

Marinwood Community Services District

Minutes of Regular Board of Directors Meeting

Tuesday March 10, 2009

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

Present:

Board Members: President Tarey Read, Bruce Anderson, Bill Hansell and Gene Elliot.

Absent: Cyane Dandridge.

Staff: District Manager Tom Horne, Recreation Director Shane DeMarta, Fire Chief Tom Roach and Administrative Assistant Carolyn Sullivan.

Park and Recreation Commissioners Leah Valentine and Tom Kunkel; Fire Commissioner Mary Colombo.

Others present: Walter Dods, Michael O'Connor, and Gerd Bauer.

Incoming Director Oath of Office

District Manager Tom Horne swore Eugene Elliot into office.

Agenda

Horne noted that agenda item M1, Strategic Planning workshop, will be deferred until the May Regular meeting.

Comments from Public on Non Agenda Items

Dods encouraged the Board to proceed with the action item of activating latent power to finance operations of a planning commission. Elliot questioned why. Dods responded there are a number of issues in the community that the Board had not been able to address, including Marinwood Plaza, and general development. Anderson noted that Dods is the President of the Marinwood Association.

Colombo questioned if the cones located at the Marinwood exit would be removed at some point. She stated they are unsightly and traffic through the neighborhood has decreased due to the widening of Highway 101. Anderson responded that they will re-evaluate the traffic situation at the end of March.

Gerd Bauer commented on the proposed development at Horse Hill. He has concerns with the location of the emergency exit, and the detention ponds set for the area. Read commented there is nothing the Board can do about the development. Hansell stated he would follow up with Schwartz to see if he can receive some answers to Bauer's questions and concerns.

Routine Business

1. Minutes of Regular meeting of February 10, and Special meeting of February 24, 2009: Read commented there is one change to the February 24th minutes, there were four directors not three at the meeting.

M/s Anderson/ Hansell to approve the minutes of Regular meeting of February 10, 2009. Ayes: Anderson, Read, Hansell. Abstaining: Elliot.

M/s Anderson/ Hansell to approve the minutes of Special Meeting February 24, 2009. Motion carried unanimously.

2. Claims 655-749:

M/s Anderson/ Hansell to approve claims 655-749. Motion carried unanimously.

Audit 2007-08

1. Presentation of Basic Financial Statements and Management Report by auditor Michael O'Connor: Michael O'Connor presented the Board with the 2007-08 Audit report. Read had questions regarding post retiree health benefits. O'Connor stated there needs to be an actuarial study, and that Horne is currently going through that process. Nothing needs to be reported until 2010. Read asked Horne if he could receive a bid from Account Works for quarterly adjustments. Horne stated he would. Horne stated he would also like to sign an engagement letter from RJ Ricciardi for 2009. The Board agreed. Elliot commented he would like to see Horne respond to O'Connor for his responses. Horne agreed.

Recognitions

No recognitions.

Correspondence

No Correspondence.

Board Member Item of Interest

1. Marinwood Plaza Collaborative: Hansell commented there is no one here to report on the collaborative. Frank Nelson commented the Board should invite the planner to the next Board meeting to give a report to the Board. Read commented that was a good idea. Anderson will contact someone for an invitation to the April meeting.

District Manager's Report

No additional report.

Park and Recreation Matters

1. Park maintenance report: Horne reported that Harrelson had minor surgery so he was unable to be at the meeting. Hansell asked if the upgrade work done to the pool was the Federal requirement. Horne stated yes it was the upgrade to the pool skimmers to comply.
2. Recreation activities update: DeMarta stated summer program registration was in full swing. Hansell commented he was happy to see us targeting communities in Novato.
3. Ordinance to limit dogs in open space- initiate process to adopt an ordinance: Horne reported that Tom Kunkel expressed concern over this matter so he contacted an animal control officer. Kunkel commented it is inappropriate to have 10 or more dogs off leash with only one walker. Horne commented that enforcement is possible from the County Animal Control Officer, enforcing the countywide animal control ordinance. One issue with Ordinance No. 3 is that violations are declared to be misdemeanors, and so the District Attorney would be unlikely to prosecute violations. The Animal Control Office recommended a lesser charge so the animal control officer may be able to write a ticket on the spot to offenders. Kunkel expressed that he would like action to change the ordinance immediately. Horne commented that is not possible it would need to be properly noticed first, and a public hearing would have to be held. Horne commented he would like to rewrite much of our outdated ordinance, but needs to contact County Counsel first. Hansell thanked Kunkel for bringing this issue to the attention to the Board and would like to see this matter expedited through Horne and the Board. Kunkel did thank Horne for all the research he did on this matter. Read commented she would like to see the animal control contacts be placed on the Marinwood website. Anderson commented all of Marinwood's ordinances should be placed on our website.

Fire Department Matters

1. Report of March 3, 2009 Fire Commission meeting: Chief Roach commented Russ Albano joined the Commission, and there is room for one more Commissioner.
2. Fire Chief's report: Roach reported that we have changed dispatch and feels that there is now a better level of service. Chief also reported that Matrix is proposing the study of fire and emergency service in San Rafael and Marinwood, and is hoping that we can reach a one year extension of the current JPA.

M/s Anderson/ Hansell to direct Horne and Roach to undergo the study with a maximum of \$44,000, half to be paid by San Rafael.

Motion carried unanimously.

Elliot asked if there was discussion on a 50/50 split of the costs. Anderson commented that the Mayor of San Rafael instructed the parties to split the costs. Anderson commented that Supervisor Adams might be willing to share some of the costs.

3. Adopt preliminary 2009/10 Fire Department budget for submittal to Marin County Auditor/Controller:
M/s Read/ Elliot to adopt preliminary 2009/10 Fire Department budget for submittal to Marin County Auditor/Controller.
Ayes: Read, Elliot and Anderson. Abstaining: Hansell. Motion carried.

New and Other Business

1. Strategic Planning Workshop: Deferred until the May meeting.
2. Activate latent power to finance operations of area planning commission. Anderson gave a short presentation regarding latent powers and proposed meeting with LAFCO. Nelson stated the County will not give up their planning authority, and that our power would only extend to advising the County of our opinions. Planning items such as the watershed would be in sync with the County, but problems would arise regarding the Plaza. The CSD would remain an extension of the County, and that the interests of the community are different. The community needs an independent voice. Nelson added that it would be a misuse of Community funds to pursue a planning authority that would only be advisory to the County, but if the Plaza issue is removed, no one would have any complaints. Mary Colombo commented depending on what the Board decides money will have to be spent and that gaining power also equals gaining responsibility, do not set up promises to the community, think long and hard of the consequences of this and question if this will solve the problems. Elliot stated it is difficult to have discussions on the merit of this without having all possible information. Horne stated we can finance this, but nowhere does it say we would acquire land use powers: it would be entirely advisory. Nelson reiterated that the community needs an independent voice in respects to the Plaza. Anderson stated if we were to take this on we would need to negotiate with the County. Hansell commented there is a difference

between an advisory role and a Planning Commission, and agrees with having advisory issues. Nelson commented again that there would be a benefit, but without the Plaza being involved. Anderson commented we cannot discriminate locations. Anderson continued to state we need to start negotiations with the County to see what powers they are willing to give up. Supervisor Adams is willing to set up meetings and noted that this would go before the community for a vote before anything is decided. Colombo asked if we would be funding anything with this action. Anderson stated no. Nelson stated it is against the community's interest to be involved in a subset of county planning. Read commented we should pass this to see what we can do. She stated she has enormous respect for Dods.

M/s Anderson/ Hansell to instruct the CSD staff to begin discussions with the County and LAFCO to define the duties and responsibilities of a Marinwood Area Planning Commission and to direct the CSD Board President to appoint Board members to participate in the discussions. Motion carried unanimously.

Read appointed Anderson and Hansell to be appointed to the participate in the discussions..

3. Election for LAFCO Special District Member: The Board nominated Einar Asbo, Craig Murray and Peter Sullivan.

M/s Anderson/ Read to nominate Asbo, Murray and Sullivan.

Motion carried unanimously.

Closed Session

The Board met in Closed Session to confer with its designated representatives to represented and unrepresented employees regarding wages, benefits and working condition matters, pursuant to Government Code section 54957.6. The Board entered into Closed Session at 9:30PM. The Board left closed session at 10:05. There was no reportable action

The date of the next Regular meeting Board meeting is April 23, at 7:30PM.

The meeting was adjourned at 10:05PM.

Respectfully submitted,
Carolyn Sullivan