

Marinwood Community Services District

Minutes of Board of Directors Meeting Tuesday January 12, 2016

Time and Place: 5:30PM Marinwood Community Center classroom.

Closed Session

Conference with labor negotiators section 54957.6. Agency designated representatives: Jack Hughes, Liebert Cassidy and Whitmore. Represented employees: Marinwood Professional Firefighters. Closed session began at 5:30pm. Closed session ended at 7:15pm. No action was taken; the Board advised its representatives.

Present:

Board Members: President Justin Kai, Bill Shea, Izabela Perry, Leah Kleinman-Green and Jeff Naylor.

Staff: District Manager Eric Dreikosen, Fire Chief Thomas Roach, Recreation Director Shane DeMarta, Firefighters Joel White, Sean Day and Cesar Correa and Administrative Assistant Carolyn Sullivan.

Others Present: Michael O'Connor, Stephen Nestel, Linda Barnello, Bill McNicholas and Ray Day.

Open Session Call to Order and Pledge of Allegiance

Agenda

Kai requested a moment of silence for former Board member Walter Dods who passed away.

Kai requested items F and G be switched.

Roach introduced the newest Fire Department Firefighter Sean Day.

Fiscal Matters

1. *Presentation of Fiscal Year 2014-2015 Audited Basic Financial Statements and Management Report-Michael O'Connor, CPA of RJ Ricciardi, Inc.:* O'Connor presented the draft Audit. O'Connor had corrected a few items on pages 5,9,12 and 33 which he distributed to the Board and members of the public. The changes were re-classifications, not material changes to the audit. Day questioned if the future solar purchase power agreement will be specifically shown on the 2015-2016 Audit. O'Connor replied no, it is an operating expense.

M/s Shea/ Perry to approve and accept the Fiscal Year 2014-2015 Audited Financial Statements and Management Report with changes made and presented. Ayes: Perry, Kai, Naylor, Kleinman-Green and Shea.

Nays: None. Motion carried unanimously.

2. *Fiscal Year 2015-2016 Year to date Budget Actuals:* The Board reviewed the budget to actuals ending December 31, 2015.

Consent Calendar

a. *Draft Minutes of Regular Meeting of December 8, 2015:* Kai stated under *New and Other Business, Item 3, Election of Board Officers: President and Vice President* he would like to add the following to the minutes.

Barnello (speaking to Director Kai) stated she's noticed a pattern now of whoever's the chair is very bombastic and bullying and slams the gavel and points fingers and it happened with Hansell, it happened with Read and now it's happening with you from the last couple of sessions, including today. You are not at all relaxed, you constantly are looking at the time and cutting people off and interrupting, and I think what would be nice if you do become the board president, that you would try and calm yourself down, and don't puff yourself up thinking you're this big hammerhead that can knock people. I'm just saying, and I said this to Hansell as well, you know how Hansell was with you screaming and yelling and pounding and everything, ok? You are becoming Hansell and Read, and I just wanted to say I hope you will not become Hansell and Read, because it would be really nice to have a much more calm board. That's all.

Nestel stated Justin's a good guy, I consider you a friend. Don't take this as, I too want to see a different decorum happen here. I think, unfortunately, the new boards model themselves after the old boards. I think this is a problem that has been around for a while. I could name a couple of board members that were just as bad as a couple of people mentioned. Anyhow, I know each one of you individually, I've always supported the notion of Justin as president, so good idea, I hope you vote him in unanimously.

b. *Bills paid nos. 579-689:* No additional discussion.

M/s Kleinman-Green/ Shea to approve consent calendar with changes to the minutes. Ayes: Perry, Kai, Naylor, Kleinman-Green and Shea. Nays: None. Motion carried unanimously.

Procedural Matters

1. *Review of Rosenberg's Rules of Order: Adopted Parliamentary Procedures for District Board and Commission Meetings:* Kai commented he had requested this item placed on the agenda due to multiple outbursts by community members in past meetings; Kai added these continuous outbursts will not be tolerated.

District Matters

1. *Clarification on Composition of Ad-hoc Committees Approved December 8, 2015:* Dreikosen commented the committees are set and they are limited to two Board Members comprising the entire committee. The committees may meet with staff or community members in pursuit of research and information.
2. *Update from Ad-Hoc Committee to Address District Unfunded Future Liabilities. Committee Member(s), Bill Shea and Jeff Naylor:* Shea commented the OPEB liabilities are growing, but there are options to curb the growth. At this time the committee is still gathering information. Naylor commented the committee is reviewing the actuarial's from PERS and will have more information by February and will post all the information the committee compiles for Board and public review. Nestel questioned if the committee is assuming the staffing levels will remain the same. Naylor replied at this point, yes.
3. *Update from Ad-Hoc Committee to Review, Revise, Create District Policies and Procedures. Committee Member(s), Izabela Perry:* Perry commented she will have an update for the February Board meeting.
4. *Update on Incoming Accounting System Transition:* Naylor reported himself, Shea, Dreikosen and Sullivan met with Dan Hom from Novato Fire Protection District to get an idea of their Quick Books accounting system which is mostly independent from the County accounting system. Dreikosen commented he needs to contact Roy Given, the Director of Finance at the County to inquire a timeline for the County accounting transition. Shea stated it was a good meeting; there is going to be a lot of work for Dreikosen and Sullivan either way the Board decides to transition. Naylor added there will be a lot of infrastructure work and security controls if the CSD decides to go independent from the County.

Public Comment Open Time for Items not on the Agenda

Barnello read two prepared statements:

The Brown Act provides that the legislative body shall not prohibit a member of the public from criticizing the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. (54954.3(c).) Public meetings of governmental bodies have been found to be limited public fora. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. Any attempt to restrict the content of such speech must be narrowly tailored to effectuate compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (Leventhal v. Vista Unified School Dist. (1996) 936 F.Supp. 951; Baca v. Moreno Valley Unified School Dist. (1996) 936 F.Supp. 719.) These decisions found that prohibiting critical comments was a form of viewpoint discrimination, and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialogue.

54954.3(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2.

Bill McNicholas commented the Board should investigate SolEd and do the proper due diligence. Nestel stated the CSD does not know the track record of who is providing the long term financing; it is a company run by kids.

Fire Department Matters

1. *Draft Minutes of Fire Commission Meeting of January 5, 2016:* Roach stated James Rey is the new Chair.
2. *Fire Department- Activity Summary Report for December, 2015:* Roach stated there is a definite increase in calls due to the shared services agreement. Barnello commented she had been attending the San Rafael Fire Department meetings and was informed that 90% of Fire calls are medical in nature. Nestel commented if 90% of calls are medical then the CSD's Fire Department is not tailored to its needs. Captain White replied the Marinwood Fire Department is a full service department.
3. *Fire Chief Report:* Roach stated the new engine is estimated to arrive in late January.

Park and Recreation Matters

1. *Ordinance 2011-03: Review Recommended Revision to Require Leash Restrictions on Multi-Use Trails including Marinwood Park Panhandle Trail:* Perry stated there have been reports of dog attacks since the passing of the Ordinance in 2011 which prompted the discussion at the Park and Recreation Commission meeting. The Commission felt the safety of the residents and school children was the most important factor in the decision to add verbiage of "multi-use trails" in the Ordinance. The Commission acknowledged that the CSD has no tool for enforcement, but the update in the Ordinance will allow the proper authorities to enforce the rules. Naylor commented he had concerns with

this topic not being vetted in the public forum for the appropriate amount of time. Kai agreed with Naylor. DeMarta added that the signage at the park panhandle would also need updating. Nestel commented the original intent of the 2011 Ordinance was to allow dogs off leash in the panhandle.

M/s Perry/ Kleinman-Green to table further discussion until the February 2016 Board Meeting. Ayes: Perry, Kai, Naylor, Kleinman-Green and Shea. Nays: None. Motion carried unanimously.

2. *Recreation and Maintenance Activity Reports*: No further discussion.

3. *Proposed Camp and Pool Rates for 2016 Season*: DeMarta stated the staff is proposing a 3% increase to camp fees for 2016. Kai asked if staff has implemented a financing fee for payment plans. DeMarta replied yes, there will be a \$25 fee for payment plans as well as a \$25 fee for any changes to said payment plans.

M/s Perry/ Kleinman-Green to approve proposed camp rates for 2016. Ayes: Perry, Kai, Naylor, Kleinman-Green and Shea. Nays: None. Motion carried unanimously.

DeMarta stated staff is proposing no increase in pool fees for the 2016 season. DeMarta added competing pools are not increasing prices for the 2016 season.

M/s Kleinman-Green/ Naylor to approve proposed pool rates for the 2016 season. Ayes: Perry, Kai, Naylor, Kleinman-Green and Shea. Nays: None. Motion carried unanimously.

Dreikosen informed the Board that Oyserman has stepped down from the Park and Recreation Commission due to personal reasons.

New and Other Business

1. *Appointments of Liaison Directors to Fire and Park and Recreation Commissions*: Kai appointed Perry to liaison to the Fire Commission. Kai appointed Naylor to the Park and Recreation Commission.

2. *Initial Discussion regarding Current District Website and Potential Revisions*: Perry commented the website functions fine, but it needs more content regarding District business. Naylor stated the Fire Department should be on the CSD's website. Dreikosen commented the Grand Jury is currently conducting a study of all Special District websites. Kai volunteered to help Perry work on this topic.

3. *Requests for Future Meeting Agenda Items*:

- ~ Website update.
- ~ MERA appointment.
- ~ LAFCO point person.
- ~ Solar project update (if there is a progress report).

Recognitions and Board Member Items of Interest

Kai proposed staff send the Dods family a sympathy card.

The meeting was adjourned at 10:31pm.

The date of the next Regular Board Meeting was set for February 9, 2016.

Respectfully submitted,
Carolyn Sullivan