

# Marinwood Community Services District

Minutes of Board of Directors Meeting  
Tuesday April 12, 2016

**Time and Place:** 6:30PM Marinwood Community Center classroom.

## **Closed Session**

1. *Conference with labor negotiators section 54957.6. Agency designated representatives: Jack Hughes, Liebert Cassidy and Whitmore. Represented employees: Marinwood Professional Firefighters.*

2. *Conference with Legal Counsel- Anticipated Litigation Significant Exposure to Litigation Pursuant to Government Code 54956.9(d)(2) and e(5): Number of cases unknown.*

Closed session began at 6:30pm. Closed session ended at 7:28pm. No action was taken; the Board advised its representatives.

## **Present:**

Board Members: President Justin Kai, Bill Shea, Izabela Perry and Jeff Naylor.

Absent: Leah Kleinman-Green.

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

Park and Recreation Commissioners: Shane Valentine.

Fire Commissioners: Ron Marinoff.

Others Present: Volunteer Firefighter Thomas Marinoff, Dave Marinoff, Keene Simonds, Rachel Jones, Stephen Nestel, Linda Barnello, Chris Callaway and Maggie McCann.

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

## **Agenda**

No changes or additions.

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

## **Recognition**

*The Board of Directors will recognize a local citizen for their contributions to the District:* Roach commented that the Marinwood Fire Department took receipt of a new fire engine this month. Roach stated that without the assistance and forward thinking of Ron Marinoff the engine purchase might not have taken place. Marinoff served as a volunteer Firefighter for the District from 1965 to 1977. In 1977 he joined the Fire Commission and has served since. Roach presented Marinoff with a plaque thanking him for his dedication to the District and the community. Marinoff thanked the Board and staff for the recognition and noted that there have been three generations of Volunteer Firefighters to serve the District; himself, his son Dave and his grandson Thomas. Marinoff also commented the price of liberty is eternal vigilance. Maggie McCann thanked Marinoff on behalf of the Lucas Valley Homeowners Association. Naylor read into the record the formal letter written by the Board thanking Marinoff for his dedication. (Please see attachment).

## **LAFCO Municipal Service Review Study**

1. *Presentation by LAFCO Executive Officer, Keene Simonds, to Discuss Upcoming Municipal Service Review Study of San Rafael/ Lucas Valley area:* Simonds commented a schedule has been approved. LAFCO will be conducting an independent study of Marinwood CSD, CSA 13, San Rafael and other government agencies in the immediate area of San Rafael/Lucas Valley. The study will look into spheres of influence, boundary changes if applicable and latent powers. There will be the opportunity for the Board and Community members to participate in the study and they hope to hold a community meeting. LAFCO expects to have a first draft of the study to be complete by November. Perry inquired if LAFCO will be looking at the CSD's Parks and Recreation areas as well. Simonds replied yes, there are three main areas of study; Community Development, Public Works and Public Safety. Kai asked if the Board would like to look at adding a latent power what the process would be. Simonds replied the Board can state their interest, but the study should be completed first; as well as looking at the financial aspect. Marinoff stated the relationship between the CSD and San Rafael has improved recently, but please note San Rafael would like to extend their reach to the border with Novato. Nestel commented San Rafael has terrible debt; Marinwood doesn't want to marry a bankrupt. Dreikosen asked Simonds the number of government agencies in Marin. Simonds replied there are eleven Cities and fifty-four Special Districts in Marin; second only to Contra Costa in the Bay Area. Chris Callaway,

aide to Supervisor Damon Connolly, stated if the public have any concerns please do not hesitate to contact the Supervisor's office.

### **Consent Calendar**

a. *Draft Minutes of Regular Meeting of March 8, 2016*: Kai would like to add, "...considering that the facility is under their purview in order to encourage Board and Commissioner participation to make the best informed decisions on this service for our residents."

b. *Bills Paid Nos. 858-957*: Shea asked if the Chief has a good handle on overtime costs. Roach replied there are two employees out on work related injuries, one out on a non work related injury and one out due to the birth of a child. Roach reassured the Board that overtime costs will go down when the employees return from injury. Naylor requested the date of bills paid be included on the claims list. Barnello inquired why the District has not seen a bill from the Sheriff office regarding their attendance at a recent meeting. Roach replied the Sheriff will not be billing the District.

M/s Shea/ Perry to approve Consent Calendar with minutes amended. Ayes: Perry, Kai, Naylor and Shea.

Nays: None. Motion carried unanimously.

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

Nestel commented he is in the process of placing his recordings from past Board meetings on the internet.

Barnello stated the Brown Act supersedes Rosenberg's Rules. Barnello recited item 54954.3 (a) from the Brown Act.

### **Personnel Matters**

1. *Change in Administrative Assistant Position from Part-Time Position to Full-Time Position, including Approval of Job Description and Proposed Compensation*: Dreikosen commented he had created the job description and included everything in the Board packet. Dreikosen recommended placing the incumbent into the position. Nestel commented it is not the time for the CSD to be reorganizing. Naylor commented that as the CSD merges to a new accounting system independent from the County of Marin having two full time employees will be beneficial; there needs to be strict procedural assignments for accounting. Perry stated the incumbent knows the chart of accounts and District operations very well.

M/s Perry/ Shea to approve change in Administrative Assistant Position from Part-time Position to Full-Time Position, including Approval of Job Description and Proposed Compensation. Ayes: Perry, Kai, Naylor and Shea. Nays: None. Motion carried unanimously.

### **Fiscal Matters**

1. *Fiscal Year 2015-2016 Budget Amendment*: Dreikosen stated this is procedural and done yearly. Naylor commented it is a forecast amendment. Dreikosen replied yes. Nestel asked if it was a loan. Dreikosen replied no. Barnello asked if corporations do Budget Amendments. Naylor replied yes.

M/s Perry/ Shea to approve Fiscal Year 2015-2016 Budget Amendment. Ayes: Perry, Kai, Naylor and Shea. Nays: None. Motion carried unanimously.

2. *Draft District Budget for Fiscal Year 2016-2017*: Dreikosen asked if the Board would like to keep the Reserves and Contingencies goals in the budget; there is no money dedicated. Perry replied yes, it is best practice. Naylor commented that the Board should consider using funds available and placing them into an irrevocable trust for the District's OPEB liabilities. Perry stated the District will need to show the OPEB liabilities by 2017 and agrees any revenues over expenditures should be placed into a trust, but the Board needs to understand the return on investment beforehand. Dreikosen stated the OPEB trust amounts will not be decided before the approval of the 2016-2017 budget, but the Board may always make a budget adjustment. Marinoff pointed out that the Fire Department budget increased by 4%, yet the CSA 13 portion increased by 5.5%. Nestel stated the Board should be putting money aside for capital expenditures such as the park shed and park vehicle.

### **District Matters**

1. *Update from Ad-Hoc Committee to Address District Unfunded Future Liabilities. Committee Member(s): Jeff Naylor and Bill Shea*: Naylor included a memo in the Board packet which noted that "implicit subsidy is now required as an additional District obligation to recognize the higher healthcare costs of retirees and will increase by 7.5% a year if not properly reserved". OPEB liabilities will exceed pension liability by 2017 and we need to act now.

2. *Update from Ad-Hoc Committee to Review, Revise, Create District Policies and Procedures: Approval of Draft Bylaws. Committee Member(s): Izabela Perry*: Perry stated the final draft has been vetted by Counsel and is presented in the packet. Dreikosen commented in regards to "Training", SDRMA provides discounts to CSD insurance policies for trainings attended and often the policy discounts are greater than the training expense; the classes are affordable and would encourage Board Members to attend. Barnello questioned which Counsel reviewed the Bylaws. Dreikosen replied County Counsel assigned to our District. Barnello asked why on page six under "Action Items" it states, "...the public comment will take place only after the technical questions from the Board of Directors have been answered, and before a motion is introduced". In "Discussion Items" it states, "...the public comment section will take place before or after the discussion by the Board of Directors." Barnello added it is censorship to not allow the public to speak on items that the Board has been discussing. The Brown Act says the public can speak "before or during". Perry replied

the Board is following Rosenberg's Rules of Order; that is the order for Action Items based upon Rosenberg's Rules. Perry stated as far as the "Discussion Items", it was written to implement decorum; it doesn't matter who speaks first, public or Board. Dreikosen stated the Brown Act states, "before or during", not "before and during". Nestel and Barnello both stated that this is considered censorship. Kai warned their outbursts will not be tolerated. The President may give the floor to the public when it is their turn to speak. Kai stated if Nestel continues his outbursts he will be asked to leave the meeting. (Nestel told Kai to shut up). Kai commented Items G(1) and G(2) should be consistent; the Board should follow the order of G(1). Naylor stated it should remain as is, but keep in mind anything may be revised at a later date. (At this time Nestel gave the Board the middle finger on both of his hands). Nestel commented his actions are protected by free speech. (Perry left the room). The public has a right to free speech; the Board has created numerous laws such as not allowing the public to write to the Board on non-agenda items and have them posted in the packet. Nestel stated the Board will be challenged on these issues and addressed Kai as "little man".

(Perry reentered the room).

(The Board President decided to take a five minute recess).

(The meeting reconvened.)

Kai stated Nestel will have thirty more seconds to speak. Nestel stated he will continue to speak as long as he wants and commented the Board is re-writing the speech code, the public needs to be involved in the process. Kai replied the Board is working towards consistency in decorum. Kai commented there are a few grammatical errors that need attention. Additionally, Kai suggested changing the wording of "...Directors are not allowed to comment" to "...Directors are discouraged from commenting" under "Communication Channels"; as well as add "Corrective information shall be limited to factual information previously disclosed in public meetings."

M/s to approve draft Board Bylaws as amended to include suggestions and wording by Director Kai. Ayes: Perry, Kai, Naylor and Shea. Nays: None. Motion carried unanimously.

Nestel continued to speak out of turn. Kai asked him to stop speaking out of turn. Nestel told Kai to shut up. Kai asked Nestel to leave the room. Nestel refused to leave the room. (Roach contacted the Sheriff's office). (Nestel gave the Board the middle finger on both hands).

3. *District Manager Report*: Dreikosen commented the accounting transition continues to be a big issue. Director Naylor, Dreikosen and Sullivan had attended a County level meeting to be kept abreast of the County's financial transition. Dreikosen had purchased QuickBooks and it had been installed. The current chart of accounts and a trial balance were uploaded with great assistance from Dan Hom from Novato Fire Protection District. Naylor stated Dreikosen and Sullivan should attend all future County meetings because it is most likely that the CSD will have a two-step migration next fiscal year. Dreikosen reported the Newsletter the Board requested has been worked on by staff and could be placed on the website by the end of the week.

(The Sheriff arrived and President Kai called a short recess). (The Sheriff asked to speak to Nestel outside the room; he refused.)

(The meeting reconvened.)

Kai stated due to the non-compliance of a community member the remainder of the meeting will be expedited to only items needing Board approval.

### **Fire Department Matters**

1. *Draft Minutes of Fire Commission Meeting of April 5, 2015*: Tabled.

2. *Fire Chief Report and Activity Summary Report for March 2016*: Tabled.

### **Park and Recreation Matters**

1. *Draft Minutes of Park and Recreation Commission Meeting of March 22, 2016*: Tabled.

2. *Recreation and Park Maintenance Activity Report*: Tabled.

3. *Authorize purchase of Salt Generator for Pool*: DeMarta reported the salt generator for the pool died, it has been repaired in the past, but now it needs to be replaced. The cost of a new generator is approximately \$14,000 with a two-year warranty. Dreikosen recommended the Board approve the purchase using Measure A funds.

M/s Naylor/ Perry to approve the purchase of new salt generator for the pool facility using Measure A funds to pay for the expenditure. Ayes: Perry, Kai, Naylor and Shea. Nays: None. Motion carried unanimously.

### **New and Other Business**

1. *Marin County Grand Jury Report: Discuss and Potentially Approve Formal Response to Recent Grand Jury Report Regarding Website Transparency*: Tabled.

2. *Resolution 2016-01: Approving the Form of and Authorizing the Execution of a Memorandum of Understanding and Authorizing Participation in the Special District Risk Management Authority's Health Benefits Program*: Dreikosen stated AIG is dropping the CSD due to the small size of the enrollees. SDRMA's Life Insurance is less expensive than AIG while providing a substantially similar benefit.

Kai read the Resolution into the record:

*“Resolution No. 2016-01. A Resolution of Marinwood Community Services District approving the form of and authorizing the execution of a memorandum of understanding and authorizing participation in the Special Districts Risk Management Authority’s health benefits program.”*

M/s Perry/ Naylor to approve Resolution No. 2016-01 Approving the Form of and Authorizing the Execution of a Memorandum of Understanding and Authorizing Participation in the Special District Risk Management Authority’s Health Benefits Program. Ayes: Perry, Kai, Naylor and Shea. Nays: None. Motion carried unanimously.

3. *Requests for Future Meeting Agenda Items:* Tabled.

**Recognitions and Board Member Items of Interest**

Tabled.

The meeting was adjourned at 10:36pm.

The date of the Public Hearing for Budget 2016-2017 was set for April 26, 2016 at 6:00pm.

The date of the next Regular Board Meeting was set for May 10, 2016 at 7:30pm.

Respectfully submitted,  
Carolyn Sullivan