

# MARINWOOD COMMUNITY SERVICES DISTRICT

## DRAFT MINUTES OF REGULAR BOARD OF DIRECTORS MEETING

**January 8, 2008**

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

### **Present:**

Board members: President Bruce Anderson, Cyane Dandridge, Tarey Read, and Bill Hansell.

Absent: David Mitchell.

Staff: District Manager Tom Horne, Fire Chief Tom Roach, Park Manager Gary Harrelson, Recreation Director Shane DeMarta, Firefighters Cesar Correa, Este Cespedes, Steve Heine, and Administrative Assistant Carolyn Sullivan.

Park and Recreation Commissioners: Robyn Juarez, and Chris Case.

Fire Commissioners: Ron Marinoff, Jeff Naylor and Don Stiver.

Others present: Frank Nelson, John Hammond, Madeline Stiver, Cameron Case, Pam Case, Joan Mitchell, Betsy La Flam, and Dave Green.

The meeting was called to order at 7:30PM.

### **Agenda**

No additions or changes.

### **Comments from public on non agenda items**

Hammond commented that starting a community email list for agendas and minutes would increase and encourage community participation. Horne stated these items are available on the website

Nelson spoke and distributed a memo regarding a potential Brown Act violation. He stated he was concerned by the actions taken by the CSD Board to form a Development Commission, when there is already in place a Marinwood Village Task Force.

Marinoff questioned Chief Roach if there was any information on a proposed buyer for the Daphne project. Chief stated he was not aware of any buyer.

At this time Anderson introduced Cyane Dandridge, the newest member to the CSD Board.

### **Consent Calendar**

1. Minutes of Regular meeting of December 11, 2007: Read stated she would like the word "anointed" changed to "appointed" in regards to Board liaisons and Commission appointments.  
M/s Hansell/ Read to approve minutes of Regular meeting of December 11, 2007 as amended.  
Ayes: Hansell, Read, Anderson. Abstaining: Dandridge.
2. Payrolls of December 21, 2007 and January 4, 2008:  
M/s Read/ Hansell to approve payrolls of December 21, 2007 and January 4, 2008. Motion carried unanimously.
3. Payment of Claims 514-600: Hansell asked if the charge for the Community Center speakers were for repair or replacement. Horne responded they were replaced.

### **Recognitions**

1. Don Stiver for his years of service to the Fire Department: Chief Roach and Commissioner Naylor presented Stiver with a plaque and framed letter of thanks for his service to the community. Stiver commented it was a pleasure serving the community, and his wife Madeline thanked the Fire Department for what they do for the community.
2. Plan for recognition of Walter Dods: Anderson asked that all Board members relay to Horne by Thursday what dates they are available for an afternoon reception.

### **Correspondence**

1. Letter from resident Sue Holland re: Creek Maintenance: Anderson stated this item would be revisited later in the meeting.

### **Board members items of interest**

Dandridge commented she would like to discuss strategic planning with the Department Heads. Anderson noted this item should be placed under New and Other Business.

### **District Manager's Report**

No additions.

### **Park and Recreation Matters**

1. Report of Park and Recreation Commission meeting of December 18, 2007: Juarez reported that the Commission requested that the Board contact the County regarding guardrail maintenance. Harrelson offered to call them. Marinoff commented that you need the request in writing or else you will not get an answer. Dandridge agreed and asked that Horne write a letter requesting the guardrail be repaired.
2. Recreation activities update: DeMarta stated he was looking forward to working with the Board and thanked them for the opportunity. He reported that winterfest went well, and thanked the Lions Club for all the help. A Recreation Coordinator had been hired and would start in about two weeks; in addition we are in the process of hiring an Assistant Recreation Director.
3. Park maintenance report: Harrelson reported that the pool pumps would be installed next week, and the heater would be in by this Friday.

### **Fire Department Matters**

1. Fire Chief's report: No additions
2. January 4<sup>th</sup> storm response report: Chief reported that he, Harrelson and Horne had met prior to the storm, and sandbags and sand were available. For a preventative measure we staffed six volunteers as well as two paid firefighters. We responded to about 16 calls, mostly related to high wind issues. Harrelson added that beforehand his crew had patrolled drains, tributaries and V ditches to make sure everything was in order, in addition they will be clearing storm debris from the creek in the near future. Anderson commented that the public doesn't know what the CSD does to prepare for and respond to storms and that we should have a write up in the review detailing our preventative measures. Dandridge added Harrelson and Roach have the best data on storm and safety related issues and that they should bring their knowledge to the review.
3. Bench in Marinwood Park to commemorate Rob Paoli: Chief reported it is still being manufactured.

### **Correspondence cont...**

Dandridge stated that it is critical to respond to Ms. Holland regarding how the tax money was spent, and quote the exact wording of the parcel tax proposal. Read stated that the parcel tax is in our audit and has been for the last couple of years. Case requested that the Board doesn't "pass" her on to the County, and feels that it is important that she receive an answer from the Board.

### **New and Other Business**

1. Board member liaison and committee appointments for 2008 – cont.: Anderson stated that Mitchell requested this item be deferred until the February meeting. Dandridge questioned if having three Board members at the January 16<sup>th</sup> meeting is a violation of the Brown Act? Hansell stated that there have always been three Board members present at Task Force meetings, and because the Task Force was not involved with the CSD it wasn't an issue, however if the nature of the Task Force changes to become a part of CSD business, that would change things. Cameron Case questioned if the liaison to San Rafael was an action item. Anderson stated no. Case stated that he is very concerned for the community, and disappointed that Mitchell was not reappointed as the liaison to San Rafael. Mitchell is skilled at negotiations at it is important for us to put our best foot forward and to protect our assets. Hammond agreed and commented that Mitchell is the only one that has all the statistics and background on dealing with San Rafael. Anderson stated further discussion will happen at the February meeting.
2. Election of Board Vice President: Anderson stated that this item would also be deferred until the February meeting. Anderson did note that doing this did violate a Government code requiring that Board Officers be elected within 45 days following a Board election. Horne commented that he was instructed to contact our lawyers and has received a response. Anderson commented he would like to discuss this with Mitchell personally and come back with a suggestion for the February meeting. Read commented that there has been a 5-6 year chart, but the pattern has been broken three times, so there is really no pattern. Anderson stated it was fine to make the letter from the lawyer public at this time. Read read a portion of the letter as follows, "Government Code Section 61043(a) states that within 45 days after each general district or unopposed election, the board of directors shall meet and elect the officers of the board. The board may elect the officers of the board annually. Section 61403(b) provides that the officers of the board are a president and a vice president. State law does not prescribe the manner or criteria used in which board officers are appointed. I have been informed by the General Manager that the District Board has not officially adopted any policies governing the appointment of Board officers. I understand that a Board tenure and rotational chart has been utilized in the past, but that it have not been formally adopted by the Board as a governing policy. In the absence of an adopted policy, the election of Board officers is within the discretion of the Board each time it elects officers. Past practices, even if customarily applied over time, legally do not constrain this discretion."

3. Proposal for Commission to consider economic and physical development of Marinwood – announce formation committee members: Anderson read a portion of the letter from the lawyers, “...it is appropriate for the Board to be involved in reviewing and commenting on proposed or pending development projects that impact the District’s services and finances even though the Board has no regulatory authority over these projects.” Anderson stated that the goal is to make a recommendation to CSD Board to implement a CSD Development Commission based on the proposal laid out at the December meeting. The Committee will meet three times, first, to organize, set goals and objectives, and determine unresolved questions, and review input from lawyers regarding Development Commission. Second, review answers to questions, determine framework and responsibilities for the Development Commission and determine unresolved questions. There will be an invited guest, Peter Banning the Marin LAFCO Chair. Third, review framework and answer to questions and make a recommendation to the Marinwood CSD Board to initiate a Development Commission or not. Anderson continued with the plan being that the announcement will happen at the January Board meeting, if the recommendation is yes, then a public announcement and solicitation of Commission members will take place with the Commission voted in place at the April Board meeting. Anderson stated the members of the “blue ribbon” committee are as follows: Bruce Anderson, Bill Hansell, Susan Adams, Peter Brandon, Geoff Mack, Joe Runco, Patrick Hunter, Walter Robb, and Kel Harris. Nelson questioned who put this list of people together. Anderson responded he did at the direction of the Board. Nelson stated that it is known the CSD has no authority to form a planning Commission and it was a waste of money to contact the lawyers to tell us that. Cameron Case stated he is very concerned and upset and wonders what the real purpose of this Commission is; in addition it needs to go before the community. Anderson stated the Board has been discussing this for the past four months and if anyone has questions they can contact anyone or everyone on the Committee. Pam Case commented that the CSD needs to concentrate on the Commissions they already have, and that adding another one will only take more money away from the already troubled CSD budget. Hansell commented that this Commission is being formed to address funding, and how we can bring more revenue into the District. Anderson commented that to form a final Commission we would need a 2/3 vote. Green noted that in the December minutes it said “Anderson...would not alter his decision”. Green commented that the president should not be deciding anything, it is a five member Board, and he is very concerned with the future direction of the Board.
4. District Manager recommendation to close Wells Fargo Merchant Services Account:
  - M/s Dandridge/ Hansell to authorize the District Manager to close the Wells Fargo Merchant Services Account. Motion carried unanimously.
  5. Call for nominations for LAFCO Alternate Special District Member: The Board nominated Mitchell.
  6. Review of Carried over action items: The Board checked items 14, 15 and 16.

**Closed Session**

The Board may meet in Closed Session to receive reports on ongoing litigation arising from Ponti Fire Road earth subsidence pursuant to Government Code Section 54956.9, and to review performance of District Manager and Department Heads pursuant to Section 54957 and other personnel matters: The Board entered into Closed Session at 9:55PM. The Board exited Closed Session at 10:16PM.

M/s Dandridge/ Read to grant District Manager a 5% COLA retroactive to July 1, 2007. Motion carried unanimously.

The meeting was adjourned at 10:18PM.

Date of next Regular Board meeting was set for February 12, 2008.

Respectfully Submitted,  
Carolyn Sullivan