

# Marinwood Community Services District

Minutes of Board of Directors Meeting  
Tuesday February 9, 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 6:31pm. 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 Supervisor Robyn Bruton and Administrative Assistant Carolyn Sullivan.

Others Present: Stephen Nestel, Linda Barnello, Tom Boyd, Ron Duben, Marin County Deputy Sheriff and Ray Day. Park and Recreation Commissioners: Shane Valentine and Jon Tune.

## **Open Session Call to Order and Pledge of Allegiance**

## **Agenda**

No changes or additions.

M/s Shea/ Naylor to approve agenda. Ayes: Perry, Naylor, Kai, Shea and Kleinman-Green. Nays: None. Motion carried unanimously.

## **Public Comment Open Time for Items Not on Agenda**

Barnello recited government code sections 54954.3 and 54952.2 from the Brown Act.

Nestel stated the District should purchase a video camera to record Board meetings.

## **Policy Matters**

1. *Ordinance 2011-03: Revision to Ordinance to Require Leash Restrictions on Multi-Use Trails including Marinwood Park Panhandle Trail:* Dreikosen stated this revision was brought to the Board by the Park and Recreation Commission who recommended the revision to require leash restrictions. There were thirty-one correspondences to the District Manager, eighteen opposing the revision, thirteen in support of the revision. Valentine commented the Commission saw this issue as a clarification matter regarding multi-use trails on District property. The Commission's interest is to have a trail safe and comfortable for all to use. Kai asked what the current designation of the panhandle trail is. Dreikosen responded it is undefined, but it was his understanding the 2011 Ordinance was to consider the panhandle as "open space" to allow dogs to walk off leash. Tune stated the Ordinance is open to different perspectives. Tune believes the language in the current Ordinance already maintains that the panhandle is leash restrictive. Day commented he is a supporter of allowing dogs to walk off leash and questioned what spurred this Ordinance revision. Kai replied it was his understanding there was an incident on the trail. Day stated dog owners should have a small area for their dogs to walk off leash. A resident commented that their dog walks off leash in the wooded area near the creek and has never experienced a negative incident. They commented enforcement will be an issue. A resident commented leash restrictions create as many problems as they solve and requested the Board not restrict the residents by changing the Ordinance. A resident and dog trainer stated it is the owner's responsibility to read the signals of other dogs and owners. People need to be responsible for their own dogs and respectful of others. A resident commented that his dog spurred this discussion of revision of the Ordinance. Dog owners in this community all know each other and the resident stated he had taken responsibility for his dog's behavior and had paid for all the veterinarian bills to the owner of the other dog. Boyd, a resident of forty years, stated he is familiar with the situation and stated he has never experienced any negative incident with dogs off leash. A resident stated her husband often walks in the panhandle and has been frightened by dogs off leash. Barnello commented her dog has been attacked three times in the panhandle, the Ordinance in question is very ambiguous, the panhandle is part of the Marinwood Park and safety should be the main concern. The Deputy Sheriff stated that McInnis Park will be undergoing renovations to the dog park area and it will be closed for a time. If the CSD acknowledges the park panhandle as an off leash area it might become a hotbed for dog owners to bring their dogs to run off leash. Kai commented that the bail schedule needs to be included in the Ordinance in order for the Ordinance to be enforceable by the proper authorities. Shea stated after listening to all the comments from the public he has an issue with restricting the residents even further regarding this topic. Kleinman-Green commented she has sat through many meetings regarding this topic over the

years, but the residents in attendance currently are not representative of all dog owners. Kleinman-Green added she has seen many irresponsible dog owners that expose the District to possible liabilities. Naylor stated the District has an Ordinance in place for the panhandle, further enforcement of the Ordinance will be an issue. Naylor noted he has sympathy for the owner whose dog was attacked, but there have been so few incidents in the panhandle he recommends the Ordinance remains as is. Perry stated she understands the incidents are rare and that enforcement will be an issue, but it's the Board's responsibility to protect the District against possible liabilities. Kai stated the location of the off leash dogs is bothersome being located so close to the middle school as well as it being used by walkers and bicyclists. Kai added the District needs to err on the side of caution and limit potential liabilities.

M/s Kleinman-Green/ Perry to approve revision to Ordinance 2011-03 to Require Leash Restrictions on Multi-Use Trails including Marinwood Park Panhandle Trail; to include and incorporate the Marin County Municipal Ordinance Bail Schedule and to direct District Manager to draft and submit letter to the Marin Humane Society authorizing their agency to enforce Ordinance 2011-03 and issue citations. Ayes: Perry, Kai, Kleinman-Green. Nays: Naylor and Shea. Motion carried.

### **Consent Calendar**

a. *Draft Minutes of Regular Meeting of January 12, 2016*: No additions.

b. *Bills Paid Nos. 690-773*: Board asked for clarification on a few items.

M/s Kleinman-Green/ Shea to approve Consent Calendar. Ayes: Perry, Kai, Naylor, Kleinman-Green and Shea. Nays: None. Motion carried unanimously.

### **District Matters**

1. *Update from Ad-Hoc Committee to Address District Unfunded Liabilities. Committee Member(s): Jeff Naylor and Bill Shea*: Naylor reported the Committee met three times to discuss pension liabilities. Discussion included saving money by opting to pay liability in one lump yearly sum versus the monthly payments and making reserve payments to a restricted account. Naylor reported the Committee had polled local Fire Services to gain knowledge on revenues and expenditures. The salary structure for the Marinwood Fire Department is 75% salary with 24% revenues. Shea added the District's OPEB liabilities for 2015/16 is 2.7 million with costs rising.

*(The Board took a five minutes recess)*

Kai commented due to the late hour he will move Item J (2) to before H (2).

### **Park and Recreation Matters**

2. *Integrated Pest Management (IPM) Policy- Created and recommended for Board approval by Park and Recreation Commission*: Valentine reported discussion first began when Perry was Chair of the Commission, John Tune and Jon Campo were instrumental in educating the Commission on this topic. Valentine commented the policy is very transparent, but fears a knee jerk reaction from the community and advises being proactive with education to the public regarding this policy. Tune added the District has the responsibility to maintain its infrastructure with few resources; this policy defines and clarifies staff actions. Valentine added the policy is very nuanced and very site specific. Barnello commented she had attended the meetings while discussion occurred and appreciated the level of discussion held by the Commission. Shea stated the policy was well thought out. Kleinman-Green and Naylor agreed. Kai thanked Perry for bringing the topic before the Commission.

M/s Shea/ Kleinman-Green to approve Integrated Pest Management (IPM) Policy as recommended by the Park and Recreation Commission. Ayes: Perry, Naylor, Kai, Kleinman-Green and Shea. Nays: None. Motion carried unanimously.

### **District Matters**

2. *Update from Ad-Hoc Committee to Review, Revise, Create District Policies and Procedures: Review of Draft Board Bylaws. Committee Member(s): Izabela Perry*: Perry stated this is only the first draft. Naylor gave Perry his comments for review. The Board members will send the District Manager their comments for subsequent drafts.

3. *Update on Upcoming Accounting System Transition*: Dreikosen stated the County's official statement is looking at a July 1, 2016 transition. Naylor commented the District needs more information from the County. Dreikosen agreed.

4. *District Website: Potentially appoint Board Member to work with staff to identify potential updates and possible rework of current District website*: Item Tabled.

### **Fire Department Matters**

1. *Draft Minutes of Fire Commission Meeting of February 2, 2016*: No additions.

2. *Fire Department- Activity Summary Report for January 2016*: Roach reported he needs to obtain a membership ID for Marin Maps.

3. *Fire Chief Report*: Roach reported the engine is set to be delivered Friday February 12<sup>th</sup>. Additionally Roach is looking into a potential May 1 new hire which would be a paramedic.

4. *Update on Implementation of Paramedic Personnel on Engine:* Roach reported things are moving forward positively.

#### **Park and Recreation Matters**

1. *Draft Minutes of Park and Recreation Commission Meeting of January 26, 2016:* No additions.

3. *Recreation and Park Maintenance Activity Reports:* Recreation Supervisor Robyn Bruton stated Raise a Glass a Winter Wine Tasting is set for February 27, 2016 from 2-5. Summer registration is set to open February 22 for residents and pool members and February 29 for non-residents.

#### **New and Other Business**

1. *SEED Solar Power Project:* Dreikosen reported that Danlin Corporation will be the construction company for the solar project. Danlin stated once they receive the notice to proceed, things will move quickly.

2. *Appointments of Liaison Directors to LAFCO and Shared Services Agreement/San Rafael:* Shea and Kai were appointed to LAFCO. Naylor and Kai were appointed to Shared Services Agreement/San Rafael.

3. *Requests for future Meeting Agenda Items:*

- MERA alternate position
- Action plan for audit recommendations
- District Transparency Award
- Solar status

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

Kai congratulated Dreikosen on the birth of his second son.

The meeting was adjourned at 11:00pm.

The date of the next Regular Board Meeting was set for March 8, 2016.

Respectfully submitted,  
Carolyn Sullivan