

# Marinwood Community Services District

Minutes of Board of Directors Meeting  
Tuesday July 14, 2015

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

**Present:**

Board Members: President Tarey Read, Justin Kai, Bill Hansell, Deana Dearborn and Bill Shea.

Staff: District Manager Eric Dreikosen, Fire Chief Thomas Roach, Recreation Director Shane DeMarta, Firefighters John Bagala, Jeff Smith, Joel White, Brandon Selvitella and John Papanikolaou, Administrative Assistant Carolyn Sullivan.

Fire Commissioners: Chair Jeff Naylor and Ron Marinoff.

Park and Recreation Commissioners: Chair Izabela Perry.

Others Present: Stephen Nestel, Linda Barnello, Bob Briare, John Grey, David Brown, Bruce Anderson, Jody Morales and Ray Day.

**Call to Order and Pledge of Allegiance**

**Agenda**

Read moved item D (Open Time for Non Agenda Items) to before item G (Fire Department Matters).

**Consent Calendar**

a. *Draft Minutes of Regular Meeting of June 9, 2015:* Kai requested deletion of "...we can't move swiftly enough for a ballot measure" to "...the current process involving other interested parties will likely move faster than we can act as a district, considering we'd have to do a bond purchase through a ballot measure."

b. *Bills paid Nos. 1068-1192:* Barnello asked about the reimbursements to staff. DeMarta replied his Marinwood credit card was compromised therefore staff had to use more petty cash. Dearborn inquired about the County Counsel charges. Dreikosen replied just under \$1,000 was spent due to research and response regarding an unfounded Brown Act violation allegation that was filed with the District Attorney by a member of the public. The remaining amount was due to a personnel issue. The other amount of \$675.08 was for vehicle and radio maintenance performed by County. Shea inquired about the overtime costs. Roach replied there was a strike team that was dispatched; Marinwood will be reimbursed about \$10,000.

M/s to approve Consent Calendar with minutes as amended. Ayes: Kai, Read, Hansell, Dearborn and Shea.

Nays: None. Motion carried unanimously.

**Correspondence**

1. *Marin Professional Firefighters, June 25, 2015: Concerns over proposed Civic Openness in Negotiations (COIN):* Bob Briare, President of the Marin Professional Firefighters Union had written the letter and stated it was for Board review. David Brown commented the Firefighters would like to keep the public in the dark regarding negotiations and objected when the Board hired lawyers to assist in negotiations while they themselves are legally represented. Brown stated Marinwood should consider filing bankruptcy to cut the large pensions. Read stated the labor group has not objected to the Board seeking professional advice. Hansell disagreed with Read's statement. Hansell added the Board will begin new negotiations shortly and feels some of COIN's recommendations should be followed.

2. *Bruce Anderson, June 29, 2015: Providing suggestions for District board candidate forums in upcoming election:* Anderson suggested the Board take a more active role in elections and have the District provide space for a candidate forum. Anderson also suggested providing candidates with a table at the upcoming community events. Read thanked Anderson and stated filing is open. Kai commented he has concerns mixing community events with politics.

3. *Jonathon Yank, Messing Adam & Jasmine LLP on behalf of Marinwood Professional Firefighters, IAFF Local 1775, June 29, 2015: Requirement that District meet and confer prior to changing staffing levels:* Read commented she had added this to the agenda as an FYI for transparency. Hansell commented this is an opinion by a lawyer; it is the perfect example of why the District needs to utilize representation to respond. Dearborn stated this is a notification to the Board; the Board does not necessarily need to reply. The Board has a requirement to the tax payers to meet minimum staffing levels. Anderson stated items 3 and 4 under Correspondence should be closed session items. Hansell agreed with Anderson. Read commented there is no litigation at this time. Kai stated there might be future litigation issues.

4. *Jennifer S. Stoughton, Messing Adam & Jasmine LLP on behalf of the Marinwood Professional Firefighters, IAFF Local 1775, June 30, 2015: California Public Records Act Request:* Shea asked how much staff time has been spent on this matter. Roach replied it is ongoing. Anderson asked if the District has retained Counsel. Read replied Counsel has been contacted. Hansell requested the District Manager track his time spent on the matter. Bagala stated the reason the letter was sent was due to Hansell's initial letter to the Board.

5. *Russ Albano, July 5, 2015: Response to Director Hansell's letter dated June 24, 015:* The Board acknowledged the letter.

### **Board Matters**

1. *Discussion regarding Director Hansell's Letters to the District Board of Directors and District Commissions dated June 9, 2015 (see Minutes 7/9/15), June 24, 2015 (included in packet), July 9, 2015 (included in packet):* Hansell stated his interest is directly related to fiscal responsibility; the Board has approved to set aside 6.5% in reserves. In 2015/16 the District is making lump sum payments to PERS for pensions which is unprecedented, and does not want to see the District fail to meet its future liabilities, it is the Board's responsibility to financially analyze everything. Jody Morales stated she was impressed with Hansell's concerns. Marinoff commented the last Fire Department tax barely passed. He would like to have the auditor give a professional opinion on how the District should move forward with its finances. The Board reminded Marinoff that the Auditor is not hired to give advice. Hansell stated the District might be able to clarify operational costs versus reserves and to pay in advance our future liabilities. Naylor stated he had replied to Hansell with a letter of his own. He agrees the District faces a major challenge in regards to financing reserves, but has concerns with Hansell's focus of how the District should save money. There will be no substantial difference to stopping the Strike Teams or overtime issues. Naylor suggested the District should make structural changes to save money. Anderson inquired what structural changes could be made; and any structural change suggestions should come from the Commission as a whole. White stated the Board should look at Park and Recreation to make structural changes. Hansell stated structural changes have been made in the Park Department with the elimination of the Manager and a Maintenance Worker. The greatest post retiree liabilities lie within the Fire Department. The Fire Department is 50% of the budget; summer camps alone bring in over \$250,000. Perry commented due to restructuring efforts the Park department was able to cut two positions and save the District about \$150,000. Kai stated the District's finances have improved, but our liabilities continue to grow; all options should be considered a possibility even bankruptcy. Kai stated too much is being read into Hansell's letter, COIN's recommendations are just a possibility. Dearborn stated she would like to see monthly budget to actuals as well as savings in each department to come up with District reserves. Shea stated the District has serious long term debt, Hansell's ideas are good ones. The District is burdened by PERS, the purchase of the new fire engine as well as future negotiations. Hansell stated resources are stretched, staff is overwhelmed and the Board needs to set policies before the passing of another budget. Dearborn suggested a special meeting before November to discuss the policy of budgeting. Bagala stated the District had the opportunity to do an actuarial study regarding a healthcare vesting schedule for future Park and Recreation employees and all current employees to assess the full future liabilities of the District and the Board chose not to.

### **Open Times for Items not on the Agenda**

Perry asked the Board to write a letter to former District Manager Tom Horne for his years of service to the District and community. Read agreed and asked Perry to draft the letter.

Barnello asked for clarification of overtime for non-union employees. DeMarta replied non-union exempt employees do not receive overtime; some receive administrative leave but this is not directly tied to overtime worked.

### **Fire Department Matters**

1. *Draft Minutes of Fire Commission Meeting of July 7, 2015:* Naylor commented the Board should consider staggering the liaison appointments; this will educate all Board members and remove any affinities towards departments.

Dearborn asked who cleaned 642 Appleberry. Roach replied the homeowner performed the maintenance.

2. *Fire Department –Activity Summary Report for June, 2015:* No additional comments.

3. *Fire Department- Chief Report:* No additional comments.

4. *Shared Services Update:* Naylor stated the Board should be ready and able to make offer to a paramedic firefighter as soon as possible.

5. *Resolution 2015-06: Authorizing Execution of Joint Exercise of Powers Agreement II Relating to the Marinmap Project:* Kai inquired if all departments may have access to the maps. Roach replied yes.

M/s Hansell/ Shea to approve Resolution 2015-06: Authorizing Execution of Joint Exercise of Powers Agreement II Relating to the Marinmap Project. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

6. *Fire Commission Bylaws:* Dreikosen stated they have been vetted and would recommend adoption at this time.

M/s Shea/Kai to approve Fire Commission Bylaws. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

7. *Resolution 2015-07: Calling a Special Election be held in its Jurisdiction; Establishing a Date for Election; Adopting Intended Ballot Language; Ordering the Consolidation of Said Election; Requesting Election Services by the Registrar of Voters(Ballot Measure Language for Appropriations Limit Increase for Fire Protection and Emergency Services):* Dreikosen stated this is being run by County Counsel. Dreikosen noted this measure is allowing the District to spend the money it is already collecting; it's not a new or increased tax.

M/s Kai/ Shea to approve Resolution 2015-07: Calling a Special Election be held in its jurisdiction; Establishing a date for election; Adopting intended ballot language; Ordering the consolidation of said election; Requesting election services by the registrar of voters (Ballot measure language for appropriations limit increase for fire protection and emergency services). Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

### **Park and Recreation Matters**

1. *Draft Minutes of Park and Recreation Commission Meeting of June 23, 2015*: No additional comments.
2. *Recreation and Maintenance Activity Reports*: Shea thanked the department for a good Friday night Music in the Park.
3. *Proposed Ballot Measure Altering Current Park, Open Space and Street landscape Special Tax from Per Parcel basis to Per Unit Basis*: Read commented she admired Kai for spending so much time on this matter. Hansell asked if there were any senior exemptions. Kai responded no; and the current one does not have a senior exemption. Kai commented everything is detailed in the letter in the Board packet it would be good for the District to be proactive in re-structuring this tax at this point in time.

M/s Kai/ Shea to approve Ballot Measure Altering Current Park, Open Space and Street Landscape Special Tax from Per Parcel Basis to Per Unit Basis and that the District authorize our General Counsel not to exceed \$10,000 in legal fees to prepare the ballot measure, resolution calling the election, resolution requesting consolidation with the County election and the implementing tax ordinance to execute restructuring the park maintenance parcel tax into a per unit tax. Any portions of this process, which can be executed by MCSD staff, should be done so in an effort to keep outside legal costs to a minimum. Once ready, the board would need to reconvene at a special meeting to approve and submit to the County before the August 7<sup>th</sup> County ballot measure submission deadline, for voters to approve in the November General Election. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

### **Fiscal Matters**

1. *2015-2016 Budget Amendment to Reflect Approval of PG&E Rebate and On-Bill Financing of Pool Energy Efficiency Project Revenue and Associated Expenditure*: Read stated there is no fiscal impact. Dearborn asked what the reimbursement time frame is. Dreikosen replied 6-8 weeks after project completion and inspection. DeMarta stated it will have paid for itself within 3-5 years.

M/s Dearborn/ Shea to approve 2015-2016 Budget Amendment to Reflect Approval of PG&E Rebate and On-Bill Financing of Pool Energy Efficiency Project Revenue and Associated Expenditure. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.

### **New and Other Business**

1. *Resolution 2015-08: Election of Directors to the Special District Risk Management Authority Board of Directors*: M/s Dearborn/Kai to elect in order Ed Gray, R. Michael Wright and Sandy Seifert-Raffelson. Ayes: Kai, Read, Hansell, Dearborn and Shea. Nays: None. Motion carried unanimously.
2. *Energy efficiency Projects Update*: Dreikosen stated the pool upgrades are the bulk of the projects as was mentioned earlier.
3. *SEED Solar Power Purchase Agreement Update*: Dreikosen stated he had met with representatives last month and the project is moving in the right direction. They have sent rough designs and the project might be scaled down to reflect our needs. Hansell stated there is still time to discuss aesthetics. Dreikosen stated the roof repairs will need to be completed soon as well. Dearborn requested when information is received by the Manager it be sent to the individual Board members. Nestel questioned the roof repairs. Dreikosen stated they need to be done whether or not the District installs solar and the cost is already in the budget.
4. *LAFCO Update*: Kai stated Mr. Baker was elected.
5. *Requests for future Meeting Agenda Items*:
  - Paramedic Firefighter update
  - Lighting in external restroom facility

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

Read thanked the Firefighters for another great 4<sup>th</sup> of July pancake breakfast.

Shea recognized Hansell for his work with the Friday night Music in the Park series. Hansell thanks Shea and noted the Recreation Department has garnered Sponsorships to help ease the cost of the event.

Kai thanked Dreikosen for his assistance regarding the Park Parcel tax and thanked the Recreation Department for the additional evening lap swim times.

**Closed Session**

*Personnel exemption; The Board may meet in closed session to confer with its designated representatives to Marinwood Professional Firefighters regarding wages, benefits and working condition matters, pursuant to Government Code section 54957.6. Designated Representatives: Bill Shea, Justin Kai and Jeff Naylor.*

The Board entered into closed session at 11:15PM. The Board exited closed session at 12:27, no action was taken.

The meeting was adjourned at 12:28AM.

Respectfully submitted,  
Carolyn Sullivan