

Marinwood Community Services District

Minutes of Board of Directors Meeting

Tuesday September 9, 2014

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

Present:

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

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

Park and Recreation Commissioners: Izabela Perry, Eric Dreikosen, Shane Valentine, Kimberly Call and Linda Barnello.

Others Present: Stephen Nestel, Ray Day, Jonathon Whelan of Optony Inc., David Kunhardt CEO of SolEd Benefit Corp., David Potovsky of Sunetric and Pam Derby of CPS HR Consulting.

Call to Order and Pledge of Allegiance

Agenda

No changes or additions.

Consent Calendar

1. *Minutes of Regular Meeting of August 12, 2014:* Barnello commented the minutes should state "draft".

2. *Bills Paid nos: 163-226:* Shea questioned the \$53,197 of overtime paid on August 22, 2014. Roach replied the Department had a strike team out and the State will reimburse the CSD.

M/s Read/ Dearborn to approve Consent Calendar.

Motion carried unanimously.

Open Time for Items not on Agenda

Barnello commented she had discovered full bottles of beer being left over at the horseshoe pits. She stated it is a dangerous situation. DeMarta replied he had contacted the Lions Club regarding the situation and Harrelson has spoken to some people who use those facilities.

Public Hearing Re: Seed Fund Solar Electric Proposal

1. *Project Description- Jonathon Whelan of Optony, Inc. for SEED Fund:* Jonathon Whelan reported on the status of the project. Thirteen of the fourteen interested agencies are moving forward with the proposed project. There will be a 10% additional discount if agencies representing 2MGW of system capacity approve the contact by September 30, 2014. Shea asked if the numbers in the projection table were verified. Whelan replied yes. Horne asked what the risk is to the District. Whelan replied there is no risk, the risk falls upon the owner of the system. Kai asked if the District may say no to the vendor in regards to changes/upgrades to the system. Whelan replied yes. Kunhardt stated the system is designed to provide 80% of the Districts annual electrical demand. Kai expressed concerns about the project and questioned if the District couldn't go ahead with solar independently. Horne replied, the District has looked into solar projects in the past, but the costs are out of reach if it is done independently. Hansell commented this proposal was vetted by San Rafael. Whelan stated the RFP went out to over 100 vendors, there were 50 respondents and 22 of those completed the walk-through; 4 proposals were received. The 4 proposals were vetted by a selection committee fielded from the requesting agencies. Kai questioned how long the companies have been in business. Potovsky replied Sunetric has been in business for over 10 years and operates in four states as well as being publically traded. Kunhardt commented he has over 30 years experience in the field. Shea asked about possible roof replacement. Potovsky commented Sunetric had inspected the roof and it is in good condition. Horne stated the District's roof is a Duro-Last roof and repairs may be made around the solar if needed. Hansell stated he had watched San Rafael discuss the project and feels confident on the vetting process. Horne agreed the City of San Rafael has highly qualified staff who vetted this proposal.

2. *Comments and questions from the public:* Call commented she supports green energy, but questioned if the Districts insurance costs would increase. Horne replied no. Call stated she would endorse this project. Barnello asked how much this project will cost the District. Horne replied there is no cost to the District. Nestel stated if the project goes through the equipment will be outdated within 5 years. People are not leasing systems anymore, they are buying them. The proposal for the pool structure is made for a car-port, not a shade structure, it is not appropriate. The CSD's Capital Replacement structure is in disrepair it is unwise to enter into this agreement. The Board violated the Brown Act with this Resolution and Nestel stated it will trigger legal action if the Resolution is approved. Nestel added Sunetric was the only complete bidder and the two men representing these Companies are not experts. Nestel added Kunhardt is a proponent of high-density housing when he himself lives in a McMansion in Corte Madera. Hansell requested Nestel speak to the Board not to specific individuals in the room.

3. *Resolution No. 2014-10 Authorize a Site License and Power Purchase agreement with SolEd Benefit Corporation for installation and operation of a solar power generating system:* Read commented everyone is aware that solar

equipment will modify over time, but it is in the benefit of everyone to provide good equipment. The District knows the costs and savings over the 20 years and it is a good deal. Kai stated the District is in flux and has apprehension about the rapid advance of technology and the long term of the contract. Kai added the District hasn't looked at all the possible bidders; there are better options. Hansell commented the advantage in this situation is that the project was vetted by a committee who was educated and informed. Kai stated he has spoken with people who have stated the District can get a better deal. Shea asked Kai if that is the case why are they not here speaking on the proposal. Dearborn commented she has asked many questions regarding this proposal and does not support it. It is not in the best interest of the District at this point in time. Dearborn added she is a Project Manager and has spoken to professionals about this proposal and the cost recovery is not substantial. Dearborn added the way to save energy is to make improvements to the equipment the District needs. Additionally she was unable to open the 71 page document and would like a lawyer to review the document. There is no design being proposed only a concept and the District has no control over it. Hansell commented he is in favor of the proposal and the shade structure being proposed would be welcomed by the pool patrons. Horne stated this proposal is not for Capital Expenditures, the project is a site license and added the District does not have the money to do a solar project independently.

M/s Read/ Shea to approve Resolution No. 2014-10 Authorizing a Site License and Power Purchase Agreement with SolEd Benefit Corporation for installation and operation of a solar power generating system. Ayes: Read and Hansell.

Nays: Kai, Dearborn and Shea.

District Manager Position

1. District Manager hiring process

a. Set Job Description: Derby stated the job description draft had been sent out to the Board members, and asked if there needed to be changes to the document. Barnello suggested the word "Park" be added to the first paragraph. Horne agreed and added "Community Landscape" should be included as well. Dearborn commented wording is missing regarding "long-range planning" and "improvement planning". Dearborn added she would like a more proactive stance in regards to our facilities. Derby replied those terms are quite specific; the job description is a broad overview. Read stated it is not a task list, but a description of the job. Derby commented she had spoken with about fifteen stakeholders and is confident she knows what the Board and Community would like to see in the new District Manager. Nestel commented the new District Manager needs to have an understanding of Environmental Law. Nestel disagreed with including wording about five years public administration. He commented it should be modified to state the Board is looking for someone with experience in Government Agencies. Hansell replied he would be wary of any applicant who did not possess five years experience in the field. Kai commented the job description should not include "minimum", but rather "preference" of five years experience. Derby replied there must be minimum qualifications for applicants.

b. Set Compensation: the Board will consider wages for comparable agencies: Derby stated she had received salary information from Horne. Derby suggested increasing the wage by 25% to be comparable with other agencies. The Board could consider hiring someone beginning at Step C rather than Step A, there will be fewer step wage increases in the first years.

c. Finalize job announcement language: Harrelson suggested including the number of Park Maintenance workers and add "aquatic facilities" to the scope of responsibilities. Read had a few grammatical errors.

d. Update schedule for hiring process; set special meeting dates: Derby stated the deadline for applicants is October 17, 2014. Nestel asked how the advertising will be published. Derby replied she will send the Board an email regarding the advertising. The Board set tentative date for interview as November 8, 2014.

Correspondence

a. Stephen Nestel, September 4, 2014: Re: Park and Facilities condition and proposed solar power PPA: The Board acknowledged the letter.

Fire Department Matters

1. *Draft Report of Fire Commission meeting of September 2, 2014:* No additional comments.

2. *Fire Chief Operations Report:* Roach commented he is awaiting reimbursement from the State for overtime costs related to Strike Teams.

The engine purchase is moving forward and hopes to send the down payment next week.

Esteban Cespedes passed his paramedic test.

There is MERA informational meeting set for September 24, 2014 from 7:15 to 10 at the Marinwood Community Center. Dearborn stated the Board should be aware there is a school tax measure set for the November ballot as well.

3. *Implementation of paramedic program:* There is a meeting set for next week.

Park and Recreation Matters

1. *Draft Report of P&R Commission meeting of August 26, 2014:* Horne reported the Commission did a walkthrough of the Park Panhandle beginning at the Mini-park on Las Gallinas. Barnello commented she would like to see a handrail not steps at the Quietwood pathway. Hansell commented it was brought to his attention that the end of the

meeting was not pleasant. He reminded the Commissioners that there is due process for these meetings and no one individual can persistently insist on their specific priorities. Hansell added he was disappointed to hear that one person's behavior might make others in the Commission want to step down. Barnello asked whom Hansell had spoken to. Hansell replied he had spoken to every Commissioner except Call and Kunkel. He reminded the Commissioners that the Chair runs the meetings and the majority voice should be respected.

2. *Recreation and Maintenance activities reports:* Harrelson reported the Maintenance vehicle broke down and the transmission will be repaired. Harrelson had been working on a list of maintenance issues and reminded the Board his last day is set for October 24, 2014. Dearborn asked how the landscape outsourcing was progressing. Harrelson replied it has been a bit rocky. The company is not coming with the proper equipment for the job. For example they need to be providing a way to transport water for landscape in the medians.

DeMarta reported summer programming has ended. Thank you to Hansell for lining up great music for the Summer Music Series. Thank you to Marinwood Market for offering wonderful food at the events. The Marinwood Review had been mailed out. Upcoming events include: Oktoberfest 10/4, Art and Wine Show 10/11, Halloween Harvest Festival 10/17 and Wine and Canvas Night 11/7.

3. *Park maintenance special tax structure-consider changing tax basis to include commercial property on square foot basis. The Board may move to consider Counsel advice in public session:* Read stated the documents received by the Board are protected under attorney/client privilege. Kai commented if a change of housing is built in the community there needs to be a uniform tax for residential housing. Hansell stated if the District would like to change the tax structure it would require an election and the tax should be applied uniformly. Hansell commented the Board had received two opinions and they are differing. Hansell stated these opinions need to remain privileged because if the Board goes against one of these opinions in the future it may harm future Boards. Kai commented the second opinion addressed the issue, the first opinion did not. He would like to see further clarification from the author of the first opinion. Horne commented this issue is currently being addressed by Sacramento. Read made a motion to post the two legal memos for the public on the MCSD website. There was no second. Call asked for future discussions add a bit more context and question how the tax would benefit the homeowner. The Board acknowledged this issue is important, but does not need immediate attention.

New and Other Business

No additions.

Recognitions and Board Member Items of Interest

Hansell thanked the Recreation department for a great summer.

Read stated there will be a short 9/11 ceremony at the Firehouse and encouraged everyone to attend.

Marinwood Professional Firefighters MOU discussions

The Board may meet in Closed Session to confer with its designated representatives to represented employees regarding wages, benefits and working condition matters, pursuant to Government Code section 54957.6:

The Board entered into closed session at 10:51. The Board exited closed session at 11:05, there was no reportable action.

The date of the next Regular Board meeting is October 14, 2014 at 7:30PM.

The meeting was adjourned at 11:06PM.

Respectfully submitted,
Carolyn Sullivan