

Marinwood Community Services District

Minutes of Board of Directors Meeting
Tuesday September 12, 2017

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

Present:

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

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

Others Present: Alan Miller, Barbara Miller, Heidi Miller, Michael Miller, Wendy Miller, Stephen Nestel, Linda Barnello.

Open Session Call to Order and Pledge of Allegiance

Agenda

No changes or additions.

M/s Schwartz/ Naylor to approve agenda as presented. Ayes: Schwartz, Green, Shea, Naylor. Nays: None.

Absent: Perry. Motion carried.

Consent Calendar

a. *Draft Minutes of Regular Meeting of August 8, 2017:* Nestel stated the report is selective; the public is being deprived of accurate notes.

b. *Draft Minutes of Special Meeting of August 31, 2017:* Nestel commented the minutes are not an account of factual events. He continued by stating his letter was not included in the minutes and stated it's not a good dialogue with the public.

c. *Bills Paid Nos. 1345-1554:* Naylor commented the community center oven needed repair again. DeMarta replied, yes, it's unfortunately a common occurrence. Barnello questioned the invoices to Marinwood Market. DeMarta replied they are all for camp lunches that participants pay for. Nestel questioned why the public does not see revenue reports such as vending from the pool. Perry replied the Recreation Director prepares a detailed account of this revenue line in his report at the end of the season, not to mention that the public sees complete District revenue and expense reports each quarter. Nestel commented he would like to see the reports monthly. Naylor stated the District is not adequately staffed for such requests; the District reports quarterly.

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

Public Comment Open Time for Items Not on Agenda

Heidi Miller stated she is the daughter of Alan and Barbara Miller of 598 Loganberry. She commented she and her family are present at the meeting to request access by the District to make improvements to the land due to the landslide that occurred on District property. Michael Miller commented that in January 2017 the District's fire road collapsed into his parent's property. The family had received a lengthy agreement in legal speak that the family will not sign; he added the family is being denied access to fix the landslide. Wendy Miller stated District staff responded heroically at the time of the incident, but added that her family received a rejection letter to their insurance claim; she added she saw no proof that any insurer even visited the site. The agreement the family received was an extortion document and the District is blackmailing the family. A neighbor of the Miller's commented the fire road is in the location of a natural water path into the aquifer. He stated he is uncomfortable with the agreement from the District. If the District owns the fire road it is the responsibility of the District to fix the issue. Alan Miller stated he and his wife are not in good health and thanked his children for their assistance; he added there has been no positive response from the District and the situation could get more severe. Donna Andresen a neighbor of the Millers stated her concern over the issue and urged the District to allow the Miller's access. Robert Owen another neighbor commented he had never seen an agreement as self-serving as the one the Miller's had received. The Miller's niece stated other neighbors had wrote letters of support and handed the documents to the Board President. Nestel commented the Board should hold a special meeting to discuss this matter; personal safety is more important than anything else.

Barnello commented that she had requested minutes of the closed session from the District Manager; he responded informing that minutes had not been created and there was no action taken. Barnello stated she had requested to know when the meeting ended and has yet to be given a response; the bylaws state the Board should report all meetings.

District Matters

1. *Creation of Marinwood CSD Emergency Services Succession to Analyze and Recommend Potential Alternatives for Future Operations and Delivery of Emergency Services to Community:* Naylor stated the Committee needs Board approval to officially form the proposed Committee. Nestel commented re-structuring the District is a community wide

decision, the public needs to be privy to the information. Shea replied all the meetings of this committee are open to the public. Nestel commented this issue is a huge deal the Board needs to involve the whole community; the Board has done nothing in regards to community outreach. Naylor commented in 2005 the District lost the JPA with San Rafael and the District stopped serving San Rafael. The Board hosted a series of meetings as well as distributed fliers to engage the community; the Board will do a similar process. Barnello asked for the Board to define "at large member". Naylor replied it could be expert in the field not necessarily a Marinwood resident. Dreikosen noted a typo in a section of the bylaws referencing to the board that should reference the committee and advised a correction prior to approval.

M/s Perry/ Schwartz to approve Creation of Marinwood CSD Emergency Services Succession to Analyze and Recommend Potential Alternatives for Future Operations and Delivery of Emergency Services to Community with the changes suggested by the district manager.

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

2. *Potential Creation of Five-Year Forecast of District Revenue and Expenses. Discuss resources needed:* Perry stated she is ideally looking for a high level projection of revenue. Naylor commented revenue growth depends largely on the County via taxes. Dreikosen replied, yes and the County does projections sporadically. Naylor commented revenue from the Recreation department contributes a major part into the budget. The Department Heads have gone through and looked at capital assets recently so the District could have a good baseline to start from. Schwartz commented there may be new revenue streams from development as well such as the assisted care facility.

3. *Marinwood CSD Memorial and Recognition Policy:* Schwartz commented the concept of the policy is good. Naylor stated he would like to see a document on the website dedicated to preserve the memory and contributions of community members; a virtual memorial wall. Naylor stated he would like to keep our parks and open space clean. Green commented this policy had been vetted by the Commission; let's respect their opinions as well as the Boards. Barnello commented the policy is confusing. The sizing of the memorials is confusing and parts are too ambiguous, it should additionally include a time frame. Dreikosen replied each and every request will be presented to the Commissions and Board and be considered on a case by case basis. Perry stated she would take the draft and add the comments suggested by the Board.

4. *District Manager Report:* Dreikosen stated he had entered into an agreement with Miller Pacific for FEMA related geotechnical study of the impacted areas on Miller Creek. Additionally he and Schwartz will be attending a meeting at the County to look at all four potential sites for the maintenance shed. Naylor questioned if any mitigation had occurred in regards to the pump house. Dreikosen replied an eyesight analysis by multiple geotech engineers stated they are not highly concerned of immediate collapse but it should be addressed. Naylor stated mitigation also needs to occur in regards to the Maintenance shed to keep our staff safe. Perry commented regarding 598 Loganberry the District could be waiting months for FEMA to proceed with the site determinations. Dreikosen agreed and stated if the Millers proceed with their project that site would need to be removed from the list; FEMA does not work with private residents and the property owners have been informed of this. Nestel commented the pump house is only about twenty years old; I'm sure the District still has plans that could help the situation. Additionally Nestel inquired what the issue was with the inverters regarding the solar panels. Dreikosen replied, there is no issue, the District's solar is functioning as anticipated. Schwartz noted that the Loganberry (Millers) project was misinterpreted by the residents. Staff has been encouraging the residents to complete their project. The residents do not understand that some of the scope of the project is on District property therefore the District had to send the letter such as the one the residents received. Dreikosen stated the conversation regarding Loganberry was going beyond the scope of the FEMA claim in his report and recommended moving on.

Fire Department Matters

1. *Draft Minutes of Fire Commission Meeting on September 5, 2017:* Schwartz stated the RFP for the kitchen needs to proceed quickly. Dreikosen commented Roach had met with the architect and the project is moving forward. They are awaiting revised plans. Schwartz stated the oven should not be relocated to save money. Naylor commented the number one issue is to rebuild the peninsula and plumb for water, the District could have accomplished this for under \$25,000. Nestel commented the Board meeting on August 31 was illegal; it violated the Brown Act.

2. *Fire Activity Summary and Chief Report:* No comments.

Park and Recreation Matters

1. *Draft Minutes of Park and Recreation Commission Meeting on August 22, 2017:* Naylor stated he was in attendance. Sullivan apologized.

2. *Recreation and Park Maintenance Activity Reports:* Schwartz commented the dead trees still need to be removed on Lucas Valley Estate berms. DeMarta agreed and noted more work needs to be at the Westgate entrance. Nestel commented a resident had built a deck encroaching into District property in the panhandle. Dreikosen replied the staff is aware and had sent the resident a letter requiring it be removed.

New and Other Business

1. *Requests for Future Meeting Agenda items:* Schwartz asked if the Loganberry issue should be discussed. Shea commented what the residents presented was not the whole picture. Dreikosen commented he is working with Counsel and with the residents. Barnello commented she would like to see a policy regarding timed responses to correspondence. Dreikosen replied Barnello received a prompt response. Green commented when the staff is constantly inundated with requests such as these it is not helpful.

Recognitions and Board Member Items of Interest

No comments.

The meeting was adjourned at 9:55PM.

The date of the next Regular Board Meeting was set for October 10, 2017 at 7:30pm.

Respectfully submitted,
Carolyn Sullivan

Approved by Board Motion: October 10, 2017