Park Department	1100		42,975.54



Marin Professional Firefighters

Local 1775

June 25, 2015

Tarey Read, President
Marinwood Community Services District
775 Miller Creek Rd.
San Rafael, CA 94903

Eric Dreikosen, District Manager
Marinwood Community Services District
775 Miller Creek Road
San Rafael, CA 94903

Re: Concerns Over Proposed Civic Openness in Negotiations (COIN)

Dear Ms. Read and Mr. Dreikosen:

We write on behalf of the Marin Professional Firefighters, IAFF Local 1775, to express our concern over the Marin Grand Jury's recommendation for local government agencies to adopt Civic Openness in Negotiations ("COIN"). We believe that, in considering COIN, all impacts must be considered and weighed, including the numerous harmful and costly effects COIN will have on the municipality's finances and labor-relations with its public servants. Furthermore, ongoing legal challenges to the implementation of COIN in other jurisdictions and the likely unlawfulness of certain "outsourcing" provisions in COIN caution against adoption.

Additionally, we believe that COIN—which is championed by ultra-conservative anti-labor extremists from Orange County—is inconsistent with the values of the public we serve here in Marin County. The true purpose of COIN is to undermine the collective bargaining process and prevent labor and management from working collaboratively in the workplace in a manner that ensures that we hire and retain personnel best able to provide services to the constituents of the municipality.

PROBLEMS PRESENTED BY PARTICULAR COMPONENTS OF COIN:

1. *COIN's requirement that the municipality retain and compensate an outside professional negotiator is both wasteful and unlawful.*

At a time when municipalities county-wide voice a desire to eliminate unnecessary expenditures and waste, the adoption of COIN would require the retention of a highly-paid private-sector professional to perform a collective bargaining function that municipality management personnel are capable of performing and always have



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Re: Concerns Over Proposed Civic Openness in Negotiations (COIN)

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performed. Yet there is no basis to believe that those management personnel have been unable to effectively bargain on behalf of the municipality.

Furthermore, such outsourcing of this basic municipal function would appear to violate numerous provisions of the Government Code that expressly limit the authority of a municipality, district, or city to outsource only "special services and advice in financial, economic, accounting, engineering, legal, or administrative matters." (See Gov. Code § 53060; see also Gov. Code §§ 31000 and 37103.) These statutes have been construed as prohibiting private contracting unless it is for identified "special services" and employees of the public entity are incapable of performing them. (*Costa Mesa City Employees' Assn. v. City of Costa Mesa* (2012) 209 Cal.App.4th 298.)

2. *COIN improvidently requires the municipality to hire an independent auditor to assess the fiscal impact of every single bargaining proposal*

This component of COIN implicates the same fiscal and legal concerns raised above. It would exponentially increase the length and cost of collective bargaining for a number of reasons.

First, on its face, it would require a municipality to retain and compensate a private sector auditor on a lengthy and ongoing basis over many months of bargaining. Incurring such unnecessary costs is not only fiscally irresponsible, but is also unlawful under the statutes referenced above, because municipality employees already perform this function.

Second, requiring a full fiscal impact analysis of every single proposal would dramatically increase the length of bargaining, which under normal circumstances lasts several months. On any given day of bargaining, numerous proposals are traded back and forth. Requiring the parties to wait for an independent auditor to assess each proposal as it is passed would exponentially increase the length of negotiations from several months to possibly a year or more. This, in turn, would exponentially increase the costs associated with collective bargaining, because the municipality would be paying the private negotiator and outside auditor for the duration.

Third, we believe this requirement, and the associated disruptions and delays in the bargaining process, would violate the municipality's bargaining obligations under the MMBA. Specifically, Government Code section 3505 requires that that parties "shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation" The stunted, intermittent process that will result if COIN is implemented is the very antithesis of what is required by section 3505.

3. *COIN Would Unlawfully Impair the Free Flow of Discussions and Proposals*

Other provisions of COIN would require that the municipality publish all offers and counter-offers communicated in bargaining, regardless of whether agreement has been reached on such matters or whether they remain under consideration. A rule of

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Page 3

mandatory publication will necessarily discourage and inhibit the free flow of information, opinions, and proposals, in violation of the bargaining obligation reflected in Government Code section 3505 (see above).

Indeed, the federal courts have held that it is unlawful for an employer to insist on a bargaining procedure that would have “a tendency to inhibit the free and open discussion necessary for conducting successful collective bargaining.” (*NLRB v. Bartlett-Collins Co.* (10th Cir. 1981) 639 F.2d 652.) This is because “[t]he proceedings may become formalized, sapping the spontaneity and flexibility often necessary to successful negotiations.” (*Id.*; see also *Latrobe Steel Co. v. N.L.R.B.* (1980) 630 F.2d 171.) We believe it is obvious that a rule of mandatory publication implicates these concerns and is, consequently, unlawful.

Prudence COUNSELS AGAINST ENACTING COIN UNTIL LEGAL CHALLENGES ARE RESOLVED

As you are presumably aware, so-called COIN ordinances have been adopted in other jurisdictions, including Orange County. The Orange County COIN is currently being challenged by the Orange County Employees Association before the Public Employment Relations Board (“PERB”), which is the California State agency charged with construing and enforcing California’s labor-relations statutes. These include the Meyers-Milias-Brown Act (“MMBA”), which governs municipalities. (Gov. Code § 3500 *et seq.*)

Prudence cautions against enacting COIN until PERB has addressed its legalities in a ruling on the Orange County ordinance. A wait-and-see approach will avoid costly litigation and potential liabilities in the event it is found to be unlawful. And this is the approach that has been recommended in other jurisdictions considering COIN, including the City of Yorba Linda and the Orange County Fire Authority. (See enclosures.)

COIN CANNOT BE ADOPTED WITHOUT COMPLETING BARGAINING AND IMPASSE PROCEDURES

The MMBA, particularly Government Code section 3507, requires municipalities to bargain in good faith prior to implementing any rules or regulations governing the collective bargaining process. In a recent decision, PERB construed this obligation as requiring advance notice that is sufficient to allow the parties to engage in meaningful bargaining until they reach agreement or impasse. (*IAFF, Local 1319 v. City of Palo Alto* (2014) PERB Decision No. 2388-M.) And in the event an impasse is reached, this would initiate the statutory impasse procedures including a formal hearing before a factfinding panel. (Gov. Code § 3505.4.)

June 25, 2015

Re: Concerns Over Proposed Civic Openness in Negotiations (COIN)

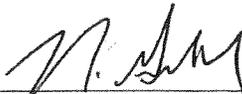
Page 4

CONCLUSION

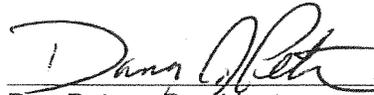
In summary, we believe there are many reasons not to move forward with adoption of COIN. These reasons are financial, legal, and pragmatic. At the very least, we believe that all of the considerations identified in this letter should be disclosed to the public, reviewed by legal counsel, and carefully weighed before any step is taken to adopt COIN.



Robert Briare, President
Marin Professional Firefighters
IAFF Local 1775



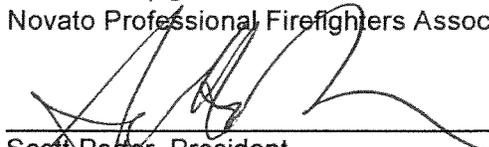
Nick Gabbard, President
Corte Madera Firefighters Association



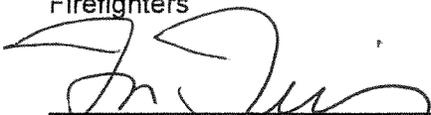
Dan Peters, President
Novato Professional Firefighters Association



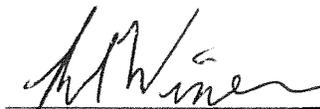
Dan Trimble, President
Kentfield Association of Professional
Firefighters



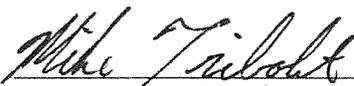
Scott Porter, President
Ross Valley Firefighters Association



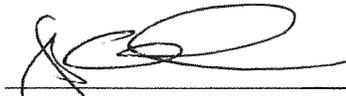
Tom Timmer, President
Larkspur Professional Firefighters



Robert Winner, President
San Rafael Firefighters Association



Mike Tribolet, President
Marin County Fire Department Firefighters
Association



Jason Golden, President
Southern Marin Professional Firefighters



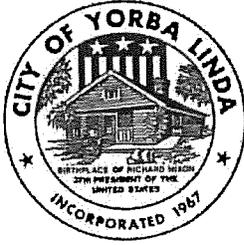
John J. Bagaia, President
Marinwood Professional Firefighters



Scott Urban, President
Tiburon Firefighters Association



Dean Riddle, President
Mill Valley Firefighters Association



STAFF REPORT

CITY OF YORBA LINDA

City Attorney's Office

DATE: JANUARY 6, 2015

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CITY ATTORNEY'S OFFICE
PREPARED BY: TODD LITFIN

SUBJECT: COIN ORDINANCE

RECOMMENDATION

Review update on the pending legal challenge to the County of Orange's COIN ordinance and provide direction to City staff pertaining to further City action on a potential City of Yorba Linda COIN ordinance.

BACKGROUND

At the December 16, 2014, City Council meeting, the City Council discussed issues pertaining to the potential adoption of a "Civic Openness In Negotiations" ordinance – commonly referred to as a COIN ordinance. Currently, COIN ordinances have been adopted by Costa Mesa, Fullerton, Beverly Hills, Palos Verdes and the County of Orange. Although potential COIN ordinances have different specific requirements, in general they are intended to increase government transparency by requiring public disclosure of certain aspects of labor negotiations with public employee unions.

Of particular concern to the City Council was the status of any litigation pertaining to the adoption of a COIN ordinance by other jurisdictions. In regards to the County of Orange's adoption of a COIN ordinance, this past autumn the Orange County Employees Association ("OCEA") filed an unfair labor practices charge with the Public Employment Relations Board ("PERB"). OCEA's complaint alleges that: 1) the County failed to "meet and confer" with the union prior to adopting the COIN ordinance as required by law; and 2) the COIN ordinance disrupts and undermines the statutory collective bargaining process, interferes with the legal rights of both exclusive representative and bargaining unit employees, and unilaterally imposes conditions inconsistent with the purpose and intent of state law (as contained in the Meyers-Milias-Brown Act ("MMBA")). The PERB review process includes an initial mediation and, if settlement is not reached, an administrative hearing before an administrative law judge. The decision of the administrative law judge is appealable. The process could take 6-12 months, and potentially longer if appealed.

The Orange County Fire Authority ("OCFA") at its November 20, 2014, Board of Directors meeting also analyzed whether to proceed with its own COIN ordinance. For the City Council's reference, the OCFA staff report is attached hereto. At the meeting, the OCFA Board decided, on the motion of Director Spitzer, to hold off on adopting the COIN ordinance based upon the currently pending PERB complaint and revisit the matter upon the resolution of the legal challenge.

ANALYSIS

If the City Council so desired, it could provide direction to staff to draft for Council review a COIN ordinance or an ordinance that adopts certain discrete aspects of COIN ordinances. However, due to the wide breadth of the OCEA's legal challenge to the County of Orange's COIN ordinance, any modifications to the current collective bargaining process could trigger a legal challenge from the City's employee unions. Due to the legal uncertainties pertaining to the outcome of the current PERB complaint against the County of Orange, the safest course to avoid any potential litigation would be to wait for the resolution of the County of Orange matter and then proceed (or not proceed) within the parameters of such newly-established precedent pertaining to the legality of COIN ordinances.

ATTACHMENTS

1. OCFA Staff Report and Attachments pertaining to COIN ordinance.

Approved by:



Mark Pulone
City Manager

Certified as to Fiscal Impacts:



David J. Christian
Finance Director/Assistant City
Manager

DISCUSSION CALENDAR - AGENDA ITEM NO. 14
BOARD OF DIRECTORS MEETING
November 20, 2014

TO: Board of Directors, Orange County Fire Authority

FROM: David Kendig, General Counsel

SUBJECT: **Civic Openness In Negotiations Ordinance**

Summary:

At the October 23, 2014, meeting of the Board of Directors, Director Spitzer requested that an item be agendaized for the November meeting to discuss whether the Authority should adopt a "Civic Openness In Negotiations," or "COIN," ordinance modeled after the County's recently adopted COIN ordinance. This staff report responds to that direction.

Recommended Action:

Defer further action on this matter until after a ruling is issued in the Orange County Employees Association's Unfair Practice Charge filed with the Public Employee Relations Board in connection with the County's COIN Ordinance.

Background:

Civic Openness In Negotiations -- or COIN -- is the name given by other local public entities that have recently adopted or considered adopting ordinances requiring public disclosure of certain aspects of labor negotiations between public entities and recognized employee organizations. The professed goal of the ordinance is to increase transparency by requiring public disclosure of various aspects of labor negotiations as they occur. Currently and historically, labor negotiations with represented labor groups have occurred in private and the resulting agreements have generally been approved by public entities in closed session pursuant to state public meeting laws. Currently, there are five enacted COIN ordinances, implemented by the following agencies: the County of Orange, and the cities of Costa Mesa, Beverly Hills, Palos Verdes, and Fullerton.

Meyers-Milias-Brown Act

The Meyers-Milias-Brown Act (MMBA) is set forth in Government Code sections 3500 et seq. It governs labor-management relationships within California local governments. The MMBA requires the governing body of a local public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of a recognized employee organization. The MMBA requires, if an agreement is reached, that the parties prepare jointly a written memorandum of understanding of the agreement that would then be presented to the governing body for approval.

The Ralph M. Brown Act

The Ralph M. Brown Act (the "Brown Act"), codified as Government Code sections 54950 through 54963, is California's open public meeting law. The Brown Act establishes broad public

access rights to the meetings of legislative bodies. However, it also recognizes that under certain limited circumstances there is a legitimate governmental interest in closing some discussions to the public. Examples of such statutorily-authorized closed session topics include labor negotiations. See Government Code section 54957.6.

A legislative body may meet in closed session with its labor negotiator regarding labor discussions with employee organizations over the areas of negotiation required by the MMBA (i.e. wages, hours, and terms and conditions of employment). During such closed sessions, the legislative body may approve a memorandum of understanding that sets out the binding agreement between the public entity employer and the employee organization.

Thus, historically, public entities' labor negotiations were handled by a negotiator, sometimes specifically retained by the public entity for the limited purpose of negotiating labor agreements, and terms negotiated between the public entity and the labor organization would be discussed by the entity in private. An MOU with a represented group is ordinarily approved in closed session as well, though the agency may approve the agreement in open session, as occurred during the October 23 approval of the MOU with the firefighters' organization. Under the standard approach, only after the parties have completed negotiating a final MOU does the public agency disclose the terms of the agreement to the public.

County of Orange's COIN Ordinance

On August 5, 2014, the Orange County Board of Supervisors approved a COIN ordinance (Attachment 1). The County COIN ordinance is similar in structure to the first COIN ordinance adopted by the City of Costa Mesa; however, the County ordinance differs from Costa Mesa's in some material respects. A summary comparison of the Costa Mesa Ordinance, along with other COIN ordinances adopted in Beverly Hills, Palos Verdes, and Fullerton, is provided for your Board's reference (Attachment 2)

The County ordinance calls for the following key elements:

1. The retention of an independent labor negotiator to represent the County in labor negotiations. (Under the County Ordinance, this requirement may be affirmatively waived by a majority of the Board.)
2. A fiscal impact analysis, similar in structure to that required by Costa Mesa, and prepared by the County Auditor-Controller, is required to be performed and presented to the Board at least ten (10) days before a proposal to the employee organization regarding negotiation of an MOU or any term or condition of employment therein.
3. The County must report out of closed session the content of any prior offer or counteroffer that was presented by either the County or the employee organization during negotiations.

4. Board members are also required to report out in open session any communications they have had with representatives of an employee organization. Disclosure is also required of communications by staff members of Board members.
5. Prior to the adoption of an MOU, the County must publicly disclose the proposed MOU and hold two (2) Board meetings where public discussion and comment are allowed.
6. Disclosure is also required of additional information in open session regarding negotiation sessions, including list of names of participants and dates, length, and location of negotiation sessions. (This is not addressed in the Costa Mesa ordinance.)

Other Considerations

In addition to the options and alternatives in the County Ordinance and the city ordinances described in Attachment 2, there are other options and provisions in a COIN ordinance that the OCFA Board may want to consider either including or excluding. For example, COIN ordinances can approach publication requirements differently. Publication requirements - and Board meeting frequency - can affect how quickly an agency can make revisions if changes are requested by the Board. Changes in negotiated provisions can be more readily accomplished if a Board of Directors meets weekly than if they meet only monthly.

ACCOC Publication

On a related note, the Association of California Cities Orange County (ACC-OC) recently published guidelines (Attachment 3) in response to requests from its members for cities to use when negotiating with bargaining units, "with commitment to transparency and accountability."

The Contention that Agencies Must Meet and Confer Prior to Adopting COIN Ordinance.

One issue that was raised during the discussion of the County ordinance is whether meet and confer is required under the Meyers-Milias-Brown Act prior to adopting the COIN ordinance. The Orange County Employees Association (OCEA) has since filed an Unfair Practice Charge with the Public Employment Relations Board (PERB) requesting that the PERB determine the County violated PERB Regulations and the MMBA when it adopted the COIN Ordinance and to require the County to rescind its COIN Ordinance (Attachment 4). Although that case has been briefed, it can take months or years before a final determination from the PERB is received.

In light of that pending challenge, the Board may wish to consider whether to defer action on a COIN ordinance until the PERB determines whether an obligation exists to meet-and-confer prior to adopting such an ordinance.

Options

The Board has several options, including:

- A. Direct General Counsel to prepare a COIN ordinance modelled after the County ordinance;
or
- B. Direct General Counsel to prepare a COIN ordinance, but that differs from the County's ordinance in certain respects to be identified by the Board;
or
- C. Defer further action on this matter until after a ruling is issued in the OCEA Unfair Practice Charge filed with the Public Employee Relations Board in connection with the County's COIN Ordinance (staff's Recommended Action);
or
- D. Receive and file this report (e.g. take no further action).

Impact to Cities/County:

None.

Fiscal Impact:

If a COIN ordinance is adopted that requires audit reports of future labor negotiation proposals, there would be some unknown additional cost to the Authority for professional services necessary to prepare such reports.

Staff Contact for Further Information:

David Kendig, General Counsel
dkendig@wss-law.com
(714) 415-1083

Attachments:

1. County COIN Ordinance
2. Summary Comparison of COIN Ordinances
3. ACCOC Labor Negotiation Strategies Principles
4. OCEA Unfair Labor Practice Charge
5. Memo from Supervisor Spitzer dated November 10, 2014

Eric Dreikosen

From: Bruce Anderson <[REDACTED]>
Sent: Monday, June 29, 2015 3:16 PM
To: edreikosen@marinwood.org
Subject: Items for the board to discuss

Hi Eric:

Marinwood CSD is having an election this year. I believe there a number of things that the board could approve that would help the community gain an understanding of the candidates in an election.

I would be happy to discuss this with you but if anything is to be done, the board would have to approve some items at the July meeting.

My suggestions:

Assuming a contested race, the CSD to do:

Provide one page in the fall issue of the Marinwood Review for all announced candidates to put a statement on (size of statement to be determined by number of announced candidates)

Offer booth space at the Octoberfest to allow for campaign materials and candidates

A meet the candidates night with a format that allows the candidates to speak and answer questions – late September or early October before mail-in ballots.

The Board may have additional suggestions but as I said some things may have to be approved at the July meeting so I suggest an agenda item be developed that allows both discussion and approval.

Thanks,

Bruce



SACRAMENTO
SAN FRANCISCO

Jonathan Yank
jonathan@majlabor.com
direct 415.266.1802

June 29, 2015

VIA E-MAIL AND U.S. MAIL RETURN RECEIPT REQUESTED

Eric Dreikosen [edreikosen@marinwood.org]
District Manager
Marinwood Community Services District
775 Miller Creek Road
San Rafael, CA 94903-1223

Board of Directors
Marinwood Community Services District
775 Miller Creek Road
San Rafael, CA 94903-1323

Re: Requirement that Marinwood Meet and Confer Prior to Changing Staffing Levels

Dear Mr. Dreikosen and Board Members:

We write to address Marinwood's contention, as expressed during the most recent rounds of contract negotiations, that it can unilaterally change/ignore the minimum staffing levels dictated by the Minimum Staffing side letter upon expiration of the MOU on July 1, 2015. To put it bluntly, Marinwood *cannot* make any unilateral changes to the *status quo*, even to permissive subjects of bargaining, without first meeting and conferring with the Union over the impact of those changes. We write to you now, before the expiration of the contract, to alert Marinwood to the state of the law and the possible ramifications if it ignores the law and moves forward as we believe it plans to do.

The Union recognizes that, under some circumstances, an employer may make staffing decisions. However, it must nonetheless provide reasonable notice and an opportunity to bargain over the negotiable impacts of such changes prior to implementing such staffing decisions. *International Ass'n of Fire Fighters, Local 188, AFL-CIO v. Public Employment Relations Bd.* ("Local 188") (2011) 51 Cal.4th 259. This includes an opportunity to bargain over the effects of staffing decisions on the workload and safety of the remaining employees, among other things. (*Id.* at 277.)

Should Marinwood ignore its obligations to meet and confer, the Union will immediately file an Unfair Practice Charge with the Public Employment Relations Board ("PERB") and ask for an injunction preventing Marinwood from implementing the staffing changes until and unless it complies with its meet and confer obligations. We note, too, that at least one

June 29, 2015

Eric Dreikosen

Board of Directors, Marinwood Community Services District

Re: Requirement that Marinwood Meet and Confer Prior to Changing Staffing Levels

Page 2

jurisdiction, the Pennsylvania Commonwealth Court, has held that public employer is bound to maintain the *status quo*, even as to permissive subjects addressed in an expired MOU, until a new agreement or impasse is reached. (*Coatesville Area School Dist. v. Coatesville Area Teachers' Ass'n/Pennsylvania State Educ. Ass'n* (2009) 978 A.2d 413, 417-418.) We would certainly seek a similar determination should we be forced to file an unfair practice charge.

We also want to take this opportunity to express our concern that Marinwood would seek to change staffing levels in the first instance. As a starting matter, the public was promised that the professional staffing levels in particular would be maintained upon the passage of Measure "G" in November of 2011. We note that Measure "G" is up for reauthorization this November, and it will be very hard to sell it to the public again without a demonstrable record of maintaining the promised staffing levels.

Moreover, it is troubling that Marinwood seems committed to this course of action despite our repeated attempts to demonstrate the operational, logistical, and financial benefits to maintaining our current model. That other comparable agencies in Marin have similar staffing language in their MOU's underscores their importance. We understand that the President of the Fire Commission and personnel committee representative, Jeff Naylor, has also attempted to educate the Board on the issue as well. We are also very concerned about what effect any attempt to change staffing would have on our existing Shared Services agreement with the City of San Rafael and the Automatic Aid agreement with the Novato Fire Protection District. The Board has simply ignored all of these truths in its narrow-minded attempt to move forward and decrease staffing levels. The Union remains baffled at the justification behind this move.

To the extent that Marinwood decides to move forward with its ill-advised plan to change staffing levels, we ask that all notices and/or communications about staffing level changes be sent to the Union's attorney, Gregg Adam, at Messing Adam & Jasmine, as well as all member associations and their representatives.

Very truly yours,

MESSING ADAM & JASMINE LLP



Jonathan Yank

JY:JSS:jag

cc: Bob Briare, Marin Professional Firefighters
John Bagala, Marinwood Firefighters
John Grey, Esq.



SACRAMENTO
SAN FRANCISCO

Jennifer S. Stoughton
jennifer@majlabor.com
415.266.1803

June 30, 2015

VIA EMAIL [c/o EDREIKOSEN@MARINWOOD.ORG] AND REGULAR MAIL

Board of Directors
Marinwood Community Services District
775 Miller Creek Road
San Rafael, CA 94903-1323

**Re: California Public Records Act Request
File No. 060007**

Dear Board Members:

Please consider this a California Public Records Act ("CPRA") (Government Code section 6250 *et seq.*) request on behalf of our client, the Marinwood Professional Firefighters, IAFF Local 1775. If you are not authorized to respond to this request, please forward this request to the appropriate person and inform the undersigned of his/her name and contact information as soon as possible.

Pursuant to the CPRA, we request copies of the documents enumerated below related to Marinwood's participation in the California Fire Assistance Agreement (CFAA). We believe all of these documents and information to be within Marinwood's possession and control:

- Copies of all submitted Salary Surveys and Administrative Rate forms submitted to CalOES/ CalEMA for the last 15 years.
- The federal taxpayer ID number used by Marinwood.
- The Data Universal Numbering System (DUNS) Number used by Marinwood.
- The System for Award Management (SAM) number used by Marinwood.
- A copy of all MOU's, Governing Body Resolutions (GBR's) or equivalent documents submitted to CalOES/CalEMA for the last 15 years.
- A copy of all F-42 Forms (CalOES Emergency Activity Record) for the last 15 years.

- A list of the Order numbers, request numbers, Strike Team numbers and Incident names for all Strike team or single resource responses for the past 15 years.
- All Workers Compensation Insurance Percentage Rates used for the past 15 years.
- All Unemployment Percentage Rates used for the past 15 years.
- All Actual Agency Administrative Rates used for the past 15 years or Agency Specific Administrative Rates and documentation to support these rates for the past 15 years.
- A list of which supplemental personnel rates were used for NWCG and single resource requests for the past 15 years.
- A list of all current and past Apparatus, Support Equipment, and Volunteer Rates for the past 15 years.
- A list of all payments made directly to volunteer firefighters, including the dates, amounts, hourly wage calculation, total hours worked, and FLSA and OT calculations for the past 15 years.
- Any Travel Expense Logs for the past 15 years.
- Any reimbursement made to individual firefighters for expenses during out of county assignments for both in-state and out of state response for the past 15 years.
- Any special equipment rates, rental agreements, or other expenses attributed to the incidents and the response for the past 15 years.
- A list of training records to demonstrate that all personnel who have been sent on strike teams met the requirements as set forth in CICC and the NWCG.
- Documentation of how much money CalOES or its partners or the Federal system reimbursed Marinwood over the past 15 years.
- A list of maintenance items addressed directly on CalOES incidents, such as brake repairs, new tires, lighting repairs, and any and all issues addressed in demobilization and captured on the ICS 221 Demobilization Checklist.
- A list of durable equipment received on Strike Team and Single resource assignments to include new nozzles and fittings, hose that replaced older hose purchased by the CSD, PPE, chainsaw or pump repairs and parts and items that were received through the supply system.

- Documentation demonstrating which budget categories the reimbursements were applied to: for example, does the CSD place the money received for the apparatus directly into an account to address future mechanical repairs or is it placed into capital improvements/replacements for future vehicle purchases?
- A list of what expenses, and revenues, are associated with sending a jointly staffed SNR-MRW engine company for the past 15 years.
- Documentation of Marinwood's policy on sending four (4) personnel as required for Type 1's and a minimum of three (3) personnel during Type 3 requests, knowing that Cal OES will reimburse for 4 positions.

Pursuant to Government Code section 6253.9, if any of the requested information exists in an electronic format, please provide the information on CD or DVD, emailed PDF, or similar format.

If you believe that any of the above descriptions are vague, unfocused, or do not otherwise sufficiently describe identifiable records, please provide us with all reasonable assistance necessary to clarify the requests, as required by Government Code section 6253.1. This includes assisting us to identify the specific records sought and providing any suggestions necessary to overcome any practical basis for denying access to the records.

If you determine that any of the records requested are exempt from disclosure by express provision of law, please identify the specific statute(s) relied upon. If any exemption is claimed on a non-statutory basis, please cite the legal authority for the exemption. As noted in *American Civil Liberties Union of Northern California v Superior Court of San Francisco County* (2011) 202 Cal.App.4th 55, the agency has the burden of showing that withheld documents are exempt and must provide the requestor with "adequate specificity" to assure itself that the claimed exemptions are proper. "Conclusory or boilerplate assertions that merely recite statutory standards are not sufficient." (*Id.*)

If you claim that any record(s) is/are exempt pursuant to Government Code section 6254 subdivision (a) or Government Code section 6255, please describe fully why the public interest in withholding those records clearly outweighs the public interest in disclosure. For exemptions based upon section 6255, also provide the names and titles or positions of each person responsible for the denial, as required by Government Code section 6253 subdivision (d).

Since most exemptions under the CPRA are discretionary, unless disclosure of a record is expressly prohibited, we do request that you either exercise your discretion to disclose the information or explain why disclosure is not appropriate in this instance. In making this analysis, we remind you that Cal. Const. Article I, Section 3(b) (2) expressly declares that any statutory or judicial restrictions on disclosure "shall be broadly construed" in order to "further the people's right of access." Finally, if a record contains a mix of exempt and non-exempt information, the CPRA requires that the non-exempt material be produced, even if in segregated or redacted form.

June 30, 2015
Board of Directors
Marinwood Community Services District
Re: California Public Records Act Request
Page 4

Pursuant to Government Code section 6253, please respond to this request within ten calendar days. Should you believe that more time is necessary to respond, please identify the "unusual circumstances" set forth in section Government Code section 6253 subdivision (c) that justify the delay. We note that in no event may any extension be for a period longer than 14 days and no extension may be taken solely for purposes of delay.

Please contact the undersigned at 415.266.1803 if clarification would expedite this request.

Very truly yours,

MESSING ADAM & JASMINE LLP

Jennifer S. Stoughton

JSS:jag

cc: Bob Briare, President, Marin Professional Firefighters, Local 1775
John Bagala, Vice President, Marin Professional Firefighters, Local 1775
John Grey, Esq.
Gregg McLean Adam, Esq.

To: District Manager Eric Dreikosen
Marinwood CSD Board of Directors
Marinwood Fire Commissioners
775 Miller Creek Road
San Rafael, CA. 94903

[Include a copy of this letter to the July Fire Commission Minutes]

Re: Response to Bill Hansell's Letter Dated June 24, 2015

I would like to comment on Director Hansell's letter/breakdown on the retirement benefits for our Marinwood employees, more specifically our firefighters. My comments here are in reference to the statement "*This underscores the need for better negotiations in future union agreements.*" It seems to me the question posed here is basically why the firefighters should receive a 3% pension versus the 2% given the rest of the Marinwood staff; to do this is the preverbal comparing of "apples and oranges." As a former firefighter and member the fire commission, I care and am passionate about my feeling for looking after our firefighters and offering them the best we can. Lately, the "in vogue" trend is the reduction of pension benefits as a cost cutter. It's easy to redline items without considering all aspects first. I would like to provide my insight why I am adamantly opposed to any suggestions we reduce the benefits for our firefighters.

First, as a retired Captain from San Francisco Fire Department, my professional opinion is that Marinwood is served by some of the best firefighters around. If I did not have a 100% belief in that, when it was purposed, I would have been the first to advocate the option of sourcing services out to San Rafael Fire. As we have seen in the past, some of our firefighters have "jumped ship" and gone to a higher paying departments. One cannot blame them. On this point alone, to maintain our highly trained, experienced, and knowledgeable firefighters, I feel it would be contraindicated to consider diminishing their salary or pension benefits.

We should not overlook a positive byproduct and benefit of a higher pension percentage at a lower retirement age as it allows for a firefighter to retire earlier and position backfilled with a younger, more physically capable replacement. Statistics demonstrate that although the experience level increases over time, the physical ability diminishes with age. Firefighting is a physically demanding job; to give you a real and not the Hollywood rendition of what it is like, imagine doing strenuous work, in near total darkness, while in a superheated steam room. This is a close approximation of the conditions when fighting a fire.

Before we redline their benefits, we need to focus on the fact we are talking here about the men, who without any hesitation, are willing to sacrifice their wellbeing for us; I implore they should not be considered as simply numbers on a piece of paper. Understand, firefighters become heroes when they put on the badge and not by heroic acts they carry out while on a call; firefighters are *expected* to perform tasks under the worse and most dangerous conditions, and do so as though it is commonplace.

Again, I think it is important to put a face to the “line item” we are talking about. I offer a couple of my personal experiences to illustrate what could happen to **any** one of our guys on **any** give day. After having fallen through a floor in a collapse which ended my suppression career, I have had to have surgeries on my knee and shoulder, and lumbar blocks for spinal complications from injuries sustained. I cannot remember a pain free day. When we talk about a 3% per year calculation, realize it is somewhat reduced if you are forced, as in my case, into early retirement before reaching the target age. I think of my pension not only in terms of time served but also as compensation for injuries incurred.

To offer a reality check of what could happen to **any** one of our firefighters on their next call, consider a few of my experiences as examples. While on Rescue (Squad) 2, we had to go in after one of our own; imagine finding him, reaching his head in the rubble, and having a couple of his teeth fall out into your gloved hand; he was a much better firefighter than I and most unfortunate, succumbed to his injuries. That could have been me or any of our firefighters. I think about one of my former paramedics who served on my engine during the time I was Captain of Station 18. He suffered a terrible death in a back draft while at Engine 26. Early in my career I spent seven years at Station 26. The last THREE firefighter fatalities in the San Francisco Fire Department were stationed at “E-26”. *Realize the irony in comparison, Marinwood Fire responds to the same average number of responses per month as Engine 26.*

So, I hope Director Hansell, as well as other Board members fully understand the reality firefighter’s face and the benefits of a 3% pension for them; let’s think twice before reducing the benefits for our firefighters who put their life and probable injuries on the line for us. Again, anytime the bell goes off, what happened to me and the firefighters I worked with could happen to **any** one of our firefighters on **any** given day.

Sincerely,

Russ Albano
Retired Firefighter
Marinwood Resident
Member: Marinwood Fire Commission

P.S. As a side note on the possible origins of all this: having read the argument for augmenting COIN with its professional negotiators and independent auditors, the “transparency” here (to utilize the word) is it will add (unnecessary) cost factors to our budget. I do not think we should look at wages and benefits agreed upon in the past and say the system failed because of no public comment or lack of professional negotiators.

I believe in transparency, but we should not forget we live within a republic not democratic system where we vote for our officials, they represent us, and make decisions on our behalf. This past year, we have seen the result when they don’t; we had the option to vote them out and we did just that. This is not to say we should not have public comment, but it did not serve us at all when the vote was taken and approved by our representatives for the low cost housing development of the Marinwood Plaza, something none of us wanted.

Bill Hansell

667 Appleberry Drive
San Rafael, California 94903
415-378-9064
info@hanselldesign.com

24 June 2015

District Manager Eric Dreikosen
Marinwood CSD Board of Directors,
Fire Commissioners, and P&R Commissioners
775 Miller Creek Road
San Rafael, CA 94903

Dear District Manager Dreikosen, Fellow Board Directors, and Commissioners,

Following my letter to the Board at the regular June meeting, I received emails in appreciation of the information distributed and asking for some other facts that were not highlighted regarding employee benefits. Attached is further information that the Board and Commissions should be familiar with for future discussions about economic planning for the District.

Given the extra retirement benefits that the Fire Department receives (overwhelmingly 3% at 50 versus the non-safety employees' typical 2% at 60%), you can see why the burden to the District of unfunded liabilities as noted in the actuarial report is far greater for the Fire Department than the rest of the District. This underscores the need for better negotiations in future union agreements and protection of the budget set-asides that have yet to be fully achieved.

I am emailing this directly to all Commissioners and asking the District Manager to include it in the next Board packet for the Directors so it is public record for upcoming discussions. Please let me know if you have any questions.

Sincerely,



Bill Hansell

2014 Benefits by Employee

	<u>Dept</u>	<u>PERS Retirement</u>	<u>Health Ins</u>	<u>Dental</u>	<u>Vision</u>	<u>Life</u>
			CSD pays:	CSD pays:	CSD pays:	CSD pays:
Anderson, Ross	Fire	3% at 55	80%	100%	100%	100%
Bagala, John	Fire	3% at 50	80%	100%	100%	100%
Brackett, Ryan	Fire	3% at 50	80%	100%	100%	100%
Correa, Cesar	Fire	3% at 50	80%	100%	100%	100%
Heine, Stephen	Fire	3% at 50	80%	100%	100%	100%
Papanikolaou, John	Fire	3% at 50	80%	100%	100%	100%
Roach, Tom	Fire	3% at 50	80%	100%	100%	100%
Selvitella, Brandon	Fire	3% at 50	80%	100%	100%	100%
Smith, Brian	Fire	3% at 50	80%	100%	100%	100%
Smith, Jeff	Fire	2.7% at 57	80%	100%	100%	100%
White, Joel	Fire	3% at 50	80%	100%	100%	100%
Bruton, Robyn	Rec	2% at 62	90%	100%	100%	100%
Collins, Paula	Rec	2% at 60	90%	100%	100%	100%
DeMarta, Shane	Rec	2% at 60	90%	100%	100%	100%
Fretwell, Luke	Rec	2% at 60	90%	100%	100%	100%
Chavez, Estavan	Park	2% at 60	90%	100%	100%	100%
Giron, Marco	Park	2% at 60	90%	100%	100%	100%
Sibbaluca, Victor	Park	2% at 60	90%	100%	100%	100%
Dreikosen, Eric	All	2% at 62	90%	100%	100%	100%
Horne, Tom	All	2% at 60	90%	100%	100%	100%

Benefits Comparison – Safety/Non-Safety

Benefit	Safety	District Cost	Non-Safety	District Cost
Holidays	11			
Holiday Pay FY 2013	Yes	\$35,510	No	\$0.00
PERS Retirement Formula	3%@50		2%@60	
2013/2014 Employer Rate	32.49%		12.09%	
2013/2014 Employer Cost		\$341,189		\$66,848
Basis	Three Highest Years		Highest Year	
Long Term Disability	Yes	\$2,396/yr	No	\$0.00
Aflac Indemnity	Yes	\$5,500/yr	No	\$0.00

Fourteen-Year Comparison of Raises

- Fire Captain 56.2%
- Firefighter 48.3%
- Fire Chief 45.1%
- Senior Admin Asst. 43.8%
- Maintenance Worker II 36.7%
- Park Manager 31.7%
- District Manager 31.4%
- Recreation Director 31.2%
- Recreation Supervisor 17.2%

Employee Concessions

- Valuation of Employee Concessions – 2013
- Firefighters concessions amounted to an average of 8.9% of net salary per employee.
- Miscellaneous employee concessions amounted to 8.64% of net salary per employee.

Bill Hansell

667 Appleberry Drive
San Rafael, California 94903
415-378-9064
info@hanselldesign.com

09 July 2015

Marinwood CSD
775 Miller Creek Road
San Rafael, CA 94903

Dear District Manager Dreikosen, Fellow Board Directors, and Commissioners,

I am responding to Jeff Naylor's letter presented at the Tuesday, July 7th, Fire Commission meeting and the motions that followed its distribution. Mr Naylor's letter boldly includes assumptions of my intent which he has no basis to claim. As I stated that evening, I believe the primary job of each Board Director is to make sure the CSD is financially sound. The concerns in my letter were strictly based on pursuing that goal by calling for more detailed scrutiny of particular items that clearly have been historically problematic. While we may differ on the conclusions of pending analysis, I am astonished that Mr Naylor would want to suppress the very act of asking questions that are the mission of the Board. To go so far as to request motions calling for retraction of legitimate inquiry and to document those motions prior to even engaging in an open dialogue is evidence that Mr Naylor formed biased opinions prior to the meeting. Obviously, I have no intention of retracting the legitimate requests I made on behalf of Marinwood's citizens to ensure their money is being spent wisely.

Mr. Naylor's assumptions of my intent led him to state extreme positions that my letters never insinuated. Regarding the excessive burden of overtime which I questioned, he discusses the legality of exempt versus non-exempt employees which is irrelevant to my line of inquiry. At no point did I question whether overtime was legal. Additionally, he goes so far as to incorrectly assert I was seeking to reduce the number of shift personnel while he is well aware that I repeatedly supported the current 3-persons per engine assignments in numerous public board meetings.

What he makes no mention of is the completely unreasonable burden of the "minimum staffing" language the union battled to retain and which has been a tourniquet on the Board's ability to recover financial health. What sane business would agree to a *guaranteed minimum* of employees (in our case, ten union firefighters) no matter how desperate its financial situation and with no reasonable ability to utilize perfectly credentialed temporary contract help when absolutely necessary? And yet, that former unwise agreement is what the Board has legitimately fought in recent years to extricate itself from. Mr Naylor's attempt to shut down investigations into other creative solutions and his blanket assumption that these expenses are "a fact of life" merely surrenders to the problem rather than addressing it. In order to serve the public, we need to approach these issues with imagination and detailed analysis, not run away from them as his motion would have me do.

Finally, Mr. Naylor's letter includes various errors in analysis and subjective opinions that are debatable if not untenable. I would have appreciated the opportunity to engage in a proper public debate on those issues prior to premeditated motions being handed to the commission but was not afforded that chance. Ironically, this is very similar to the non-transparent negotiation methods Mr Naylor supports by his objections to public consideration of COIN, or any element related to informing the public of agreements they have been forced to accept in the dark without proper financial forecasting. As a representative of the public interest, I will not be a party to that and despite recent setbacks to right-to-know laws the winds of change are blowing and we will eventually see more transparent policies enacted. I hope the CSD is a leader in this area and represents its citizens in future negotiations far better than it has in past ones. It cannot afford to do otherwise.

Sincerely,



Bill Hansell

TO: MARINWOOD FIRE COMMISSION
FROM: THOMAS ROACH, FIRE CHIEF

July 7, 2015 Fire Commission Meeting Minutes

DRAFT

Fire Commissioners:

Present: Jeff Naylor, Russ Albano, Ron Marinoff, Greg Stilson, Tom Elsbree

Others in attendance:

Fire Chief Tom Roach, District Manager Eric Dreikosen, Board Members Bill Hansell and Tarey Read, Linda Barnello, Captain John Bagala, Captain Steve Heine, Engineer Otis Smith, Firefighter Ryan Brackett

1. Approval of Agenda-Call to order 730 pm. Commissioner Naylor moved Marin Map discussion up on the agenda before discussion of Director Hansell's letters. Approval of Agenda.
 - **M/S Marinoff/Albano to approve agenda as amended. All in favor.**
2. Approval of June Minutes
 - **M/S Marinoff/Elsbree to approve of June Minutes.** Commissioner Naylor asked if changes were made in previous months minutes to express Captain Whites explanation of Code 2 verse Code 3. Chief Roach said those changes had been made. Chief said he would include the difference in the two codes on the response report. **All in favor.**
3. June Activity Schedule and Response Report.
 - The June 2015 Activity Schedule was reviewed. Chief commented that during the month the department was busy preparing for wildland season and that the wildland packs had been put together, wildland training had happened, the wildland academy was in late May/early June. Chief also commented that Wildland season was upon us as the Type 3 engine had been called away for five days on a strike team assignment to Modesto area and then redeployed to the San Luis Obispo area.
 - The June 2015 Response Report was reviewed. There was a question on the three separate gas leak calls in a row in Novato. Captain Heine explained that there was a day he worked in which Marinwood responded with Novato to 3 separate natural gas calls. All were breaks in the natural gas supplies to homes in southern Novato. This number is unusually high especially consecutively. There was also a question as to a near drowning call in Casa Marinwood. Chief gave the details of the calls in which our engine company along with our utility vehicle staffed with two volunteers responded to the incident. The call had an extremely successful outcome with no injuries or deficits to the child patient and that the mom along with her son stopped by the firehouse the next day to thank the engine company.
4. Chief Report
 - **Marin Map Resolution.** Chief spoke to the history of Marin Map and how agencies became members initially. Chief explained the new JPA among the Fire Chief's Association for remaining agencies who are not members and how costs were divided. Chief explained some of the benefits to becoming members. **M/S Marinoff/Elsbree Recommend to the Board to Approve the Resolution of Marinwood joining Marin Map up to \$600. All in favor 4-0.**
 - There was discussion on Marin County Open Space District vegetation management policy and the open field near juvenile hall had not yet been cleared. Chief stated he had talked to the Open Space District and that they were waiting for the nesting birds to finish. Note-since the meeting Chief had learned there had been a change in Open Space Policy and that they would not be maintaining the field with the exception of 10 feet on either side of the path.
 - Discussion followed in response to Director Hansell's letters to the Board dated June 9 and June 24. Commissioner Elsbree felt both sides being prepared for negotiations and

using professional negotiators would be a good thing. Commissioner Albano said comparing the Miscellaneous Employees to the Firefighters is like apples and oranges, there is no reason to assume that the safety personnel should be paid on par with the other district employees. Commissioner Marinoff spoke to the inequities of Proposition 13 and different square footage taxes paid by different agencies. He also stated that Marinwood would have to see if it could continue to support the level of fire protection and would either need to raise taxes or make service reductions. CSA 13 alternate Greg Stilson commented on the accuracy of the overtime statistics used in the strike team section of the letter. Chief had prepared some additional numbers that were submitted regarding overtime and strike teams also. Commissioner Naylor prepared, distributed and read parts of a letter in response to Director Hansell's letter. It is attached to the minutes and included in the Board packet. In summary it questions both the data and the conclusions in Director Hansell's letters and proposed refocusing on certain structural changes which may better situate the District to meet its present and future financial needs. Director Hansell maintained that the purpose in drafting the letter was a continuing attempt to maintain financial responsibility in how the Districts tax dollars are spent. He recognizes that the Fire Chief is not a professional accountant and was calling for a professional audit of overtime in general and overtime and reimbursement from strike teams. Director Hansell did state that past negotiations, promised benefits, and staffing language in the MOU and the Union's failure to negotiate had placed the District in a difficult financial position. Chief did mention that he had spoken to the Chief's from Kentfield, Corte Madera, and Larkspur regarding their overtime costs and there strike team costs and reimbursements. Marinwood had very similar costs to those three like sized departments. There were two motions made during the meeting-

- **M/S Elsbree/Albano The Marinwood Fire Commission recommends that Director Hansell be prepared to retract any and all language regarding the excessive use of and elimination of overtime as a CSD Objective. Further that he acknowledge his previous proposal was based on incomplete information and withdraws it. 3-1 in favor of motion. Elsbree Naylor Albano Yes. Marinoff No**
- **M/S Elsbree/Albano The Fire Commission requests Director Hansell retract any and all language regarding the intention of the CSD Board to cease our departments acceptance of strike team assignments and abandon any further attempt to conduct an actuarial study of the strike team expenses and reimbursements. Further that he acknowledge that his proposal was based on incomplete information about the true cost of overtime to the District. 3-0 in favor of motion. Naylor, Elsbree, Albano Yes. Marinoff abstain.**

Chief Tom Roach

Response to CSD Board Director Hansell's Letters to the Board and commissioners dated June 9th and 24th 2015 to be delivered at the July 7th 2015 Fire Commission Meeting

June 24th Letter – "The Problem with Budgeting Overtime and Associated Inequities"

Exempt vs. Non-Exempt Status

1. The attached FLSA fact sheet illustrates that our fire fighters are by law considered non-exempt employees and will be paid overtime with the usual stipulations. (Exhibit 1.)
2. The majority of the CSD's "miscellaneous" employees are exempt and do not qualify for overtime. (Exhibit 2,3)
3. The law determines exempt vs. non-exempt status and the District's payment of overtime to those entitled to it vs. those who are not should not be labeled an inequity.
4. Overtime is fact of life for the safety function required to ensure adequate staffing at all times when absences occur. To eliminate overtime for the safety function would be tantamount to reducing the guarantee of three professional firefighters on each shift required to protect our citizens and meet our shared services agreements with San Rafael and Novato.
5. The chief has independently reached out to two similar sized Marin fire departments who relate very similar overtime expenses to ours.

Incorrect and Corrected Information

6. The \$271,741.83 overtime figure included with the letter represents the total amount of overtime paid to District employees under FLSA during calendar year 2014 but does not represent and dramatically overstates the true overtime cost to the District and its taxpayers.
7. Please refer to the spreadsheet (Exhibit 5) which takes into account reimbursements from strike teams and San Rafael. This spreadsheet, even though it is based on our fiscal year calendar and one month short of a complete fiscal year, more accurately depicts the actual burden of overtime to the CSD which stood at approximately \$61,000, \$24,000 under the budgeted overtime cost, at month-end May 2015.
8. Accounting rules do not allow reimbursements for personnel costs to be credited against overtime on the financial statements, but that is what they cover.

The publication of the June 9th letter in the board meeting minutes misleads other board and commission members as well as our citizens as to the actual impact of overtime to the District and expenditure of our tax dollars. Further, the letter ignores a significant and extraordinary current situation and District-approved cost containment measures:

9. Overtime has been higher than normal over the past year due to an extraordinary extended work related injury leave by a safety employee and another significant but shorter injury related absence.
10. The board needs to acknowledge that without the 10th full time professional (relief) firefighter position overtime costs would be far greater than what is on the books today. 2912 hours of straight time by the least expensive firefighter on the force have been paid instead of what would conservatively be the average wage x 1.5 for those same hours by the remaining, more highly compensated employees.
11. Any reference to inequity between overtime legally due to fire fighters and the lack of that same benefit to exempt administrative staff ignores the law and seems intentionally divisive.
12. In summation I propose that the Fire Commission make the following motion:
 - a. The Marinwood Fire Commission recommends that Director Hansell be prepared to retract any and all language regarding the excessive use of and elimination of overtime as a CSD objective. Further that he acknowledges his previous proposal was based on incomplete information and withdraws it.

- b. Perhaps amending the proposal to state that overtime for eligible CSD employees should be actively managed by its functional managers and limited to extent possible while maintaining required service levels would be acceptable.

Strike Team Participation was closely linked in the letter with the overtime burden. Without overlooking the risks associated with sending our safety employees to these serious incidents consider the following:

1. Strike team participation is an extension of Mutual Aid. It can happen within the county as well as outside it. Major fires or incidents would overwhelm local agencies and without this support (which is rotated) serious loss of life or property could result.
2. Participating in these events is valuable experience for our safety employees.
3. Generally, both personnel and equipment costs are reimbursed and in many cases over-reimbursed. Please refer to the spreadsheet (Exhibit 5) for details of strike team costs and reimbursements from fiscal year 2014 which dramatically reduced the overtime cost paid with our tax dollars.
4. Through our agreements with San Rafael and Novato we are not in jeopardy when a team is out of the area.
5. Having our department fail to respond or take a prolonged isolationist point of view is not a sound policy for the District. We are not an island unto ourselves. Such an event could happen here.
6. Strike team participation is managed and in the past, the Chief has requested and our department excused from a strike team assignment due to a significant short-term reduction in available staff.
7. Responding to a strike team assignment should be an operational rather than financial decision and should be left to the professional discretion of our Fire Chief, not the CSD Board.
8. Once again I am asking the Fire Commission to make a motion requesting that Director Hansell retract any and all language regarding the intention of the CSD board to cease our department's acceptance of strike team assignments and abandon any attempt to conduct an actuarial study of the Strike team expenses and reimbursements. Further that he acknowledge that his proposal was based on incomplete information about the true cost of overtime to the District.

Budgeted Reserves do not equal profit

1. Most of those who serve or work for the CSD and who take the time to review the budget understand the difference between the operating budget bottom line and the real bottom line which would include the impact of reserves.
2. A primary driver of the reserve requirement is the agreement negotiated in good faith between the employee group and District negotiators who did not understand or foresee the potential reserve requirements that could accrue from the 3% at 50 PERS retirement benefit and which will continue to be District liabilities until those who have the benefit retire. In fairness, at the time PERS investment results seemed to make this look less onerous than after subsequent market downturns.
3. The OPEB healthcare liability is an additional contributor to our reserve deficit and extends beyond retirement. There have been proposals for the Board to consider which may benefit the District in this area.
4. The CSD Board recently had the opportunity to make significant structural changes to District management which may have freed up funds to reduce the reserve deficit.
5. Rather than adopt the more financially beneficial alternatives, the District chose a single modest restructuring.
6. The reserve deficit remains and as the ideas submitted in the June 9th letter to the Board do not appear to provide any fiscal relief I propose that discussions about the structure of our District should continue.

COIN (Civic Openness in Negotiations)

The following considers the size and scope of impact of the CSD and its funding model and pertains to the proposed adoption of COIN.

The Marin County Civic Grand Jury report attached to the June 9th letter seems to be a response to the Citizens for Sustainable Pension Plans. As runaway pension costs have already been addressed by the 2012 law which establishes a new lower ceiling and less costly burden due to pension plans for public employees it appears that the primary impetus behind this proposal has already been legislated.

1. COIN can include regular pay and benefit negotiations, but it does not seem to be the target.
2. In addition, COIN focuses on issues like undue influence by labor groups or lobbyists on elected officials which does not appear to be a concern for our District.

Further, the Marin County Civil Grand Jury website explains that:

"The Civil Grand Jury is the only independent "watchdog" investigative body in Marin County. Our job is to monitor the performance of local government and make recommendations which can save taxpayers' dollars and improve services." It does not appear to make laws but recommendations.

One of the primary sections of the pertinent California Government code (23026) appears to specifically address this law for its Counties. (See Exhibit 4) It seems to be the GJ's recommendation that Districts such as our own adopt this practice.

On that basis I question the implication in the June 9th letter that the CSD has or would continue to illegally conduct its negotiations with our employee group without notifying the public along the way.

Other comments about the 6/9 letter's support for COIN

1. "Hire a professional independent lead negotiator"... (and hire an independent auditor to review the fiscal impact of the negotiations)- with a District this size, our fund base and our reserve shortfall, consistently leaning on paid professionals could be a contributor rather than a solution to the issue at hand. As part of transparency would we publish the hourly rates of such individuals and the forecast billable hours to conclude a normal negotiation cycle? One intention of this proposal is to eliminate a possible conflict of interest from an employee negotiating terms to their own benefit. That is not an issue for Marinwood.
2. While there is no argument that major concessions from the employee group were achieved with a paid professional lead negotiator in 2011 those concessions came along with a tidal wave of similar concessions across the state when the mounting costs of previously granted public benefits reached a critical mass of taxpayer discontent.
3. The inability or unwillingness of the Board to reach an agreement with employee group in the most recent negotiations or to accept mediation resulted in fact-finding requiring the CSD to pay a portion of \$1500 per diem for a fact finder to hold the hearing, consolidate findings and publish a report. Meeting room charges, travel, court reporters, attorney's time were all additional costs for this event. If transparency is the goal, shouldn't the Board have informed the public of this decision before they incurred those expenses?
4. Also, now that the District has entered onto this path in its relationship with the employee group and the latter is now communicating through their attorneys, it suggests that the District may have to incur further legal representation when in the past negotiations were conducted without these incremental expenses.
5. "Previous amateur negotiators have presumed that they were or should be empowered to reach final agreements without public consent and this has cost the District substantially."
 - a. As you point out in your latest letter to the commissions dated June 24th, one of the most burdensome costs to the District's reserve deficit is from the PERS 3% at 50 Retirement benefit to the safety group. You refer to this as a "burden(s) it (the District) unfairly carries today". This benefit was agreed

to by District representatives and while costly to the District and its taxpayers it was bargained for and agreed to in good faith.

- i. As to whether a paid professional negotiator could have avoided this singular watershed event for the District, it is also likely that the less costly expedient of requesting PERS to shed light on the long term fiscal impact under various ROI scenarios might have alerted the District negotiators of the risk of granting this benefit irrespective of whether or not this was shared with the public beforehand.
 - b. At this point what do you feel any negotiator will be able to achieve about this particular benefit which will help the District taxpayers?
 - c. In the negotiation following the 3% at 50 retirement benefit agreement another amateur negotiated a reduced 3% at 55 PERS benefit for future hires which unfortunately only impacted one employee before the recent change in retirement benefits (2.7% at 57) was enacted.
 - d. The other onerous reserve requirement the District faces can be traced to the District's past history of negotiating increases in benefits rather than salary which at the time may have seemed like good policy but not so good since health benefit costs skyrocketed. This additional long term reserve was a focus of the concessions the employee group made in 2011. It may be that policy changes the District can make outside the realm of negotiations to this specific area may provide fiscal relief.
6. Unless you feel that you will achieve employee group concessions with each new negotiation it would be surprising if the public, who are taxpayers and for the most part amateurs in negotiations would provide anything but negative feedback to the board and the negotiators.
 7. Among the possible risks of transparency is receiving and then ignoring the public's feedback during a negotiation.
 8. Does the District really want to impose this additional financial burden on itself COIN seems aimed at counties (Orange County), cities (Costa Mesa) and agencies like MMWD and the Golden Gate BHT District with a broader reach, which can have elected officials whose campaigns may have been well supported by groups with whom they will later negotiate and in which the cost-benefit ratio might be a bit more attractive and defensible?
 9. Further do we really want to ignore the delays in adopting COIN and even litigation surrounding it that is currently occurring with much better funded cities and entities than our CSD (Orange County Fire Authority and Yorba Linda) by jumping on this recommendation?
 10. I propose that the Fire Commission recommend, at a bare minimum, that the CSD Board table the consideration of adopting this process until sufficient legal and experiential data becomes available. In addition, this and future boards should be very careful in weighing the costs and perceived benefits of routinely injecting paid consultants into salary and benefit negotiations.

June 24th supplemental letter

1. Errors in and conclusions drawn from the data in the June 9th letter noted above cast doubt on the accuracy of the data and conclusions in this letter.
2. While there may be more issues with your chart labeled Benefits comparison-Safety/Non-Safety here are three:
 - a. Non safety employees do have paid holidays and there is a cost associated with that while perhaps calculated differently for the safety employees.
 - b. Long Term Disability while paid by the District is deducted from the safety employee's pay. In other words, the safety employee pays for it not the District.
 - c. The basis of the safety employee's retirement is better stated as the average of three consecutive years chosen by the employee.
 - i. Based on reportable salary not including overtime and reduced by Social Security.

3. Why a 14 year period on the chart comparing raises? That seems like an odd time frame for the comparison. Why not 10 years for sake of argument? Why not include a 5 year comparison as well? What is the trend?
4. You touch on a sensitive subject by comparing the compensation of the different functions which the CSD oversees and which are very different in their responsibilities, associated risks, skills and certifications. Perhaps as overall context it might be instructive to consider the relative value the market places on different functions and positions in like sized organizations.

While I share your frustration with reserve shortfalls brought on mainly by long past decisions and/or dramatically changed costs of providing benefits, I am convinced that you have looked for fiscal relief where none exists and have made inaccurate or incomplete data very transparent.

Nevertheless I hope that we can work together to refocus on areas in which the District can achieve some long-term operational savings and apply them to our reserve requirements.

Sincerely,

Jeff Naylor
MCSD Fire Commissioner

Fact Sheet #8: Law Enforcement and Fire Protection Employees Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning the application of the FLSA to law enforcement and fire protection personnel of State and local governments.

Characteristics

Fire protection personnel include firefighters, paramedics, emergency medical technicians, rescue workers, ambulance personnel, or hazardous materials workers who:

1. are trained in fire suppression;
2. have the legal authority and responsibility to engage in fire suppression;
3. are employed by a fire department of a municipality, county, fire district, or State; and
4. are engaged in the prevention, control and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

There is no limit on the amount of nonexempt work that an employee employed in fire protection activities may perform. So long as the employee meets the criteria above, he or she is an employee “employed in fire protection activities” as defined in section 3(y) of the FLSA.

Law enforcement personnel are employees who are empowered by State or local ordinance to enforce laws designed to maintain peace and order, protect life and property, and to prevent and detect crimes; who have the power to arrest; and who have undergone training in law enforcement.

Employees engaged in law enforcement activities may perform some nonexempt work which is not performed as an incident to or in conjunction with their law enforcement activities. However, a person who spends more than 20 percent of the workweek or applicable work period in nonexempt activities is not considered to be an employee engaged in law enforcement activities under the FLSA.

Coverage

Section 3(s)(1)(C) of the FLSA covers all public agency employees of a State, a political subdivision of a State, or an interstate government agency.

Requirements

Hours of work generally include all of the time an employee is on duty at the employer’s establishment or at a prescribed work place, as well as all other time during which the employee is suffered or permitted to work for the employer. Under certain specified conditions time spent in sleeping and eating may be excluded from compensable time.

The FLSA requires that all covered nonexempt employees be paid the statutory minimum wage of not less than \$7.25 per hour effective July 24, 2009.

The FLSA requires that all covered nonexempt employees be paid overtime pay at no less than time and one-half their regular rates of pay for all hours worked in excess of 40 in a workweek.

Section 13(b)(20) of the FLSA provides an overtime exemption to law enforcement or fire protection employees of a public agency that employs less than five employees during the workweek in law enforcement or fire protection activities.

Section 7(k) of the FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 212 (fire) or 171 (police) as the number of days in the work period bears to 28. For example, fire protection personnel are due overtime under such a plan after 106 hours worked during a 14-day work period, while law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

Under certain prescribed conditions, a State or local government agency may give compensatory time, at a rate of not less than one and one-half hours for each overtime hour worked, in lieu of cash overtime compensation. Employees engaged in police and fire protection work may accrue up to 480 hours of compensatory time.

An employee must be permitted to use compensatory time on the date requested unless doing so would "unduly disrupt" the operations of the agency.

At the time of termination an employee must be paid the higher of (1) his or her final regular rate of pay or (2) the average regular rate during his or her last three years of employment for any compensatory time remaining "on the books" when termination occurs. For more information on state and local governments under the FLSA, see Fact Sheet #7.

No covered employer may employ any minor in violation of the youth employment provisions of the FLSA. The Act establishes specific provisions concerning prohibited occupations and/or hours of employment of minors under age 18.

Covered employers must make, keep and preserve payroll-related records as described by regulations 29 CFR Part 516.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
Contact Us

Exhibit 2

How to Determine Who Must Be Paid Overtime In California

William H. Truesdell, SPHR
Copyright 2001-2013
The Management Advantage, Inc.
Last updated: November 14, 2013

Administrative Exemption

- Primary duty of performing office or non-manual work directly related to the management or general business operations of the employer or the employer's customers and ...
- Customarily and regularly exercises discretion and independent judgment in the performance of intellectual work which, in the context of an administrative function, is office or non-manual work directly related to management policies or the general business operations of the employer or the employer's customers.
- Regularly and directly assists a proprietor or an exempt administrator, or performs, under only general supervision, work along specialized or technical lines requiring special training, experience or knowledge, or executes special assignments and tasks under only general supervision.
- Devotes more than 50% of time to these activities.
- The minimum salary test is met. (See exhibit 3 following)

Exhibit 3

"Minimum Salary Test" The minimum salary level for exempt white collar employees according to A.B. 60 is "no less than two times the state minimum wage for full time employment." "White collar" exemptions refer to the executive, administrative, learned professional, creative professional, computer employee, and outside sales exemptions specified in the *Fair Labor Standards Act (FLSA)* as amended effective 8/23/2004. Computing the California minimum salary level for January 2014 we do the following: Current minimum wage = \$8.00 per hour X 2,080 hours in a year = \$16,640, multiplied by 2 times the minimum wage = \$33,280 divided by 12 months = \$2,773.33 per month minimum salary requirement for exemption status. Since that is higher than the \$1,957.00 per month (\$455.00 per week) required by the FLSA, California's minimum will be required for exemption of California jobs. Please note that on July 1, 2014, California's minimum wage will increase to \$9.00 per hour. That will take the minimum salary requirement for exemption status to \$3,120.00 per month. The minimum wage will increase again to \$10.00 per hour on July 1, 2015. At that time the minimum salary requirement for exemption status will jump to \$3,466.67 per month

Exhibit 4

Section 23026

In any county which has established a county employees' retirement system pursuant to the County Employees Retirement Law of 1937 (Chapter 3 (commencing with Section 31450) of Part 3 of Division 4), the board of supervisors shall make public, at a regularly scheduled meeting of the board, all salary and benefit increases that affect either or both represented employees and non-represented employees. Notice of any salary or benefit increase shall be included on the agenda for the meeting as an item of business in compliance with the requirements of Section 54954.2. Notice shall occur prior to the adoption of the salary or benefit increase, and shall include an explanation of the financial impact that the proposed benefit change or salary increase will have on the funding status of the county employees' retirement system.

The board of retirement, or board of investments in a county in which a board of investments has been established pursuant to Section 31520.2, is authorized, consistent with its fiduciary duties, to have an enrolled actuary prepare an estimate of the actuarial impact of the salary or benefit increase. The actuarial data shall be reported to the board of supervisors.

Nothing in this section shall be construed to limit or lessen the requirement imposed by Section 7507 that the costs associated with increases in public retirement plan benefits be determined by an enrolled actuary and publicly disclosed two weeks prior to an adoption of the increase in public retirement plan benefits.

2014 Strike Team Assignments: Revenue & Expense

Personnel Costs	Strike Team Assignments				TOTALS
	July 3-9	Aug 1-16	Sep 15-25		
OT Paid (MWFD)	33,106.40	72,305.12	47,310.00		152,721.52
OT PAID (OTHER)			17,439.18		17,439.18
Reimbursements	(32,619.23)	(82,546.98)	(72,314.52)		(187,480.73)
Net Personnel Cost(Revenue)	487.17	(10,241.86)	(7,565.34)		(17,320.03)

Regular OT (Source CSD Financial Statement as of 5/31/15) Fiscal Year July '14-June '15			
	FY Budget	Actual (May 31)	Over/Under
Financial Statement OT Variance	85,000.00	97,744.06	12,744.06
Strike Personnel Net:			(17,320.03)
Reimbursement from SR for Shared Services:			(19580.82)
Balance Strike Net & OT over budget			(24,156.79)

60,843.21

Admin Cost Reimbursements	(3,996.93)	(9,990.70)	(8,421.36)	(22,408.99)
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Equipment Costs	Annual			
658 Costs 2014/15	\$5,304.91			\$5,304.91
658 Depreciation 14/15	\$16,666.66			\$16,666.66
Engine Cost Reimbursement		(7,350.00)	(17,360.00)	(36,610.00)
Net Engine Cost(Revenue)	\$21,971.57	(\$7,350.00)	(\$17,360.00)	(\$14,638.43)

Net Savings via Strike Team Reimbursements				(54,367.45)
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July 8, 2015

To: Marinwood Board of Directors
From: Chief Tom Roach
Re: Activity Summary for June 2015

FULL TIME PAID STAFFING

Eleven (11) full time paid personnel including:

Fire Chief Tom Roach

“A” shift- Captain Heine, Engineer Smith, Firefighter Brackett

“B” shift- Captain Bagala, Engineer Papanikolaou, Firefighter Selvitella

“C” shift- Captain White, Engineer Correa, Firefighter Anderson

Relief Firefighter-Jeff Smith

One injured employee has returned to work, one is still off injured. Relief Firefighter Jeff Smith has been moved on to shift to fill that opening. A temporary hire is being used to fill the Relief Firefighter Role until his 1000 hours are up. He is a current volunteer, on the firefighter eligibility list and his hours will be used up by mid July.

VOLUNTEER STAFFING

13 Current Volunteers including:

One Volunteer Battalion Chief

2 Volunteer Firefighter/AO's

8 Volunteer Firefighters qualified as “responders” (includes AO's & Captains)

5 Volunteer Firefighter qualified as a “non responder”

New volunteers were hired during June and all worked at the pancake breakfast.

EMERGENCY CALLS

Below are emergency calls for June 2015. The department ran 91 emergency responses, mostly medical aides but did respond to two small vegetation fires east of highway 101, one small vegetation fire in Terra Linda, and one strike team assignment to the Modesto area and then redeployed to San Luis Obispo area for a total of five days.

	June 2015 Response Report						
	MA	PSA	FA/NN	FIRE	HAZMAT	COVER	TOTAL
Marinwood	20	3	3	1	0	na	27
CSA 13	3	3	0	0	0	na	6
New JPA (east of 101)	17	3	6	2	0	na	28
Old JPA (mont marin)	8	1	0	0	0	na	9
SR Mutual Aid	3	1	1	1	0	1	7
MC JPA	1	0	2	0	0	na	3
MC Mutual Aid	0	0	0	0	0	0	0
Novato Matrix	0	0	1	0	0	10	11
Others (list)							
Total number	52	11	13	4	0	11	91

COMMUNITY SERVICE/PREVENTION/ASSOCIATION MEETINGS

- I completed three final inspections of new solar systems in Marinwood and one general remodel inspection during June.
- One fire commission meeting was held in June.
- The Department did three rides to and from school for children in the neighborhood as fundraisers for schools during June.
- I met with representative from Conservation Corps North Bay and hiked to the vacant homeless encampment on Horse Hill to see about hiring them to do a clean up.
- The Marinwood CERT Team held a gas shut off training at the firehouse in early June.
- The Marinwood CERT Team sponsored the check your gas shut off test day and checked the gas shut off valve of close to 200 homes in Marinwood.
- I did a vegetation management inspection of a home at 612 Kernberry.
- The on duty engine company attended the Marin Foster Kids Picnic to show them the engine during June.
- The on duty engine company lead the Cobblestone Block Party Parade to kickoff the Cobblestone Block Party.
- I attended the MERA Board Meeting in June.
- The on duty engine company went to a meeting at Rotary Valley to discuss disaster preparedness during June.
- Eric Dreikosen, Shane Demarta, and I had a meeting with a grant writer from Townsend Public Affairs to explain the Districts mission and see if his company could be of assistance in writing grants.
- The front yard of the home at 642 Appleberry was cleaned up during the month of June.

TRAINING

- Six minutes of Safety training was reviewed daily by on duty staff.
- Department Personnel continued with the Target Safety Training Program during June.
- All three shifts participated in a multi company drill/training through the Central Marin Training Consortium in June. The topic included defib and EMS training and wildland training.
- Four volunteer drills were held in June. Topics included EMS and defib training, wildland training and preparation for the Pancake Breakfast.
- The Wildland Academy was held first week of June. Two volunteers attended and the Type 3 engine assisted on two days of the class.
- A new volunteer orientation was held in June for six new volunteers.

MAINTENANCE

- All 4 department vehicles underwent a comprehensive monthly check during June.
- All gas-powered equipment was checked weekly during the month.
- All vehicle batteries were serviced and charged on a weekly basis during the month.

- All radio batteries were rotated and charged on a weekly basis during the month.
- Engine 658 was prepared for Wildland Season with all wildland packs tested and prepared.

July 9, 2015

To: Marinwood Board of Directors
From: Chief Roach

Re: Strike Team and OT Spreadsheet, Commissioner Naylor's Letter to Board, Marin Map Resolution, Fire Commission By laws

Strike Team and Overtime Spreadsheet

Included in the Board packet is a word document and an excel spread sheet explaining overtime and strike team responses for fiscal year 2014/15 **through May 31**. In the month of June there has been additional overtime, additional overtime by Marinwood personnel working in San Rafael through shared services, and a strike team assignment with overtime both on the strike team and back here covering the station. There has also been additional revenue generated... San Rafael will reimburse Marinwood fully for the shifts Marinwood personnel work in San Rafael, and there will be an OES reimbursement for the strike team assignment. Unfortunately I do not have all of the information needed to fully include the month of June in the spreadsheet. Until I do I chose to leave ALL of the information out and just use the information through May 31. When I get all of the updated information for fiscal year 14/15 I will update the spreadsheet.

Also, I did get OT information from Corte Madera, Kentfield, and Larkspur. Without getting into the specifics I can tell you Marinwood has similar costs to these departments.

If you have any questions or would like some clarification of the spreadsheet please give me a call prior to the meeting. I am around all weekend too. One point to clarify, I have included all of the costs for the year for maintenance and depreciation of E-658. I don't honestly believe all costs could be attributed to the strike team, but as you can see, reimbursement from OES covers all of the yearly costs, not just what could be attributed to strike teams. Of another note, any time any equipment is damaged or lost on a strike team it is replaced free of charge while on the strike team by the incident.

Commissioner Naylor's Letter

Commission Naylor introduced a letter at the Commission meeting in response to Director Hansell's letters dated June 9 and June 24. Commission Naylor's letter has been included in the minutes of the Commission meeting and is included in the Board packet.

Marin Map

Included in the packet is a resolution to become members of Marin Map. The Marin County Fire Chief's Association is going to join. There is also an MOU agreement between the Fire Agencies who are not members of Marin Map but will become members through this MOU. Marinwood's yearly cost is \$559.

When Marin Map originally started it cost \$10,000 per agency to join. Some cities like San Rafael joined and all city departments had access to the mapping information. Smaller agencies like Marinwood or Tiburon FPD for instance couldn't afford to join. Marin Map refused to budget on the joining cost over the years. Recently Marin Map had a change in policy that allowed for the remaining fire agencies to join collectively under a JPA and divide the \$10,000 fee. The JPA agreement is included in the Board packet along with Marinwood's cost. The fee is divided by population. There will be some mapping enhancements available upon joining. Currently Marinwood FD maps have been provided by a county wide grant. Additional mapping needs have been provided by San Rafael since Marinwood covers a portion of their city. Of those maps, the city portions have enhancements that are not currently available for the Marinwood areas. The maps can have many layers-MMWD water main lines, PG and E gas lines, underground fiber optic lines, etc. By joining Marin Map all of those layers will be available for the Marinwood portion of the maps.

Fire Commission By Laws

The Fire Commission and Eric and I are all comfortable with where the Fire Commission By Laws currently stand and believe they are ready for Board Adoption.

2014 Strike Team Assignments: Revenue & Expense

Revenue	Assignments			TOTALS
	July 3-9	Aug 1-16	Sep 15-25	
Personnel	32,619.23	82,546.98	72,314.52	187,480.73
Engine	7,350.00	17,360.00	11,900.00	36,610.00
Admin	3,996.93	9,990.70	8,421.36	22,408.99
Total Reimburse	43,966.16	109,897.68	92,635.88	246,499.72

Expenditures

OT Paid (MWFD)	33,106.40	72,305.12	47,310.00	152,721.52
OT PAID (OTHER)			17,439.18	17,439.18
				170,160.70

658 Costs 2014/15

\$5,304.91

658 Depreciation 14/15

\$16,666.66

These are the costs for the entire 1014/15 budget year

\$21,971.57

Net Strike Personnel:

Net Strike Total:

Reimbursement:	187,480.73		246,499.72
Expenditure:	170,160.70		192,132.27
Net:	17,320.03		54,367.45

Remaining OT not including ST OT

Budget	Actual (May 31)	Over/Under
85,000.00	97,744.06	(12,744.06)

Strike Personnel Net:	17,320.03
Reimbursement from SR for SS:	19,580.82
Balance Strike Net & SR SS Pay	36,900.85

Actual OT through May 31	97,744.06
OT revenue	36,900.85
Net OT costs to District	60,843.21

Overtime with Strike Teams

The department is reimbursed from the Cal Fire/OES Five Party Agreement for three different things-

1. Overtime rate of pay for personnel on the strike team assignment, up to four personnel
2. A per hour charge for use of the engine
3. An "administrative fee" of 10% of the above mention fees. Presumably for managing the Department here without the Department resources and backfilling open shifts.

Following are the strike team assignments the Department participated in, the number of OT shifts caused, the total OT payout from the District, and total reimbursement from Cal Fire/OES

*Note- add 16% to the OT payout costs by CSD to reflect workers comp and FICA costs not shown.

- 1) 7/3-7/5 The Type 3 with three personnel at the Knocti Incident
7/5-7/9 The Type 3 with three personnel at Canyon Creek Incident
This caused 12 OT shifts for the personnel on the incident
And 7 OT shifts needed to be covered back at the station.
Total OT payout by CSD $\$28,540 + 16\% (\$4,566.40) = \$33,106.40$
Total Reimbursement by Cal Fire/OES $\$43,966.16$
Total Personnel Costs Reimbursed $\$32,619.23$
Engine Reimbursement $\$7,350.00$
Administrative Surcharge $\$3996.93$

- 2) 8/1-8/8 The Type 3 with three personnel at the Yreka Incident
8/8-8/16 The Type 3 with three personnel at the Klamath Incident
This caused 29 OT shifts for the personnel on the incident
And 16 OT shifts needed to be covered back at the station
Total OT Payout by CSD $\$62,332 + 16\% (\$9,973.12) = \$72,305.12$
Total Reimbursement by Cal Fire/OES $\$109,897.68$
Total Personnel Costs Reimbursed $\$82,546.98$
Engine Reimbursement $\$17,360.00$
Administrative Surcharge $\$9990.70$

- 3) 9/15-9/20 The Type 3 with four personnel at the Placerville Incident
9/20-9/25 The Type 3 with four personnel at another division of Placerville Incident
This caused 21 OT shifts for the personnel on the incident
And 12 OT shifts needed to be covered back at the station
OT Paid to reimburse SR on this incident = $\$17,439.18$
Total OT Payout by CSD $\$40,785 + \$17,439.18 + 16\% (\$6,525) = \$64,749.18$
Total Reimbursement by Cal Fire/OES $\$92,635.98$
Total Personnel Costs Reimbursed $\$72,314.52$
Engine Reimbursement $\$11,900.00$
Administrative surcharge $\$8,421.36$

Overtime budgeted for current fiscal year-\$85,000

The actual year to date overtime for this current budget year-\$250,465.58

Of that \$152,721.52 was due to strike team assignments both for the personnel on the engine and personnel to backfill at the station. And additional \$17,439.18 due to San Rafael for reimbursement of their personnel on our engine. This cost was entirely covered in the state reimbursement. Total payout by Marinwood for personnel costs related to strike teams was \$170,160.70.

The District was reimbursed by the state \$187,480.73 in personnel costs to offset the overtime

Total costs for maintenance and repair on the type 3 during this budget year was \$6000. Some of these costs can be attributed to use on the strike team. In addition, a standard fire service depreciation schedule for fire apparatus is to take the total life span of a vehicle and divide the cost by the number of years of service use expected. For a type 3 apparatus expected service use is between 15 and 20 years. Using 15 years, the type 3 engine would have depreciated \$16,666.00 during this budget year.

The District was reimbursed \$36,610.00 by the State for use of the engine to offset those costs.

The remaining \$22,408.99 reimbursed costs are for an administrative surcharge-time to manage the personnel around the state and find coverage back here.

Total reimbursement from the state \$246,499.82.

Remaining overtime for the department not due to strike teams is \$97,744.00.

With the additional strike team reimbursements for personnel costs and the \$19,580.82 reimbursement for shared services exchange the department is still under budget on overtime. The department has been short staffed for two years with one employee off on an extended workers comp injury. The relief firefighter has been on shift that whole time to fill that shift's vacancy. This means that any sick or vacation or school time has to be covered with overtime. The relief firefighter position does off set all of the overtime that would have been incurred from the long term injury, but cannot off set the additional overtime that the position usually covers for sick and vacation and other coverage.

Additionally, there was another long term workers comp injury in the department for about five months. A temporary firefighter was hired to offset additional overtime costs during this time.

The Districts agreement with Novato FPD for automatic aid has no additional costs to the District. But, what Novato does expect is to have an engine staffed with three full time personnel respond to it's emergencies when requested. That is the standard for their engine companies and they expect that when Marinwood responds into their jurisdiction.

The Districts Shared Service Agreement with San Rafael has some very minor costs associated with it. Those costs will be recognized when a San Rafael employee works in Marinwood and Marinwood has to reimburse San Rafael. The cost is the difference between a Marinwood employee who could have worked the shift and a San Rafael employee who actually works the shift. Generally speaking, the costs difference across the board for the positions on the engine for an overtime shift to a San Rafael employee are about \$400 more per 24 hours than a Marinwood employee. Example-A San Rafael Captain makes \$1500 for an overtime shift, a Marinwood

Captain makes about \$1100 for an overtime shift. San Rafael employees worked two 24 hour shifts in Marinwood this budget year so the cost for the shared service agreement would be about \$800. Again, it is also understood that Marinwood will maintain three professional firefighters on the engine when it responds into San Rafael. The JPA Agreement that started over twenty years ago hinged on Marinwood having three full time personnel.

RESOLUTION NO. 2015-06

**RESOLUTION AUTHORIZING EXECUTION OF
JOINT EXERCISE OF POWERS AGREEMENT II
RELATING TO THE MARINMAP PROJECT**

WHEREAS, the Board of Directors of the Marinwood Community Services District have not been members of or have not contributed to the MarinMap project while that project was administered by the Marin Telecommunications Agency;

WHEREAS, now, the administrative functions for MarinMap will be transferred to the Marin General Services Authority (MGSA);

WHEREAS, it is necessary to enter into a new agreement regarding MarinMap;

NOW, THEREFORE, the Marinwood Community Services District Board of Directors HEREBY execute the JOINT EXERCISE OF POWERS AGREEMENT II Relating to the MARINMAP PROJECT and authorize the District Manager or Fire Chief to sign all necessary documents.

VOTING BY THE BOARD

FOR:

AGAINST:

DATE:

ATTESTED TO:

By: _____

**MEMORANDUM OF UNDERSTANDING BETWEEN SPECIAL DISTRICTS
REGARDING ALLOCATION OF COSTS FOR MARINMAP**

This Memorandum of Understanding (“MOU”) is effective _____ (date) 2015, by and between Novato Fire Protection District, Southern Marin Fire Protection District, Tiburon Fire Protection District, Kentfield Fire Protection District, Ross Valley Fire Protection District, Bolinas Fire Protection District, Marinwood Community Services District, Stinson Beach Fire Protection District, and Inverness Public Utilities District (individually referred to as “Party” and collectively the “Parties”).

Recitals

WHEREAS, MarinMap is a consortium of public agencies that manages regional GIS data for Counties, Cities and special districts to meet the informational needs of the public and each Member Agency in a cost-effective and efficient matter;

WHEREAS, the Parties enter into this MOU for the purpose of a joint membership in MarinMap as set forth in the Joint Exercise of Powers Agreement and its amendments;

WHEREAS, MarinMap will collectively charge the Parties \$10,000 for its joint membership; and

WHEREAS, it is appropriate for the Parties to enter into this MOU regarding operation of the joint membership and the allocation of the joint membership fee.

NOW THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

SECTION I: EFFECTIVE DATE AND TERM

The effective date of this MOU shall be _____.

This MOU shall commence on the Effective Date and shall remain in effect until any Party through formal action of its governing board determines in its sole and absolute discretion that it is necessary to withdraw from this MOU for any reason. The Party making the determination to withdraw from this MOU (“Withdrawing Party”) shall provide notice as set forth in Section VI below.

SECTION II: ROLES AND RESPONSIBILITIES OF PARTIES

- a. Each Party agrees to share in the MarinMap membership cost of \$10,000 annually based upon the population served by each Party.
- b. Each Party agrees that Table 1, as set forth in Section V below, adequately sets forth the population it serves and the cost percentage allocated to its agency.

- c. Each Party will ensure that its agency representative will attend regular meetings to discuss all aspects of this MOU.
- d. Each Party will pay its membership fee allocation no later than June 15th each calendar year.
- e. The Marin County Fire Chiefs Association shall serve as the Fiduciary Agent for the Fire Districts participating in the MarinMap MOU. The Marin County Fire Chiefs shall receive the invoice from MarinMap, process the annual payment, and collect each subscribers required payment as detailed in Table 1. The Marin County Fire Chiefs Association will make the payment pursuant to the Joint Exercise of Powers Agreement no later than July 1 each calendar year.
- f. Each Party will have its governing body authorize the Marin County Fire Chief Association's President to sign the Joint Exercise of Powers Agreement on the agencies behalf.

SECTION III: REGULAR MEETINGS

The Parties agree that the agencies will conduct regular meetings to discuss matters related to MarinMap. These meetings will be comprised of a representative from each Party. The Parties agree that the regular meetings may be conducted concurrently with the Marin County Fire Chief's Association meetings.

SECTION IV: REPRESENTATIVE

At its initial meeting, the Parties to this MOU shall elect an individual to serve as the representative for all of the Parties to serve on the MarinMap Steering Committee. Each Party shall have one vote toward the election of the representative. Each November, the Parties will elect a representative to serve for the following calendar year. The representative may serve multiple terms.

SECTION V: MEMBERSHIP FEES

Each Party understands that membership fees are due to the Marin County Fire Chiefs Association no later than June 15th of each calendar year. The membership fees allocated to each Party are set forth in Table 1. If any Party terminates Pursuant to Section VI below, the amounts due and owing by each Party will be adjusted according to population to ensure the full \$10,000 membership fee is collected. If any Party terminates pursuant to Section VI below, all other Parties agree that the MOU will remain in full force and effect until all Parties agree to terminate pursuant to Section VI below.

TABLE 1:

		Cost	\$10,000
	Population	Percentage	
Novato FPD	54,197	49.74%	\$4,974
Southern Marin FPD	28,700	26.34%	\$2,634
Tiburon FPD	7,459	6.85%	\$685
Kentfield FPD	6,485	5.95%	\$595
Ross Valley FPD	2384	2.19%	\$219
Marinwood CSD	6,094	5.59%	\$559
Bolinas FPD	1,620	1.49%	\$149
Inverness PUD	1,381	1.27%	\$127
Stinson Beach FPD	632	.58%	\$58
Total	108,952	100%	\$10,000

SECTION VI: TERMINATION

Any Party that seeks to discontinue membership in MarinMap and this MOU shall notify all other Parties to this MOU in writing no later than April 31st at the addresses set forth below in Section VII. The termination will be effective June 15th of that calendar year. No amounts previously paid pursuant to Section V above will be credited or prorated to any Party that terminates as set forth in this Section.

SECTION VII: NOTICE

Notices shall be deemed effective on the date delivered if by personal service or overnight delivery service, or, if mailed, three (3) days after deposit in the U.S. Postal Service mail. All notices and other communications required or permitted to be given under this MOU shall be in writing and shall be addressed to the respective Parties as follows:

Novato Fire Protection District

95 Rowland Way
Novato, CA 94945

Southern Marin Fire Protection District

308 Reed Blvd,
Mill Valley, CA 94941

Marin County Fire Department

33 Castlerock Avenue
Woodacre, CA 94973

Tiburon Fire Protection District
1679 Tiburon Blvd.
Tiburon, CA 94920

Kentfield Fire Department
1004 Sir Francis Drake Blvd.
Kentfield, CA 94904

Ross Valley Fire
777 San Anselmo Avenue
San Anselmo, CA 94960

Bolinas Fire Protection District
PO Box 126
Bolinas, CA 94924

Marinwood Community Services District
775 Miller Creek Road
San Rafael, CA 94903

Inverness Public Utilities District
PO Box 469
50 Inverness Way,
Inverness, CA 94937

SECTION VIII: INDEMNIFICATION

Each Party shall indemnify, defend, and hold harmless the other Parties and its officers, officials, employees, agents and volunteers (collectively "Indemnitees") from and against any and all liability, loss, damage, claims, expenses, and costs (including without limitation, attorney's fees and costs and fees of litigation) (collectively "Liability") to anyone who may be injured or damaged by reason of the Party's negligence, recklessness or willful misconduct in the performance of this MOU or its failure to comply with any of its obligations contained in this MOU. A Party that provides a defense to Indemnitees under this Section shall hire defense counsel acceptable to Indemnitees. The provisions of this Section shall survive the termination or expiration of this MOU.

SECTION IX: NOTIFICATION OF THIRD-PARTY ACTION

Each Party shall, within fifteen (15) calendar days, give the other Parties notice in writing of any action or suit filed or claim made against the other Parties that may result in litigation related in any way to the services performed pursuant to this MOU.

SECTION X: GOVERNING LAW AND VENUE

The law governing this MOU shall be that of the State of California. In the event that suit shall be brought by any party this MOU, the Parties agree that venue shall be exclusively vested in Marin County.

SECTION XI. COUNTERPARTS

This MOU may be signed in two or more counterparts, and all counterparts, taken together, constitute one instrument. A party may sign this agreement, or any counterpart, by signing a copy that has been signed by the other party and sent to the party signing by facsimile or as a scanned copy. The facsimile or scanned document signed in that way will be accepted as an original.

IN WITNESS WHEREOF, THIS MEMORANDUM OF UNDERSTANDING HAS BEEN ENTERED INTO AS FOLLOWS:

NOVATO FIRE PROTECTION DISTRICT

By: _____

Its _____

_____, 2015

SOUTHERN MARIN FIRE PROTECTION DISTRICT

By: _____

Its _____

_____, 2015

TIBURON FIRE PROTECTION DISTRICT

By: _____

Its _____

_____, 2015

KENTFIELD FIRE PROTECTION DISTRICT

By: _____

Its _____

_____, 2015

ROSS VALLEY FIRE PROTECTION DISTRICT

By: _____

Its _____

_____, 2015

BOLINAS FIRE PROTECTION DISTRICT

By: _____

Its _____

_____, 2015

MARINWOOD COMMUNITY SERVICES DISTRICT

By: _____

Its _____

_____, 2015

STINSON BEACH FIRE PROTECTION DISTRICT

By: _____

Its _____

_____, 2015

INVERNESS PUBLIC UTILITIES DISTRICT

By: _____

Its _____

_____, 2015

MARINWOOD COMMUNITY SERVICES DISTRICT
FIRE COMMISSION BYLAWS
(Draft 7/8/2015)

ARTICLE I – NAME

This Commission shall be designated the Marinwood Community Services District Fire Commission, referred to hereinafter as the “Commission.”

ARTICLE II – PURPOSE AND AUTHORITY

The Fire Commission for the Marinwood Community Services District is an advisory body to the Board of Directors and exercises particular powers as delegated by the Board. The Commission shall recommend to the Board policies governing the operation and management of the Marinwood Fire Department in accordance with the needs of the community and the provisions of the Fire Prevention Code. The Board, as the legally- constituted body under State law, retains power of final review and decision.

ARTICLE III – COMMISSIONERS’ RESPONSIBILITIES

Commissioners shall:

1. Attend Commission meetings.
2. Serve on Commission committees.
3. Review, comment, and make recommendations regarding the annual operating budget for the Fire Department.
4. Review and recommend to the Board any change(s) in staffing needs of the Fire Department.
5. In cooperation with staff, develop and recommend to the Board a long-range plan for Fire Department facilities and capital equipment and review the plan periodically as necessary.
6. Monitor existing capital projects related to Fire Department facilities, capital equipment and suggest new capital projects based on public safety needs.
7. Inspect Fire Department facilities and capital equipment annually before summer and develop a list of recommended improvements.
8. In cooperation with staff, review and suggest revisions to the Board regarding rules, regulations, policies and schedules concerning Fire Department facilities and capital equipment as needed.

9. Review monthly reports from staff concerning the general operations, functions and activities of the Fire Department.
10. Review the relationship of the Fire Department with other governmental agencies and private entities concerning topics which the Commission feels present a true and pressing need for the District's fire service, such as contracts with other agencies, mutual aid agreements, and expanded service to new areas.
11. Focus public attention upon the need, including associated resources needed, for adequate fire prevention, fire protection, emergency medical, and other emergency services for the residents of the community and areas served by the Marinwood Fire Department.
12. Assist in promoting the Marinwood Fire Department Volunteers and to review the volunteer program periodically.
13. Assist the Fire Chief in establishing general policies and procedures in respect to the operation of the Fire Department, subject to board approval.
14. Review periodically and recommend amendments to the rules and regulations, policies and procedures, schedules and guidelines and to make minor changes or additions in consultation with the Fire Chief, subject to Board approval.
15. Recommend to the Fire Chief and the Board action concerning amendments to the fire prevention code, building standards, and ordinances which pertain to the prevention of fires within the community.
16. Perform other such duties as may be directed by the Board.

ARTICLE IV – STRUCTURE

A. MEMBERSHIP

The members of the Commission individually, “member” or “Commissioner”, collectively “members” or “Commissioners” shall consist of five regular members and two alternate members. Four regular members along with one alternate shall be residents of the Marinwood Community Services District. One regular member along with one alternate shall be residents of County Service Area (CSA) 13. Commissioners serve without remuneration.

B. APPOINTMENT TERMS AND PROCESS

With the exception of CSA 13 representatives, Commissioners are appointed by the Board during its regular December board meeting for two-year terms beginning in January. CSA 13

representatives are appointed by the CSA 13 governing body. Three commissioners representing Marinwood shall be appointed for terms beginning in the same odd year. One other commissioner representing Marinwood along with a Marinwood alternate shall be appointed for terms beginning in the same even year. An alternate member shall vote only in the absence of the specific primary or regular commissioner. A spreadsheet listing commissioners' appointment terms shall be kept up to date by the District Manager and be available by request. There are no term limits for Commission members.

C. VACANCY, RESIGNATIONS AND REMOVAL

In the first week of October, District staff will post a notice of all upcoming commission vacancies on, at a minimum, District's website as well as utilize District email lists and neighborhood social media websites to encourage applications from the community. Notices will include general information about the Commission vacancy, including the specific term of the vacancy, as well as instructions on how to express interest in becoming an appointed Commissioner. Current Commission members whose terms are expiring may apply for reappointment following the same procedure.

Any appointed member may resign by giving written notice to the Board which shall be delivered to the District Manager's office or via Email to the District Manager. Commissioners shall be subject to removal by the affirmative vote of three members of the Board. Any such vacancy will trigger a notice of the vacancy within five business days. The current alternate commissioner may at that time apply for the vacated seat. The new appointee will serve the remainder of the vacated term.

Notwithstanding any other provision contained in these Bylaws, any vacancy in the office of Chairperson or any other elected position that occurs during the unexpired term of office shall be filled at the first regularly scheduled Commission meeting. The Commission shall take nominations from the floor to fill such a vacant position. The election of the officer to that position shall then be conducted by a roll call vote.

D. CHAIRPERSON

One regular Commission member shall be elected in January by the other Commissioners to the role of Chairperson of the Commission for a period of one year. The chairperson must have been appointed to the Commission for a period of no less than one year preceding election to the role of chairperson. The chairperson can serve in this role consecutively if reelected by the members of the Commission. The Chairperson must be a resident of Marinwood.

1. DUTIES OF THE CHAIRPERSON

- a. Preside over meetings of the Commission, utilizing and maintaining Rosenberg's Rules of Order.
- b. In cooperation with District staff, prepare and/or review agendas for Commission meetings.
- c. Attend Board meetings at least for the portion covering Commission matters and other portions the Chair may be asked to attend. Alternatively, designate another member of the Commission to attend should the Chair be unavailable.
- d. Report to the Board the actions and recommendations of the Commission to the extent needed to supplement the Commission's report.
- e. Welcome newly appointed Commissioners. Provide a copy of Commission Bylaws to each new Commissioner.
- f. Assign special duties and responsibilities to other members of the Commission.
- g. Form special committees as needed and appoint members to serve on the committee.
- h. Call special meetings if necessary to discuss extraordinary issues.
- i. Act as official spokesperson for the Commission.

E. LIAISON DIRECTOR

A Liaison Director is a member of the Board appointed by the Chair of the Board at the January meeting of the Board for a period of one year. There are no term limits for the Liaison.

1. DUTIES OF THE LIAISON DIRECTOR

- a. The Liaison Director attends Commission meetings and may participate in the discussion as appropriate.

- b. The Liaison Director's principal function is to advise the Commission of official Board policy when appropriate and to inform the Board of the Commission's viewpoints and recommendations.
- c. The Liaison Director shall be available for advice and consultation with the Commission Chairperson.

ARTICLE V – MEETINGS

A. TIME AND PLACE

The Commission shall hold regular meetings the first Tuesday of the month at 7:30 PM in the small classroom at the Marinwood Community Center, unless otherwise necessary. Public notice of all meetings shall be given in accordance with the provisions of The Ralph M. Brown Act. The meetings shall be open to the public.

B. SPECIAL MEETINGS

Special meetings may be called by the Chairperson, by three members of the Commission, or by the Board. Public notice of all meetings shall be given in accordance with the provisions of the Ralph M. Brown Act. The meetings shall be open to the public.

C. COMMITTEE MEETINGS

The time, date and location of any committee or subcommittee meeting shall be determined by the chairperson of such committee or subcommittee.

D. ATTENDANCE

Commission members are required to attend all regular and special meetings. Members shall notify the Fire Chief first and if unavailable then the District Manager of any expected absence by 5:00 p.m. the day prior to all regularly scheduled meetings. Three absences in a row, without good cause, will trigger the Chairperson's inquiry into the nature of the absence, and may trigger Commission's request to the Board to remove absent Commissioner from their duties. Absences due to extenuating circumstances are exempt. Absence with notification from a special meeting does not count towards attendance requirements. "Good cause" is defined as illness, death of family member, childbirth, or business necessity; or any family or personal event which conflicts

with Commission business and is reported to the staff as indicated above (the exception is any emergency, which can be reported later.)

In addition to attending the regular monthly Commission meetings, Commissioners are encouraged to attend meetings of the Board.

E. AGENDA

The agenda of the regular meeting shall be in compliance with the Ralph M. Brown Act and shall include, but is not limited to, the following:

1. Confirmation of a Quorum
2. Call to Order
3. Review of the Agenda
4. Public Comment on Non Agenda items.
5. Approval of the draft minutes from the prior Commission meeting
6. Review of the draft minutes from the last meeting of the Board
7. Monthly Activity and Response Report
8. Chief Report
9. Adjournment

F. QUORUM, VOTING AND ACTION

The Commission acts as a body, not as individuals. A quorum consisting of a majority (3) of Commissioners is required to take any action. Action of the Commission as a whole is taken by formal vote. A simple majority will decide if action passes or fails. Each member has one vote. No member shall participate in a vote if he or she has a proprietary interest in the outcome of the matter being voted on. The alternate member shall vote only in the absence of a regular member or if a regular member has recused themselves due to a conflict of interest.

G. PARLIAMENTARY AUTHORITY

All proceedings of the Commission shall be conducted according to the rules contained in the most recent edition of Rosenberg's Rules of Order when these do not conflict with these bylaws.

ARTICLE VI – COMMITTEES

The Commission shall establish additional committees, subject to Board direction and/or approval, on either a permanent (standing) or temporary (ad hoc) basis to address specific issues or concerns related to the Fire Department and public safety within Marinwood. These committees can consist of other members of the public, but cannot consist of more than two Commissioners. All permanent committees are subject to the provisions of the Ralph M. Brown Act.

ARTICLE VII – COMPLIANCE

Commission members must abide by these Bylaws and all provisions of the Ralph M. Brown Act (Government Code Sections 54950 – 54963, et seq.). The Ralph M. Brown Act is available at: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-55000&file=54950-54963> .

ARTICLE VIII – GOVERNING PROVISIONS; SEVERABILITY

Any and all applicable laws of any governmental authority or agency having jurisdiction over the Commission are hereby incorporated by reference as if fully set forth herein. In the event of a conflict between such applicable law(s) and any provision of these Bylaws, the applicable law(s) shall control and such Bylaws provision(s) shall be considered null and void; provided; however, that any and all provisions of these Bylaws not so affected shall remain in full force and effect.

ARTICLE IX – EFFECTIVE DATE AND AMENDMENTS

These Bylaws shall be effective upon their adoption at a regularly scheduled meeting of the Board and shall supersede the “Authority and Responsibilities of the Marinwood Fire Commission” previously adopted by the Board, which may conflict with the provisions contained herein. Any member of the Commission may propose amendments to the Bylaws. The Commission by a majority vote of its members at any regular meeting may recommend to the Board changes to these Bylaws. Any amendments to the bylaws are subject to the approval of the Board. Written notice of any proposed amendments must be sent to the Fire Chief, the District Manager, and the Commission Chairperson in time to be included in the upcoming meeting agenda.

RESOLUTION NO. 2015-07

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MARINWOOD COMMUNITY SERVICES DISTRICT
CALLING A SPECIAL ELECTION BE HELD IN ITS JURISDICTION; ESTABLISHING A
DATE FOR ELECTION; ADOPTING INTENDED BALLOT LANGUAGE; ORDERING THE
CONSOLIDATION OF SAID ELECTION; REQUESTING ELECTION SERVICES BY THE
REGISTRAR OF VOTERS**

WHEREAS, it is the determination of the Board of Directors of Marinwood Community Services District that a measure should be submitted to the voters pursuant to Elections Code 2653 and Article XIII B, 4 of the California Constitution; and

WHEREAS, said measure must be approved by a simple majority of the voters voting thereon;

NOW, THEREFORE, BE IT RESOLVED that this Board of Directors hereby calls an Election to be held on November 3, 2015 at which the issue to be presented to the voters shall be:

Increase Appropriations Limit

Shall the appropriations limit established for Marinwood Community Services District pursuant to Article XIII B of the California Constitution be increased over the appropriations limit established by said article for each of the four fiscal years 2016-2017 through 2019-2020 in the amount equal to the revenue received from the special tax for fire protection and emergency services previously approved by the voters in November, 2011.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Marin is hereby requested to:

- 1) Consolidate said election with any other applicable election conducted on the same day;
- 2) Authorize and direct the Registrar of Voters, at District expense, to provide all necessary election services and to canvass the results of said election.

PASSED AND ADOPTED at a regular meeting of the Marinwood Community Services District Board of District held on the 14th day of July, 2015, by the following vote:

AYES:

NOES:

ABSENT:

Tarey Read
President, Board of Directors

ATTEST:

Carolyn Sullivan, Secretary to the Board

MARINWOOD COMMUNITY SERVICES DISTRICT

DRAFT MINUTES OF PARK AND RECREATION COMMISSION MEETING

June 24, 2015

Time and Place: 7:00 Creekside Park

Present:

Commissioners: Chair Izabela Perry, Kimberly Call, John Tune, Sarah Paoli and Sivan Oyserman.

Absent: Shane Valentine.

Staff: District Manager Eric Dreikosen, Recreation Director Shane DeMarta and Administrative Assistant Carolyn Sullivan.

Board Members: Justin Kai.

Park and Recreation facility inspection- Creekside Park

DeMarta noted staff had been working on Creekside the past few months. The berm has been cleaned, trees trimmed, new mulch has been placed in the area. Staff built a pergola as well and cleaned and stained all picnic benches. Staff also performed a playground safety inspection on the equipment. Commission members inquired about the health of the main oak tree. Tune responded the tree is not in the best health, the construction of the playground damaged the roots, but Tune doesn't feel the tree is in immediate danger of falling. There was discussion regarding making Creekside Park a facility able to reserve and rent for parties. Paoli noted a restroom of some sort should be placed on the grounds before the CSD rents the area. DeMarta replied the residents in the area have always been against the idea of placing a restroom at Creekside Park, but when staff does a survey for residents it could be included in the questionnaire. Call stated Creekside Park is CSD property and the CSD should be able to determine whether or not a restroom facility should be placed on the grounds.

The Commission decided items to be addressed in the near future are as follows:

- Replace the sign board next to the tennis court.
- Add fall material to the playground (scheduled for summer 2015; \$6,000-\$7,000).
- Recoat tennis court by end of 2015 (\$10,000 budgeted from 2015/16 Measure A funds).
- Plant 15gallon valley oaks in Sept-Oct. As they mature they will lessen the hit when the large valley oak eventually has to be taken down.
- Add another picnic table under the pergola. Two tables may be easily accommodated and will provide more space for potential renters. Staff will recycle table from the panhandle Picnic area.

Long term items are as follows:

- Create a "Creekside Park" sign.
- Add porta-potty in an easily accessible area. The Commission would like to approve the location of the restroom.
- Rent space for parties to generate additional revenue for the District.

Agenda

No changes or additions.

Public Comment

No comments.

Minutes of May 26, 2015 Commission Meeting

No quorum to approve. This item will be placed on the July agenda.

Review of Draft Board Minutes of June 9, 2015

Call requested an update on the solar project. Dreikosen responded he had met with individuals today regarding the project. The delay is due to the project financing on the part of the Solar Company. It is likely the project will be scaled down to fit the needs of the District.

Marketing and PR options for Park Maintenance Department

Perry commented the CSD needs to educate the residents about the staff and suggested adding profiles to the website as well as the Marinwood Review. Oyserman suggested adding the CSD parks and their locations as well. Perry would also like to provide an update of Measure A funded projects, completed and upcoming.

Healthy Vending Efforts

DeMarta stated the vendor had placed healthy items in the machine. No high-fructose corn syrup or hydrogenated oils. Sales have slipped and we must keep in mind the vendor needs to make his minimum, but we are trying the best we can to provide healthy options while maintaining sales.

Park and Recreation Report

Paoli requested the schedule for Music in the Park. DeMarta replied June 26, July 10, July 24, August 7 and August 21.

Oyserman made DeMarta aware of a leaning portion of equipment on the main playground. DeMarta replied he is aware of the situation and staff is working on finding the correct replacement.

Q&A on Non-Agenda Items/ Requests for Future Agenda Items

Future Agenda Items:

Call read a prepared two statements for inclusion in the minutes:

“Call reminded Commission and staff of her research with area ecologists last year on the subject of crows- being briefed that they are very smart, teach their young and pass along new information generationally, and, of most concern-crows are predators who eat the eggs of young songbirds, and as the population of crows has drastically increased in Marinwood, so the populations of songbirds has reduced. A factor is-our park trash cans and litter have become feeding stations for crows. We must NOT encourage crows to scavenge waste from our overflowing trash cans- very important to monitor and keep the cans emptied as much as possible-and-at some point in the future, Call requests we research and fund more crow-proof cans that other Parks use.”

“COPIA, Robert Mondavi’s Center for Wine and Culture in Napa, that sadly closed years ago, featured an Insect Nectar Garden to educate visitors and children about the crucial role that insects, bees, butterflies, hummingbirds and other pollinators play in our ecosystem, as they are required to pollinate much of our food supply.

Monarch butterflies, whose populations in migrations in the US once numbered in the billions-have dropped to a fraction of that, now in mere millions and dropping.

All too often, these wild native beneficial plants are exactly what are targeted as ‘weeds’ and destroyed by harmful chemicals like RoundUp used throughout the country.

Wild fennel is the MAIN food of beautiful swallowtail butterflies. Monarch butterflies can ONLY feed on milkweed in their early stages. We need more bees!

I suggest we plant a Native Pollinator Garden to mask the outhouse and form an attractive backdrop in the area of the tennis court and picnic table, and before the bridge over the stream-and post a small sign to educate the public about the value of these plantings. I am told the owner of the organic nursery O’Donnells in Fairfax is very knowledgeable about native plants, and I’d like to invite him to give us his opinion on recommended plants for the area and throughout the parklands-he may do this pro-bono, or we may offer him a pair of tickets to the next winter wine fest!

Once we have a plan of recommendations, I think the community may like to donate to funding for this- the ‘Help Replant the Park-Native Wildflower Fund’- we could even promote this and put a can on the counter over the summer to reach interested moms.”

Perry commented the Commission will be continuing with inspections. Paoli, Tune and Oyserman will bring their ideas for the growth of Marinwood. Paoli commented she will not be in attendance at the next meeting, she will be on vacation, and she will email her ideas to Perry. Perry would also like to discuss Valentine’s idea of a possible “membership” to the community center. Tune commented he had finished a draft IPM Policy and will email it to Dreikosen tomorrow. Perry commented a resident had broached the topic of a Marinwood Parade. The Commission overall thought the CSD should not be involved, it would require too much staff time. A volunteer based scenario would be the best option. Call requested an update on the stone and plaque for Kunkel. Dreikosen commented the company that the Commission planned to use has gone out of business, a new company must be found.

Perry asked if anyone had any comments regarding Hansell’s letter included in the past Board meeting. Oyserman commented it is a bit disheartening to see all the OT costs and to realize some Firemen are earning more than some College Professors. Paoli stated the Marinwood Firefighters are the lowest paid in the County.

The meeting concluded at 8:14PM.

The date of the next Park and Recreation Commission meeting is July 28, 2015 at 7:00 at Marinwood Community Park and Playground.

Respectfully submitted,
Carolyn Sullivan

Park & Recreation Report – July 2015
Shane DeMarta, Recreation Director

Recreation Activities

Summer Events:

Music in the Park: The first Music in the Park went extremely well with more than 300 people in attendance. The next Music in the Park is scheduled for Friday, July 10th.

Summer Camp:

Summer Camp has been going well; we continue to see record attendance. The camp staff have been putting in a remarkable amount of time and energy to ensure that campers have a fun and safe experience.

Summer camp runs for five more weeks.

Pool:

Attendance at the pool has been strong after a slow spring season. Most group and private swim lessons are full; we begin our evening lesson program the week of July 13th.

Fall Review:

Work has begun on the Fall Marinwood Review. We hope to have the fall edition out by the end of August

Park Activities

General Maintenance:

- Mow turf weekly
- Empty garbage's and dog receptacles twice weekly
- Clean Building each morning
- Check/clean all three parks
- Blow sidewalks and tennis courts
- Check adjust Pool chemistry/Clean pool

Projects:

Playgrounds:

Creekside Park:

- Repairing stairs (complete)
- Building retaining wall to hold in wood chips along parking lot (complete)

Main Park:

- Add new fall material (complete)
- Removing unsafe bench in playground (complete)
- Update landscaping in playground (complete)
- Stain tables and benches (July)
- Reset pavers in front and rear entry to community center (July)

Mini Park:

- Add new fall material (complete)

Open Space: n/a

Park Shed:

- Landscape bays (for wood chips, sand, soil) (July)
- New ramp leading to Parks office (complete)

Classroom Patio:

- Removing "grass" and adding decomposed granite and picnic bench. (complete)

Misc:

- Purchased new utility vehicle for Parks Dept. Kawasaki Mule was delivered this past week. This vehicle was purchased with Measure A funds.
- Pool energy efficiency work update:
 - PG&E has approved on-bill financing for the project.

July 8th, 2015

District Manager Eric Dreikosen
Marinwood CSD Board of Directors
775 Miller Creek Road,
San Rafael, CA 94903

Dear District Manager Eric Dreikosen, Fellow Board Members and the public of Marinwood,

In preparation for the July 14th board meeting, I wanted to help clarify important points relating as to why it is necessary and possible to restructure the Marinwood CSD Park Maintenance Parcel Tax potentially into an MCSD Park Maintenance Per Unit Tax. Please include this letter into the upcoming July agenda packet.

Background: Since its creation, the Marinwood CSD Park Maintenance Tax has generally been collected on a per household basis. This is due to the fact that Marinwood has historically been a development consisting of a single unit home per parcel. Now with the continuing potential for the introduction of multi-family residential units on singular parcels into the District, the desired result of receiving the Park Tax on a per household basis would become unfulfilled and compromised. It is safe to assume that the new residents of said developments would be using our parks and open space that the tax is intended to maintain. Therefore in an effort to be proactive, the need to restructure the Park Maintenance Parcel Tax into a Per Unit Tax has arisen.

Borikas v. Alameda Unified School District: It has been previously brought to the District's attention that the case of *Borikas v. Alameda Unified School District* potentially has some bearing on this issue. To summarize, in the case of Borikas, the school district was attempting to set different tax rates for commercial property vs residential. Under the Government Code Section 61121(a) the District is required to apply special taxes "uniformly". The courts found that structuring different tax rates for residential versus commercial was considered to be an un-uniform application of the tax, making such a tax structure invalid. The CSD's special taxes fall under this same code section, and so must be applied uniformly as well.

Since the tax re-structure being proposed is simply on a per unit basis, regardless of whether said unit is residential or commercial, etc, than a restructure on this basis should be considered uniform and should therefore be valid.

Precedence established by our own MCSD Fire Tax: The issue has been raised that a parcel tax cannot be applied in a non-uniform manner, as demonstrated with the Borikas case regarding residential versus commercial property. However, as long as a special tax is applied uniformly to all property types, there is not an issue.

Precedence for the understanding of "uniform" extends beyond all parcels needing to pay an equal amount. This understanding exists even within our own District. Both of our Park Maintenance Tax and our Square Footage Fire Tax are both special/parcel taxes that fall under Article XIII C and D of the California Constitution. The Fire Tax adheres to the uniformity requirement through its uniform square footage tax application to all types of property. This uniform application results in parcels paying differing amounts of the special tax, just as a uniform Per Unit Tax would also do.

The Square Footage Fire Tax also demonstrates that a parcel/special tax can be implemented through a different measure, such as based on square footage, other than solely on a per parcel basis.

Difference in revenue generated per parcel vs per unit: To best demonstrate the adverse financial impacts of the existing Park Tax structure with the introduction of multi-family housing on singular parcels into the District, I've calculated the difference in revenue generated on a per parcel basis, vs a per unit basis. To further best demonstrate this, I've used recent examples from active and inactive development proposals that would be included in the District:

Grady Ranch (active proposal)	# of parcels	# of proposed units	Difference in revenue generated
	3 parcels	224 units	
Revenue generated @ \$189.56 per X (2015-2016 assessed rate)	\$568.68 per year	\$42,461.44 per year	+ \$41,892.76 for the District w/ a per unit tax

Marinwood Plaza-Bridge (in-active proposal)	# of parcels	# of proposed units	Difference in revenue generated
	4 parcels	82 units	
Revenue generated @ \$189.56 per X (2015-2016 assessed rate)	\$758.24 per year	\$15,543.92 per year	+ \$14,785.68 for the District w/ a per unit tax

The difference in revenue generated, or lost depending on your perspective, is astounding. Remember that this loss or generation of additional revenue for the District would be on an annual and on-going basis. Also know that additional parcels exist other than Grady and Marinwood Plaza (such as Oakview, St Vincent's/Silviera, etc) within, adjacent to or in close proximity to the District, which would likely be annexed into the District, have also been zoned to allow for multi-family residential units on singular parcels.

Conclusion: Based on the legal and financial understandings outlined above, It would be prudent for the District to pro-actively re-structure it's Park Maintenance Tax before the inclusion of multi-family residential housing on singular parcels enters the District. This recommendation is made in the fiscal best interest for the District and our residents. This tax re-structure would apply uniformly to any type of multi-unit property on singular parcels, whether it be commercial, retail, market-rate residential or affordable residential units, etc. This recommendation does not hinder or enable any development of any sort, but instead only seeks to ensure that the District receives its appropriate collection of the special tax in question.

To best achieve this, I further recommend that the District authorize our General Counsel not to exceed \$10K in legal fees to prepare the ballot measure, resolution calling the election, resolution requesting consolidation with the County election and the implementing tax ordinance to execute restructuring the park maintenance parcel tax into a per unit tax. Any portions of this process, which can be executed by MCSD staff, should be done so in an effort to keep outside legal costs to a minimum. Once ready, the board would need to reconvene at a special meeting to approve and submit to the County before the August 7th County ballot measure submission deadline, for voters to approve in the November General Election.

Thank you all for your consideration.

Sincerely,



Justin Kai

240 Cobblestone Drive
San Rafael, CA 94903

415.215.7865
kai.justin@gmail.com

Marinwood Community Services District Budget Amendments
 Fiscal Year 2015-2016
 Approved by Board of Directors July 14, 2015

Fund	Fund Center	GL Account	GL Account Name	Current Budget	Increase	Decrease	Amended Budget 7/14/15
			Revenue				
73700	6103012000	4710642	Miscellaneous	150	25,000		25,150
			Expenditure				
73700	6103012000	5220910	Building & Pool Improvements	0	25,000		25,000



SDRMA'S BOARD OF DIRECTORS ELECTION BALLOT INSTRUCTIONS

Notification of nominations for three (3) seats on the Special District Risk Management Authority's (SDRMA's) Board of Directors was mailed to the membership in January 2015.

On May 6, 2015, SDRMA's Election Committee reviewed the nomination documents submitted by the candidates in accordance with SDRMA's Policy No. 2015-01 Establishing Guidelines for Director Elections. The Election Committee confirmed that four (4) candidates met the qualification requirements and those names are included on the Official Election Resolution Ballot.

Enclosed is the Official Election Resolution Ballot along with a Statement of Qualifications as submitted by each candidate. Election instructions are as follows:

1. The enclosed combined Official Election Resolution Ballot must be used to ensure the integrity of the balloting process.
2. After selecting up to three (3) candidates, your agency's governing body must approve the enclosed Official Election Resolution Ballot. **Ballots containing more than three (3) candidate selections will be considered invalid and not counted.**
3. The signed Official Election Resolution Ballot **MUST** be sealed and received **by mail or hand delivery at SDRMA's office on or before 5:00 p.m. on Tuesday, August 25, 2015 to the address below.** Faxes or electronic transmissions are NOT acceptable. A self-addressed, stamped envelope is enclosed.

Special District Risk Management Authority
Election Committee
1112 "I" Street, Suite 300
Sacramento, California 95814

5. The four-year terms for newly elected Directors will begin on January 1, 2016 and terminate on December 31, 2019.
6. Important balloting and election dates are:

August 25, 2015 - Deadline for members to return the signed Official Election Resolution Ballot

August 26, 2015 - Ballots are opened and counted

August 27, 2015 - Election results are announced and candidates notified

September 23, 2015 - Newly elected Directors are introduced at the SDRMA Annual Breakfast to be held in Monterey at the CSDA Annual Conference

October 28-29, 2015 – Newly elected Directors are invited to attend SDRMA board meeting (Sacramento)

January 2016 - Newly elected Directors are seated and Board officer elections are held

Please do not hesitate to call SDRMA's Chief Operating Officer Paul Frydendal at 800.537.7790 if you have any questions regarding the election and balloting process.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Nominee/Candidate Robert Swan
District/Agency Groveland Community Services District
Work Address P.O. Box 350, Groveland, CA 95321
Work Phone 209-962-7161 Home Phone 209-962-6535

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

SDRMA's services are particularly important to the successful operation of smaller special districts, such as the one I serve. I would like to contribute what I can to ensuring that SDRMA continues to provide its vital services to its member agencies, prudently and cost-effectively.

Board oversight can be time-consuming. Due to my personal circumstances (retired, single, two hours from Sacramento), I will be able to participate regularly in Board activities.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

I have been a member of the governing Board of the Groveland Community Services District (water, sewer, fire and parks district) since June 2013. I've served as Board President since January 2014.

Since February of 2010, member of the Board of Pine Cone Performers, a community choral and drama organization.

During 1995 to 2001, I was a delegate to the Institute of Electrical and Electronics Engineers (IEEE) committees working on standards development in the area of wireless communications.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Nominee/Candidate Ed Gray
District/Agency Chino Valley Independent Fire District
Work Address 14011 City Center Drive, Chino Hills, CA 91709
Work Phone 909 902-5260 Home Phone 909 9627-4821

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

When appointed to the Board of Directors of SDRMA in November of 2010, and my election to the Board 2012, I made a commitment to be an effective member of the SDRMA team and to work hard to ensure the continued success of the organization. As a Board member, I believe I have shown that I seek to understand issues and use common sense when making decisions. I wish to continue my service to SDRMA, as I can be a positive member of the SDRMA team and an asset to the members, Board and staff.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

I currently serve on the Board of Directors of the SDRMA and serve as Secretary. I have been an elected Director of the Chino Valley Independent Fire District since 2004. During my tenure, I have served multiple terms as President and Vice-President, and as a member of our Finance, Planning, and Personnel Committees. I have served as Liaison to the City Councils of Chino and Chino Hills and to the San Bernardino County Board of Supervisors. I am also the District's representative and current Chairman of the Citizens Advisory Committee for the California Institution for Men in Chino. I am a member of the Chino Valley Lions Club. I also serve on the Governing Board of the Green Valley Lake Mutual Water Company.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?
(Response Required)**

After serving in the US Army, I enjoyed a lengthy career in law enforcement retiring in 2004 as a Police Lieutenant. I learned early in my career, that to be an effective individual and leader, it was important to actively listen to people; to seek understanding of all sides of an issue; and make decisions based on common sense and "rightness".

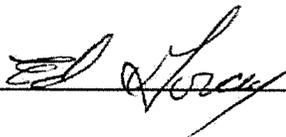
My experience as an elected official has broadened my knowledge and reinforced my belief that decisions must be made based on what is right, and not on what is a personal preference.

What is your overall vision for SDRMA? (Response Required)

I see SDRMA as continuing its journey as a successful, effective and efficient service provider through innovation, right thinking and conservative business strategies. I can visualize the organization exploring other avenues of financial endeavors that will benefit our customers.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature _____



Date _____

3-30-2015

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Nominee/Candidate R MICHAEL WRIGHT
District/Agency LOS OSOS COMMUNITY SERVICES DISTRICT
Work Address 2122 9th STREET, LOS OSOS CA 93402
Work Phone 805-528-9370 Home Phone 805-234-4513

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

WITH 38 YEARS EXPERIENCE IN THE INSURANCE FIELD, I BELIEVE I HOLD THE SKILL SET THAT WILL BENEFIT THE OPERATIONS OF THE SDRMA.
I HAVE OWNED AND OPERATED MY OWN INSURANCE AGENCY SUCCESSFULLY AND HAVE SOLD AND SERVICED ALL LINE OF INSURANCE INCLUDING COMMERCIAL AND WORK COMP.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

I AM CURRENTLY THE PRESIDENT OF THE LOS OSOS CSD. I WAS VICE PRESIDENT THE YEAR BEFORE. BEFORE I WAS ON THE LOS OSOS BOARD, I WAS A MEMBER OF THE LOS OSOS CSD EMERGENCY SERVICES COMMITTEE FOR SIX YEARS.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

What special skills, talents, or experience (including volunteer experience) do you have?
(Response Required)

LICENSED PROPERTY CASUALTY INSURANCE AGENT
SINCE 1977. OVER 750 HOURS OF INSURANCE
CONTINUING EDUCATION
I ALSO HOLD A 6 AND 63 SECURITIES LICENSE.

What is your overall vision for SDRMA? (Response Required)

THE OVERALL VISION OF THE SDRMA IS TO
PROVIDE THE BEST POSSIBLE COVERAGE AND SERVICE
TO ITS MEMBERS AND TO ADD EDUCATE THEIR MEMBERS
TO ALERT THEM TO COST EFFECTIVE SAFETY PROGRAMS
TO SAFE GUARD THEIR EMPLOYEES HEALTH AND WELFARE.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature R. Michael Wright

Date April 20, 2015

**Special District Risk Management Authority
Board of Directors
Candidates' State of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA

Nominee/Candidate: Sandy Seifert-Raffelson
District/Agency: Herlong Public Utility District
Work Address: 447-855 Plumas St, P O Box 515, Herlong CA 96113
Work Phone: (530) 827-3150 Home Phone: (530) 254-0234

Why do you want to serve on the SDRMA Board of Directors?

I am a current Board member of SDRMA and feel that I have added my financial background to make better informed decisions for our members. As a Board member, I have learned a lot about insurance issues and look forward to representing small District's and Northern California as a voice on the SDRMA Board. I feel I am an asset to the Board with my degree in business and my 29 years' experience in accounting and auditing. I have audited small districts and know what they need and what they can afford.

I understand the challenges that small District face every day when it comes to managing liability insurance and worker's compensation for a few employees with limited revenues and staff. My education and experience gives me an appreciation of the importance of risk management services and programs, especially for smaller district's that lack expertise with insurance issues on a daily basis.

I feel I am an asset to this Board and would love a chance to stay on the Board for 4 more years.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization)

I have worked as the District Clerk for the Herlong PUD for the last 7 years. Before that, I served as the Secretary to the Board of Herlong Utilities, Inc. and Office Administrator. I worked directly with the formation of our District which included working for 2 separate Board's of Directors and the transfer of assets from a public benefit corporation to a special district. As part of the team that worked to form the District I was directly involved with LAFCo, Lassen County Board of Supervisors and County Clerk to establish the District's initial Board of Directors as well as the transfer of multiple permits and closure procedures from multiple agencies for the seamless transition of our District operations. I closed out the Corporation books and established the books for the District transitioning to fund accounting. I have also administered the financial portion of a large capital improvement project with USDA as well as worked on the first ever successful water utility privatization project with the US Army and Department of Defense. I am currently working on HPUD's 2nd loan/grant for 4.8 million with USDA to improve the community's sewer system. I also am the primary administrator of a federal contract for utility services with the Federal Bureau of Prison.

While on the SDRMA Board, I have served on the nomination committee and SDLF Board. I have enjoyed learning and completing my duties on both boards and feel I have been an asset to both. I have served on CSDA's Audit and Financial Committee's for the last 2 years. In the last 20 years I have served on several Boards including school, church, 4-H, County and U.C. Davis.

**Special District Risk Management Authority
Board of Directors
Candidates' State of Qualifications**

What special skills, talents, or experience (including volunteer experience) do you have?

I have my Bachelors Degree in Business with a minor in Sociology. I have audited Small Districts for 5 years, worked for a Small District for 10 years and have 25 years of accounting experience. I am a good communicator and organizer. I have served on several Boards and feel I work well within groups or special committees. I am willing to go that extra mile to see things get completed.

I believe in recognition for jobs well done. I encourage Incentive programs that get members motivated to participate and strive to do their very best to keep all losses at a minium and reward those with no losses.

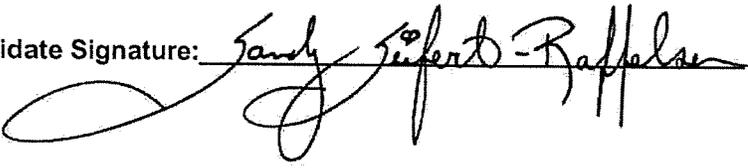
I have completed my Certificate for Special District Board Secretary/Clerk Program in both regular and advance coursework through CSDA and co-sponsored by SDRMA. I have completed the CSDA Special District Leadership Academy and Special District Governance Academy. I have helped my small District obtain their District of Transparency and currently we are working on the District of Distinction.

I work for a District in Northeastern California that has under gone major changes from a Cooperative Company to a 501c12 Corporation, to finally a Public Utility District. I have worked with LAFCo to become a District. Also my District is currently working on a consolidation through LAFCo with another small District to better serve our small community. Through past experience I feel I make a great Board member representing the small districts of Northern California and their unique issues and will make decisions that would help all rural/small districts.

What is your overall vision for SDRMA?

For SDRMA to be at the top of the risk management field and have all of the Special Districts in the State utilizing their quality insurance and support at a price all California Special Districts can afford.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature:  Date: 4/2/15

RESOLUTION NO. 2015-08

**A RESOLUTION OF THE GOVERNING BODY OF THE
Marinwood Community Services District
FOR THE ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT
RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS**

WHEREAS, Special District Risk Management Authority (SDRMA) is a Joint Powers Authority formed under California Government Code Section 6500 et seq., for the purpose of providing risk management and risk financing for California special districts and other local government agencies; and

WHEREAS, SDRMA's Sixth Amended and Restated Joint Powers Agreement specifies SDRMA shall be governed by a seven member Board of Directors nominated and elected from the members who have executed the current operative agreement and are participating in a joint protection program; and

WHEREAS, SDRMA's Sixth Amended and Restated Joint Powers Agreement Article 7 - Board of Directors specifies that the procedures for director elections shall be established by SDRMA's Board of Directors; and

WHEREAS, SDRMA's Board of Directors approved Policy No. 2015-01 Establishing Guidelines for Director Elections specifies director qualifications, terms of office and election requirements; and

WHEREAS, Policy No. 2015-01 specifies that member agencies desiring to participate in the balloting and election of candidates to serve on SDRMA's Board of Directors must be made by resolution adopted by the member agency's governing body.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Marinwood Community Services District selects the following candidates to serve as Directors on the SDRMA Board of Directors:

(continued)



**OFFICIAL 2015 ELECTION BALLOT
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY
BOARD OF DIRECTORS**

VOTE FOR ONLY THREE (3) CANDIDATES

Mark each selection directly onto the ballot, voting for no more than three (3) candidates. Each candidate may receive only one (1) vote per ballot. A ballot received with more than three (3) candidates selected will be considered invalid and not counted. All ballots must be sealed and received by mail or hand delivery in the enclosed self-addressed, stamped envelope at SDRMA on or before 5:00 p.m., Tuesday, August 25, 2015. Faxes or electronic transmissions are NOT acceptable.

- ROBERT SWAN**
Director/President, Groveland Community Services District

- ED GRAY (INCUMBENT)**
Director/President, Chino Valley Independent Fire District

- R. MICHAEL WRIGHT**
Director/President, Los Osos Community Services District

- SANDY SEIFERT-RAFFELSON (INCUMBENT)**
District Clerk, Herlong Public Utility District

ADOPTED this ____ day of _____, 2015 by the Marinwood Community Services District by the following roll call votes listed by name:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

APPROVED:
