

**MARINWOOD PARK AND RECREATION COMMISSION  
AGENDA FOR P&R COMMISSION MEETING**

**Tuesday, July 28, 2015**

**7:00 PM – Marinwood Community Park & Playground**

#	<i>Time</i>	<i>Item</i>	<i>Commission Action</i>
1	7:00 PM	Park & Recreation Facility Inspection: Marinwood Community Park & Playground	Understand maintenance requirements
2	7:30 PM	Agenda	
3	7:35 PM	Public Comment	
4	7:40 PM	Draft Minutes of May 26, 2015 P&R Commission Meeting	Approve
5	7:45 PM	Draft Minutes of June 23, 2015 P&R Commission Meeting	Approve
6	7:50 PM	Draft Minutes of June 9, 2015 Board Meeting	Review
7	7:55 PM	Growth Opportunities? Continuation of brainstorming session from May 26, 2015	Discussion
8	8:25 PM	Revision of Park Special Tax as presented to Board of Directors by Director Kai	Review
9	8:40 PM	Park and Recreation Reports	Review
10	9:00 PM	Requests for Future Agenda Items	
11	9:05 PM	Adjourn	

**NOTES TO COMMISSIONERS:**

Please notify Eric Dreikosen at 415.479.7751 (or [edreikosen@marinwood.org](mailto:edreikosen@marinwood.org)) by 5:00 PM the day before the meeting if you are unable to attend.

NEXT P&R COMMISSION MEETING TO BE HELD ON AUGUST 25, 2015 AT 7:00 PM AT  
LAS GALLINAS MINI-PARK & MILLER CREEK PANHANDLE PATH

**Facility Inspection Schedule:**

**June:** Creekside Park

**July:** Marinwood Community Park & Playground

**August:** Las Gallinas Mini-Park & Miller Creek Panhandle Path

**September:** Marinwood Community Pool

**October:** Marinwood Community Center

# MARINWOOD COMMUNITY SERVICES DISTRICT

## DRAFT MINUTES OF PARK AND RECREATION COMMISSION MEETING

**May 26, 2015**

**Time and Place:** 7:30 Marinwood Community Center Classroom

**Present:**

Commissioners: Chair Izabela Perry, Kimberly Call and Shane Valentine.

Absent: Sivan Oyserman, John Tune and Sarah Paoli.

Staff: District Manager Eric Dreikosen, Recreation Supervisor Robyn Bruton and Administrative Assistant Carolyn Sullivan.

**Agenda**

No changes or additions.

**Public Comment**

No comments.

**Minutes of April 28, 2015 Commission Meeting**

M/s Valentine/ Call to approve Minutes of April 28, 2015. Ayes: Valentin, Call and Perry. Nays: None. Motion carried unanimously.

**Review of Draft Board Minutes of May 12, 2015**

Perry suggested removing “in reserves” from the last sentence under Fiscal Matters. It would then state, “Read stated this budget has a net gain of \$226,020”. Perry would also like to note that the Commission Chair is elected by the Commission annually.

**How can we grow? Brainstorming Session**

Ideas:

- Payment Plan fees (percentage fee) for summer 2016 registrations.
- Resident Membership to the Community Center: offering deals on events, early registrations, etc.
- Conduct a survey to garner interest in new classes. Offer survey via email and paper copies.
- Provide a snack bar for the pool and park areas.
- Upgrade second picnic area for renters.
- Provide more areas for pool party renters.
- Advertise what Measure A funding has providing the District.

Big Ideas:

- Offer after school programming for elementary age students. Plan ahead for transport of students and community center availability.
- Build a commercial kitchen. A cost/benefit analysis should be required.
- District purchase of Marinwood Plaza for off campus space.
- Purchase Oakview site located on Skyview Terrace.
- Purchase modular buildings for more classroom space.

Class ideas:

- IT classes for adults/seniors.
- Language classes for children (Chinese).
- Monthly social dancing.
- Bootcamp fitness for mom on weekends.

**Park and Recreation Report**

Valentine stated he would like to see more Community events such as Happy Hour.

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

Future Agenda Items:

- IPM Policy
- Healthy Vending (update)
- Add staff bios to website (highlight Park Maintenance staff)

The meeting concluded at 9:04PM.

The date of the next Park and Recreation Commission meeting is June 23, 2015 at 7:00 at Creekside Park.

Respectfully submitted,  
Carolyn Sullivan

# 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'Donnels 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

# Marinwood Community Services District

Draft Minutes of Board of Directors Meeting  
Tuesday July 14, 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, Firefighters John Bagala, Jeff Smith, Joel White, Brandon Selvitella and John Papanikolaou, Administrative Assistant Carolyn Sullivan.

Fire Commissioners: Chair Jeff Naylor and Ron Marinoff.

Park and Recreation Commissioners: Chair Izabela Perry.

Others Present: Stephen Nestel, Linda Barnello, Bob Briare, John Grey, David Brown, Bruce Anderson, Jody Morales and Ray Day.

**Call to Order and Pledge of Allegiance**

**Agenda**

Read moved item D (Open Time for Non Agenda Items) to before item G (Fire Department Matters).

**Consent Calendar**

a. *Draft Minutes of Regular Meeting of June 9, 2015:* Kai requested deletion of "...we can't move swiftly enough for a ballot measure" to "...the current process involving other interested parties will likely move faster than we can act as a district, considering we'd have to do a bond purchase through a ballot measure."

b. *Bills paid Nos. 1068-1192:* Barnello asked about the reimbursements to staff. DeMarta replied his Marinwood credit card was compromised therefore staff had to use more petty cash. Dearborn inquired about the County Counsel charges. Dreikosen replied just under \$1,000 was spent due to research and response regarding an unfounded Brown Act violation allegation that was filed with the District Attorney by a member of the public. The remaining amount was due to a personnel issue. The other amount of \$675.08 was for vehicle and radio maintenance performed by County. Shea inquired about the overtime costs. Roach replied there was a strike team that was dispatched; Marinwood will be reimbursed about \$10,000.

M/s to approve Consent Calendar with minutes as amended. Ayes: Kai, Read, Hansell, Dearborn and Shea.

Nays: None. Motion carried unanimously.

**Correspondence**

1. *Marin Professional Firefighters, June 25, 2015: Concerns over proposed Civic Openness in Negotiations (COIN):* Bob Briare, President of the Marin Professional Firefighters Union had written the letter and stated it was for Board review. David Brown commented the Firefighters would like to keep the public in the dark regarding negotiations and objected when the Board hired lawyers to assist in negotiations while they themselves are legally represented. Brown stated Marinwood should consider filing bankruptcy to cut the large pensions. Read stated the labor group has not objected to the Board seeking professional advice. Hansell disagreed with Read's statement. Hansell added the Board will begin new negotiations shortly and feels some of COIN's recommendations should be followed.

2. *Bruce Anderson, June 29, 2015: Providing suggestions for District board candidate forums in upcoming election:* Anderson suggested the Board take a more active role in elections and have the District provide space for a candidate forum. Anderson also suggested providing candidates with a table at the upcoming community events. Read thanked Anderson and stated filing is open. Kai commented he has concerns mixing community events with politics.

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:* Read commented she had added this to the agenda as an FYI for transparency. Hansell commented this is an opinion by a lawyer; it is the perfect example of why the District needs to utilize representation to respond. Dearborn stated this is a notification to the Board; the Board does not necessarily need to reply. The Board has a requirement to the tax payers to meet minimum staffing levels. Anderson stated items 3 and 4 under Correspondence should be closed session items. Hansell agreed with Anderson. Read commented there is no litigation at this time. Kai stated there might be future litigation issues.

4. *Jennifer S. Stoughton, Messing Adam & Jasmine LLP on behalf of the Marinwood Professional Firefighters, IAFF Local 1775, June 30, 2015: California Public Records Act Request:* Shea asked how much staff time has been spent on this matter. Roach replied it is ongoing. Anderson asked if the District has retained Counsel. Read replied Counsel has been contacted. Hansell requested the District Manager track his time spent on the matter. Bagala stated the reason the letter was sent was due to Hansell's initial letter to the Board.

5. *Russ Albano, July 5, 2015: Response to Director Hansell's letter dated June 24, 015:* The Board acknowledged the letter.

### **Board Matters**

1. *Discussion regarding Director Hansell's Letters to the 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):* Hansell stated his interest is directly related to fiscal responsibility; the Board has approved to set aside 6.5% in reserves. In 2015/16 the District is making lump sum payments to PERS for pensions which is unprecedented, and does not want to see the District fail to meet its future liabilities, it is the Board's responsibility to financially analyze everything. Jody Morales stated she was impressed with Hansell's concerns. Marinoff commented the last Fire Department tax barely passed. He would like to have the auditor give a professional opinion on how the District should move forward with its finances. The Board reminded Marinoff that the Auditor is not hired to give advice. Hansell stated the District might be able to clarify operational costs versus reserves and to pay in advance our future liabilities. Naylor stated he had replied to Hansell with a letter of his own. He agrees the District faces a major challenge in regards to financing reserves, but has concerns with Hansell's focus of how the District should save money. There will be no substantial difference to stopping the Strike Teams or overtime issues. Naylor suggested the District should make structural changes to save money. Anderson inquired what structural changes could be made; and any structural change suggestions should come from the Commission as a whole. White stated the Board should look at Park and Recreation to make structural changes. Hansell stated structural changes have been made in the Park Department with the elimination of the Manager and a Maintenance Worker. The greatest post retiree liabilities lie within the Fire Department. The Fire Department is 50% of the budget; summer camps alone bring in over half a million dollars. Perry commented the District saw an approximately \$150,000 in savings with the elimination of the Pak Manager and one Maintenance Worker; the Department was reduced from 5 to 3 employees last year. Kai stated the District's finances have improved, but our liabilities continue to grow; all options should be considered a possibility even bankruptcy. Kai stated too much is being read into Hansell's letter, COIN's recommendations are just a possibility. Dearborn stated she would like to see monthly budget to actuals as well as savings in each department to come up with District reserves. Shea stated the District has serious long term debt, Hansell's ideas are good ones. The District is burdened by PERS, the purchase of the new fire engine as well as future negotiations. Hansell stated resources are stretched, staff is overwhelmed and the Board needs to set policies before the passing of another budget. Dearborn suggested a special meeting before November to discuss the policy of budgeting. Bagala stated the District had the opportunity to do an actuarial study regarding a healthcare vesting schedule for future Park and Recreation employees and all current employees to assess the full future liabilities of the District and the Board chose not to.

### **Open Times for Items not on the Agenda**

Perry asked the Board to write a letter to former District Manager Tom Horne for his years of service to the District and community. Read agreed and asked Perry to draft the letter.

Barnello asked for clarification of overtime for non-union employees. DeMarta replied non-union exempt employees do not receive overtime; some receive administrative leave but this is not directly tied to overtime worked.

### **Fire Department Matters**

1. *Draft Minutes of Fire Commission Meeting of July 7, 2015:* Naylor commented the Board should consider staggering the liaison appointments; this will educate all Board members and remove any affinities towards departments.

Dearborn asked who cleaned 642 Appleberry. Roach replied the homeowner performed the maintenance.

2. *Fire Department –Activity Summary Report for June, 2015:* No additional comments.

3. *Fire Department- Chief Report:* No additional comments.

4. *Shared Services Update:* Naylor stated the Board should be ready and able to make offer to a paramedic firefighter as soon as possible.

5. *Resolution 2015-06: Authorizing Execution of Joint Exercise of Powers Agreement II Relating to the Marinmap Project:* Kai inquired if all departments may have access to the maps. Roach replied yes.

M/s Hansell/ Shea to approve Resolution 2015-06: Authorizing Execution of Joint Exercise of Powers Agreement II Relating to the Marinmap Project. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

6. *Fire Commission Bylaws:* Dreikosen stated they have been vetted and would recommend adoption at this time.

M/s Shea/Kai to approve Fire Commission Bylaws. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

7. *Resolution 2015-07: Calling a Special Election to 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 (Ballot Measure Language for Appropriations Limit Increase for Fire Protection and Emergency Services):* Dreikosen stated this is being run by County Counsel. Dreikosen noted this measure is allowing the District to spend the money it is already collecting; it's not a new or increased tax.

M/s Kai/ Shea to approve 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 (Ballot measure language for appropriations limit increase for fire protection and emergency services). 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 June 23, 2015*: No additional comments.
2. *Recreation and Maintenance Activity Reports*: Shea thanked the department for a good Friday night Music in the Park.
3. *Proposed Ballot Measure Altering Current Park, Open Space and Street landscape Special Tax from Per Parcel basis to Per Unit Basis*: Read commented she admired Kai for spending so much time on this matter. Hansell asked if there were any senior exemptions. Kai responded no; and the current one does not have a senior exemption. Kai commented everything is detailed in the letter in the Board packet it would be good for the District to be proactive in re-structuring this tax at this point in time.

M/s Kai/ Shea to approve Ballot Measure Altering Current Park, Open Space and Street Landscape Special Tax from Per Parcel Basis to Per Unit Basis and that the District authorize our General Counsel not to exceed \$10,000 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 7<sup>th</sup> County ballot measure submission deadline, for voters to approve in the November General Election. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

### **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*: Read stated there is no fiscal impact. Dearborn asked what the reimbursement time frame is. Dreikosen replied 6-8 weeks. DeMarta stated it will have paid for itself within 3-5 years.

M/s Dearborn/ Shea to approve 2015-2016 Budget Amendment to Reflect Approval of PG&E Rebate and On-Bill Financing of Pool Energy Efficiency Project Revenue and Associated Expenditure. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

### **New and Other Business**

1. *Resolution 2015-08: Election of Directors to the Special District Risk Management Authority Board of Directors*:  
M/s Dearborn/Kai to elect in order Ed Gray, R. Michael Wright and Sandy Seifert-Raffelson. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.
2. *Energy efficiency Projects Update*: Dreikosen stated the pool upgrades are the bulk of the projects as was mentioned earlier.
3. *SEED Solar Power Purchase Agreement Update*: Dreikosen stated he had met with representatives last month and the project is moving in the right direction. They have sent rough designs and the project might be scaled down to reflect our needs. Hansell stated there is still time to discuss aesthetics. Dreikosen stated the roof repairs will need to be completed soon as well. Dearborn requested when information is received by the Manager it be sent to the individual Board members. Nestel questioned the roof repairs. Dreikosen stated they need to be done whether or not the District installs solar and the cost is already in the budget.
4. *LAFCO Update*: Kai stated Mr. Baker was elected.
5. *Requests for future Meeting Agenda Items*:
  - Paramedic Firefighter update
  - Lighting in external restroom facility

### **Recognitions and Board Member Items of Interest**

Read thanked the Firefighters for another great 4<sup>th</sup> of July pancake breakfast.

Shea recognized Hansell for his work with the Friday night Music in the Park series. Hansell thanks Shea and noted the Recreation Department has garnered Sponsorships to help ease the cost of the event.

Kai thanked Dreikosen for his assistance regarding the Park Parcel tax and thanked the Recreation Department for the additional evening lap swim times.

**Closed Session**

*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. Designated Representatives: Bill Shea, Justin Kai and Jeff Naylor.*

The Board entered into closed session at 11:15PM. The Board exited closed session at 12:27, no action was taken.

The meeting was adjourned at 12:28AM.

Respectfully submitted,  
Carolyn Sullivan

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:

<b>Grady Ranch</b> (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	<b>+ \$41,892.76</b> for the District w/ a per unit tax

<b>Marinwood Plaza-Bridge</b> (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	<b>+ \$14,785.68</b> 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

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

**Recreation Activities**

**Summer Events:**

Music in the Park: There have been two Music in the Park performances thus far with strong attendance at both; Music in the Park continues to be a neighborhood favorite event. Staff is currently working on securing breweries and food vendors for “Brewfest” which will take place on October 3<sup>rd</sup> from 12-5.

**Summer Camp:**

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

Summer camp runs for four more weeks.

**Pool:**

The pool has been running well with very few issues. Summer attendance at the pool continues to be strong. Work has begun on providing a second rental area at the pool. The finished project will include two picnic tables and upgraded landscaping in the area.

**Fall Review:**

Work has begun on the Fall/Winter Marinwood Review. We hope to have the Review published 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)
- Add new picnic bench (July)

##### Main Park:

- Stain tables and benches (complete)
- Reset pavers in front and rear entry to community center (Aug)

#### Open Space:

- Tree work to be performed in the Open Space off of Elvia Ct.
- Bush trimming along sidewalk (near mini park)

#### 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. The Kawasaki Mule was delivered this past week. This vehicle was purchased with Measure A funds and was greatly needed.
- Pool energy efficiency work update:  
PG&E has approved on-bill financing for the project.
- The Marinwood Tennis Association will be fundraising to help donate \$5,000 for the resurfacing of the tennis courts.