

MARINWOOD COMMUNITY SERVICES DISTRICT

DRAFT MINUTES OF REGULAR BOARD OF DIRECTORS MEETING

February 12, 2008

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

Present:

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

Staff: District Manager Tom Horne, Fire Chief Tom Roach, Park Manager Gary Harrelson, Recreation Director Shane DeMarta, Recreation Coordinator Thomas Riesgo and Administrative Assistant Carolyn Sullivan.

Park and Recreation Commissioners: Leah Valentine.

Others present: Joan Mitchell, Dave Green, Frank Nelson, and Walter Dods.

Bruce Anderson called the meeting to order at 7:32PM.

Agenda

Anderson added under G 2, a letter from Cameron Case. Dave added under L 4 (a) discussion for a 10 year strategic plan.

Comments from public on non agenda items

No comments.

Consent calendar

1. Report of County pooled investments:

M/s Read/ Dandridge to approve report of County pooled investments. Motion carried unanimously.

2. Minutes of Regular Meeting of January 8, 2008: Mitchell apologized for his absence at the January meeting, and was disappointed to find that a letter addressed to the Board was not read at the meeting. Horne read the letter at this time.

"...I feel that we need more discussion of the charter of the committee and particularly need to consider counsel's just received input. I would prefer that we start with a broad strategic review of the CSD, its functions and options for new strategic directions. I think we made a start last year with the special meeting to consider those items and I would like to see a committee with broad representation formed to take a look at that. I think that what is currently on the table is too narrowly focused. The fundamental issue is that we do not have the tax base to support what we do and we survive by doing several things: 1. Contract to provide services to other agencies – fire to San Rafael, CSA 13, and recreation services to a customer base which is more than 50% non resident. 2. Pay staff at the very low end of the range for other agencies in our area. 3. Maintain facilities – parks, tennis courts, center divider, etc. and standard that is below surrounding jurisdictions. 4. Have a large cadre of volunteers: Board, Commissions and many others. This means that we are in a somewhat precarious financial position and I think we will only get out of this by starting with a broad strategic review and charting some new direction. I am supportive of a committee such as you have proposed which does appear to have broad representation, but again we do need to spend some time carefully considering what its charter should be."

M/s Read/ Dandridge to approve Minutes of Regular Meeting of January 8, 2008. Ayes: Hansell, Read, Anderson and Dandridge. Abstaining: Mitchell.

3. Payrolls of January 18 and February 1, 2008: Horne questioned the Board if they still would like to receive the payroll spreadsheets when the payroll is reflected in the claims list. Read offered to review the spreadsheets on behalf of the Board.

M/s Read/ Hansell to approve payrolls of January 18 and February 1, 2008. Motion carried unanimously.

4. Payment of Claims 601-685: Mitchell asked if the payment for legal fees is the total amount. Horne responded no, there will be more charges.

M/s Hansell/ Dandridge to approve payment of claims 601-685. Motion carried unanimously.

Audit Report for 2006-2007

1. Accept Financial Statements and Audit Report of June 30, 2007: Horne reported that the Auditor has not finished the report. He is disappointed at this, but the agenda item needs to be carried over until the March Board meeting. Dave Green asked how often we change our Auditor. Horne reported every five years.

Recognitions

1. Plans for Walter Dods February 24th reception: Horne commented the invitations were sent out.
2. Introduction of Thomas Riesgo, Recreation Coordinator: Riesgo met the Board members.

Correspondence

1. Letter to County Public Works re: guardrail maintenance: Horne stated they acknowledged the letter, but we have not received a response. Anderson asked that Horne send a second request letter.

2. Note from Cameron Case: Case had concerns that the Community Center was being referred to as the "Howie Center". Out of respect for Mrs. Council it should be referred in the formal name of "Howard Council Community Center". This will be an action item at the March Board meeting.
3. Letter from Irv Schwartz: The Board received a letter regarding third party billing for paramedic services. Dandridge asked if this was legal. Chief responded, yes, most places do third party billing. The Fire Commission will discuss the matter and make a recommendation to the Board.

Board members items of interest

Hansell thanked Horne for contacting Public Works to fix the pothole on Cedarberry.

District Manager's Report

No additional reports.

Fire Department Matters

1. Fire Chief's Report: Mitchell asked if 111 calls were more than normal. Chief responded yes, and that the storm we experienced increased the calls.
2. Commission recommendation for FY 2008-09 Fire Department Budget: Anderson questioned if the hose replacement was in the budget. Chief stated yes, but that we did not receive any grant money this year, so we would have to pay for the full amount ourselves. Chief questioned the Board on how heavy handed he needed to be with the budget. Read stated the budget has already been whittled down to the bare bones. Dandridge asked if the revenue in the budget be presented in a pie chart so it is easier to read, Mitchell agreed. Horne stated he could do that for the current year's budget.
3. Purchase approvals:
 - (a) Mattresses for bunk room: This purchase will be delayed.
 - (b) Replacement for compressor: Chief noted that this item is not in the budget, but it is a necessity. The current compressor broke and needs to be replaced as soon as possible.
M/s Mitchell/ Dandridge to approve purchase of new compressor nor to exceed \$1500. Motion carried unanimously.

Park and Recreation Matters

1. Report of Park and Recreation Commission meeting of January 22, 2008: Dandridge stated that discussion arose of whether the Design Committee would be rolled into the new formation of the Development Committee. Hansell responded that there is no Design Committee, just a task force, concerned with the aesthetics of our parks. Anderson commented that he sees the Design Task Force as a sub-committee of the Park and Recreation Committee, and that it is not a development issue. Nelson asked for clarification on the Development Committee, he was under the assumption that the lawyers informed the CSD that they could not form such a Committee. Anderson commented the Board is going to have a study group look at such matters.
 - (a) Recommendations for Pool membership rates, wages, and hours: Horne noted we needed to go to press with these numbers by the end of the week. Mitchell noted that the term "loss" in regards to the pool budget is not quite applicable, the fact is that we keep the pool operating because the community requests it of us and that the pool subsidies from the taxpayers is only 4% of the budget. Anderson asked why the Terra Linda pool charges \$70 more for an individual membership. DeMarta stated they are open more hours; in addition, they have a brand new pool facility. Hansell commented that we did have an increase of 16% in revenue, and we are on the right trajectory. DeMarta also acknowledged that we have room to increase revenue by marketing.
M/s Mitchell/Read to approve recommendations for pool memberships, rates, wages, and hours as presented. Motion carried unanimously.
 - (b) Status of Landscape Committee (correctly Design Task Force) relative to proposed Development Commission: No additional discussion.
2. Recreation Activities Update: DeMarta noted that the staff was working hard to finalize the summer information and get the Review to press. Additionally, we will be hiring an Assistant Recreation Director soon.
3. Park Maintenance Report: Harrelson reported the crew is getting the pool ready for usage, and the tot pool needs to be resurfaced. Just as a note, the main pool is losing about an inch of water a day into the ground, and at some point it will need to be resurfaced. Anderson stated that information should go before the Park and Recreation Commission. Mitchell asked that leak detection be done. Horne stated that would be a good idea. Mitchell asked if any of the hard rains lately disturbed earth at Ponti Road. Harrelson stated he saw no issues in the area. Anderson questioned why there were no restroom facilities at Creekside Park. Harrelson commented the plans did not call for them; it was intended as a community park for residents only.

New and Other Business

1. Board member liaison and committee appointments for 2008: Anderson stated that in regards to the study group Peter Brandon was removed from the list, and it will be at this February meeting that the group is announced. Hansell noted that he too will not be a part of the group. Nelson asked for clarification on status of the group. Anderson acknowledged the question and stated one of the first matters the group will look at is the letter from the attorney

regarding the formation of a committee. Mitchell stated he had concerns and read a portion of the letter from the lawyers:

“Government Code Section 61048 states that ‘[a] board of directors may appoint one or more advisory committees to advise the board about the district’s finances, policies, programs, or operations.’ State law does not refer expressly to a board of directors establishing commissions, but Section 61048 does not preclude the Board from establishing an advisory body called a commission rather than a committee. The Board has considerable discretion in forming commissions or committees provided that such advisory bodies serve a lawful function of the District. The purpose of any advisory body formed to provide advice to the Board on development issues should be to address the impacts that development will have on District services rather than acting as an ad hoc or de facto zoning or architectural design body. As noted above, the land use regulatory authority for the District territory lies with the County. Thus, from the legal perspective, what matters is how the advisory body’s duties are defined, rather than whether the advisory body is called a commission or a committee. I recommend that the duties of an advisory body on development issues be carefully defined if the Board decides to establish such a body. These duties should not include functions falling within the land use regulatory authority of the County.”

Mitchell commented that we need to define the duties, and that Anderson has done so without Board discussion.

Anderson stated the Board did discuss the matter and decided to move forward. Dandridge commented that we are jumping the gun and that like Mitchell she agrees with the study group, but does feel that the language is too strong in this particular document. Valentine questioned who is in this study group, and stated it seems to be a power play by the Board, resulting in upsetting and alienating community members. Anderson stated the group is as follows: Anderson, Dandridge, Susan Adams, Geoff Mack, Joe Runco, Patrick Hunter, Walter Robb, Kel Harris, and two other undecided members who have expressed interest. Dods spoke and stated the problem arises with Mitchell, Nelson, and Green and you feel your power is being threatened. Nelson stated the CSD Board is not taking the advice from the lawyer, and that Anderson’s comments are confusing. Dandridge commented that Mitchell and Valentine’s comments make sense and that the language needs to be changed. The divisiveness is a problem, and the members of the blue ribbon committee could be looked at. In addition Dandridge commented that Anderson is too close to the issue to be choosing members, it needs to be a community issue. Anderson suggested that the Board review the members and the language and they will meet before the end of the month to discuss the issue.

2. Election of Board Vice President: Read nominated Mitchell. Hansell nominated Read, stating that the rotational chart has not been followed for some time. Read commented that the chart has not been followed, and she would like to see Mitchell be President next year, but even if he is not Vice President this year, it does not mean he can’t be President next year.

Anderson called for the vote, Mitchell, Read, and Dandridge for Mitchell. Hansell and Anderson for Read. Mitchell is the 2008 Vice President.

Anderson commented that he had breakfast with San Rafael Mayor, Al Boro to discuss restarting talks for negotiations. Mitchell stated that was a wrong move, and that we need to introduce ourselves to the two new Council members before any negotiation discussion occurs, and urged Anderson to cancel any set meeting.

3. Conflict of Interest Policy
 - (a) Set timeline for review of policy: Horne stated that the Board could appoint a member to meet with him to discuss this, or it could be handed to the lawyer. Read volunteered to look at this and meet with Horne, also for it to be brought to the Fire Commission’s attention.
4. Review of carried-over items: The Board reviewed items and marked them complete or in progress.

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 consider opinion from counsel re: vesting of employee compensatory time pursuant to Government Code: The Board entered into Closed Session at 9:55PM. The Board returned to Open Session at 10:29PM.

Payment of compensatory time to ex-employee:

M/s Read/ Hansell to direct staff to compensate departed employee for compensatory time. Motion carried unanimously.

The meeting was adjourned at 10:30PM. A Special Meeting will be set at a time to be determined before the March Regular Meeting.

Date of next Regular Board meeting – March 11, 2008 at 7:30PM at the Marinwood Community Center Classroom.

Respectfully Submitted,
Carolyn Sullivan