

STRAWBERRY RECREATION DISTRICT
BOARD OF DIRECTORS MINUTES

Date: April 4, 2017

Time: 6:30pm Closed Session 7:30pm Open Session

Chair Nichols called the regular meeting of the Board of Directors of the Strawberry Recreation District to order at 7:38PM.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. (Two Potential Case)

CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6(a)

Agency designated representatives: Peter Teese and Pam Bohner

Unrepresented employee: General Manager

Report out of Closed Session:

Chair Nichols reported that direction was given to staff and County Counsel.

QUORUM CALL:

Present were Directors Bohner, Francis, Marino, and Nichols. District General Manager Leanne Kreuzer, and members of the public were also present.

CHAIR OPENING COMMENT: Chair Nichols opened the meeting and welcomed the public.

OPEN TIME FOR PUBLIC EXPRESSION: (limited to 2 minutes per person): None

AGENDA ADJUSTMENTS: Item B1 moved to the start the meeting.

Approval of Minutes: DRAFT March 2017 Minutes

March Minutes (Bohner, Francis, Marino, Nichols, and Teese)

M/S/C JF/CN

Ayes: Bohner, Francis, Marino, and Nichols Noes: _____ Absent: Teese

FISCAL REPORTS – CONSENT CALENDARS:

A. Fiscal Reports - Consent Calendar

1. Approval & Confirmation of Expenditures, Disbursements, Payroll, and Warrants
2. Review, Weekly Deposit Reports
3. Transfer of Funds
4. Approval Professional Service Contract: none

- **Motion:** Move to Approve Item A1 Fiscal Reports - Consent Calendars

M/S/C JF/PB Ayes: Bohner, Francis, Marino, Nichols Noes: None Absent: Teese

- **Motion:** Move to Approve Item A2 Fiscal Reports - Consent Calendars

M/S/C JF/CN Ayes: Bohner, Francis, Marino, Nichols Noes: None Absent: Teese

- **Motion:** Move to Approve Item A3 Fiscal Reports - Consent Calendars transfer of Funds Zone IV

M/S/C JF/PB Ayes: Bohner, Francis, Marino, Nichols Noes: None Absent: Teese

B. Old Business – Items

1. Discussion /Action Item: Zone IV-2016 Strawberry Channel Maintenance Project & 2016/17 Zone IV Budget Report

The General Manager provided a summary of previous discussions. Director Marino addressed the Board and the public providing an overview of the Zone IV Sub Committee's work, meetings and communication with the Zone IV Citizens Committee commenting on the objective to bring the Board up to speed on the history and current activity as they work towards strategic planning for the future of Zone IV. Director Marino referenced documentation that was provided to the Board including the origination documents and resolutions dating back to 1989. Director Marino referenced the following from the resolution "for the purposes which are not for district wide benefit". She continued with the historical summary indicating that Zone IV was created by a vote of 54 participating residents, some were SRD Board members. These individuals administered the work related to the Zone IV permits and projects on behalf of the residents acting as representatives of SRD. As these individuals came off the SRD Board they continued to work as administrators and approximately four years ago legal counsel advised the Board of serious liability concerns related to administration. Due to the liability SRD staff and Board must be involved. Director Marino identified the small property owned by SRD and the three areas that are dredged including the privately owned docks, adjacent parcels as well as the Cove Apartments section and the outer channel. New information to the Sub Committee was that the Cove Apartments are operating a commercial harbor, renting slips to non-residents and using the area for commercial charters.

Director Marino acknowledge the hard work of the Citizens Committee recognizing their great job and intimate knowledge of Zone IV. She went on to discuss the arrangement with the Cove which pays 50% of the outer channel (10-15% of the overall project), the Cove parcels (35% of the overall project) and SRD pays 50% of the outer channel and the remaining section including the SRD dock parcel, County property and privately owned dock parcels.

Director Marino then when on to review the interest of the Citizens Committee to become more involved in interviewing prospective engineers, discussions regarding the channel markers, approving invoices, and overall increase all levels of responsibility of administration as well as their request to increase the Special Tax by 3.5% for inflation which was approved in the measure language. Barbara Wambach confirmed that the measure language does provide for the authorization and option to annually increase the special tax by 3.5% for inflations.

Director Marino continued to review the Citizens Committee requests including overseeing the items related to monitoring and maintaining the eel grass surveys and related maintenance, acting as "dock captains" with eyes on the ground throughout projects referring to the Citizens Committee request to function essentially as "project managers". The overview transitioned to reference the administrative needs to facilitate the items related to Zone IV. Director Marino commented that historically the burden wasn't excessive to SRD as the Citizens Committee and Board members performed administrative responsibilities. The last cycle the responsibilities and burdens have grown significantly on the SRD staff and Board of Directors. Director Marino recommended that the Board work towards ensuring time and impacts focus on items with "District wide benefits" commenting that it appear SRD is spending resources on areas outside the SRD and Zone IV. Further noting the importance of SRD acting responsibly.

Terry Graham responded stating that there is a public dock so it isn't accurate that the project doesn't benefit the greater community.

Director Marino presenting the impacts to SRD on the annual fiscal budgets, reports and audits noting that due to Zone IV finances being incorporated into the SRD fiscal budgets it appears that SRD is flush with cash on some fiscal cycles and irresponsibly overspending on other fiscal cycles. Ultimately it appears that SRD is not fiscally responsible. SRD is performing all functions for property that it doesn't own for the benefit of a small number of residents.

The Zone IV Sub Committee requested that the Zone IV item be placed on future agenda for full discussions with the community to consider a home owners association (HOA) option or a County Service Area (CSA), transitioning SRD out of the administrative role of Zone IV. Recommending that SRD Board consider notifying the County of Marin and plan a transition of funds and responsibility to a CSA or HOA.

Director Marino provided an example of the SRD ownership of several parks but SRD does not have responsibility for adjacent properties marshes and waterways for example. She asked the Board if time should be spent on Zone IV or should SRD staff be allocating time and efforts to projects like LAFCO and expansion of the SRD boundaries to match the County's boundaries of unincorporated Strawberry. The Zone IV Sub Committee is questioning and putting out to the board the following questions, "Why are we doing this?" and "do we continue to facilitate Zone IV going forward or

transition out of the role as Zone IV administrator?” “Do we move forward with contributing to funding as a property owners and continue to research the easements and permissions at the County level?”

The Zone IV Sub Committee provided recommendations: Provide public notice about SRD’s involvement in a management role of Zone IV. As taxing authority does that make SRD the liable party for the projects and do we want to make this transition?

The Zone IV Sub Committee went on to recommend that the Board consider providing direction to staff to place the item onto the future agenda to discuss and possibly vote to dissolve Resolution 362 with the intention of extracting SRD from Zone IV administration. SRD would then be voting as a property owner but how it would be managed moving forward would be as a HOA or CSA possibly. Chair Nichols asked the sub-committee for a summary to present to the home owners. Director Francis recommended a summary in the packet. The sub-committee affirmed the intention of maintaining full disclosure commenting that it isn’t this organizations as to what future form the administration would take if it transitions out of SRD management. Chair Nichols and Director Bohner requested clarification on of the recommendations asking if SRD is asking the public if they would like to comment. Director Francis responded that the recommendation is for SRD to request feedback from the parcel owners and residents. Director Marino restated that the Sub Committee is recommending that SRD begin the extraction process noting the importance of fiduciary responsibility to all the District and recognizing the fiscally responsibility for the disproportionate percentage of responsibility. The Sub Committee would like to know if a vote can happen at the next meeting regarding the special tax and 3.5% increase. Chair Nichols opened the discussion up for public comment.

Barbara Wambach, member of the Zone IV Citizen’s Committee, commented the transition plan impacts on the funding mechanism in place and the deadline for the Special tax and 3.5% increase stating that it is uncertain if a CSA can be established in 30 days. She noted that the option of transitioning to a CSA was looked at in 2013 as well as if homeowners would have to vote. Director Marino responded that her hope would be that government and bureaucracy binding issues related to the tax logically wouldn’t become insurmountable recommending a committee be established to focus on a transition plan. There is so much historical information and the question remains, “how do we set this up long term so that everyone using the channel is serviced properly. My hope is residents of Zone IV would be able to reduce cost related to the HOA versus government, and eliminate public bid and prevailing wage requirements for Zone IV participants.

Terry Graham, member of the Zone IV Citizen’s Committee commented on the following items: If 3.5% can’t be passed why funding would then become a future bond and navigational easements granted to the SRD. Mrs. Graham went on to reference the work on previous measures to establish funding mechanisms and the committees desire not to have revisit funding mechanisms and would prefer to keep the funding in perpetuity. Mrs. Graham posed the question if the extracting from Zone IV would require a vote and requested that the Citizen’s Committee be given more power. Director Marino responded commenting that the board must work to prepare answers and we must be thoughtful and look at options for transition.

Ms. Wambach restated the question if a vote for a change in entity will be required? Chair Nichols commented on the potential need for SRD to separate from Zone IV. Director Marino discussed strengths, weaknesses, opportunities and threats or a SWAT analysis.

Mrs. Graham asked if there will be a vote.

Ms. Wambach asked if the Board would be giving notice and the feasibility of changing the authority.

Director Marino commented that the recommendation of the Zone IV Sub Committee is to establish SRD intent to reassign the administration of Zone IV and to work with citizens committee on a transition plan.

The Board provided direction to the sub-committee on the following items:

- 1) Continue researching authority
- 2) Continue to work towards establishing costs and impacts of administration of Zone IV if SRD continues to manage
- 3) Continue to research the options for the established funding mechanisms.
- 4) Provide direction to staff

Direction was provided to staff to notify the Zone IV parcel owners and residents of upcoming discussions and meeting schedule.

- 2. Discussion /Action Item:** Funding Strategies Sub-Committee recommendation to approve the creation of a SRD Foundation nonprofit 501(c)(3) and fund initial costs and professional services related to establishing a foundation.

The General Manager provided an update on the establishment of a foundation dedicated to support the needed improvements of the SRD facilities as well as SRD services and programs. The application of a 501(c)(3) will be completed the SRD General Manager requested permission to act as the initial applicant.

Neighbor and longtime resident of Strawberry Alma O'Brien has expressed interest in serving on the foundation board of trustees. Staff requests additional recommendations by the SRD Board of Directors to potentially serve on the 501(c)(3) board of trustees.

The General Manager went on to say that the Foundation has become a member of the National Association of Park Foundations (NAPF) and will begin utilizing network opportunities and resources provided by NAPF including establishing members of the Board of Trustees application process, MOU between SRD and the foundation and bylaws. First conference meeting will be scheduled for early April.

The Board discussed recommendation for names of the foundation. Staff noted the following:

Strawberry Recreation and Parks Foundation (highly recommended by industry professionals as many grants are park specific)
Strawberry Recreation District Foundation (SRD Foundation)
Strawberry Recreation Foundation (SRF)

The Board discusses and selected the name Strawberry Recreation and Parks Foundation.

Chair Nichols discussed the importance of the Board providing recommendations for the foundation. Director Francis expressed an interest in the trustees being from Strawberry. The Board discussed the importance of working with LAFCO to ensure a LAFCO review of sphere of influence and boundaries recommending the Board request a boundary change to expand and match the County unincorporated Strawberry boundaries including the Horse Hill area and the north side of Tiburon Blvd. Staff commented that the population is approximately 300 additional individuals according to the census.

Direction was provided to staff to continue to work towards the establishment of the foundation and log time and expenses for future reimbursement to SRD.

- 3. Discussion /Action Item:** Master Renovation Plan-Basic Plan, projects, funding & strategies – fund raising, donations, sponsor and advertisement signage.

Item was placed on a future agenda.

- 4. Discussion /Action Item:** Proposed strategic plan and discussion of the pool house and proposed for community building replacement.

The Board discussed the condition of the pool house and the proposed design development plan to replace it with a community building. Staff reported that an engineer has been contacted to perform an assessment of the existing building. Staff will work towards an update on the existing building for the May meeting.

C. New Business – Items

- 1. Discussion /Action Item:** Approve proposed changes to part time pay scale.

The General Manager provided an update noting that due to the scheduled incremental changes to the California Minimum Wage, SRD staff requests direction and modification to the SRD Part Time Pay Scale followed by a discussion regarding future impacts of changes in minimum wage to the SRD Employee Pay Scale. The Board reviewed the current pay scale and staff noted the steps that were no longer active due to the increase of minimum wage to \$10.50. Staff recommended changes to the pay scale and a formula that can be used by staff to modify the positions impacted with future changes to the California Minimum Wage. The Board discussed. Approved changes as submitted and recommended providing direction to staff to utilize the formula for future adjustments to the California Minimum Wage.

Motion: Move to Approve changes to the SRD part time pay scale

M/S/C SM/PB Ayes: Bohner, Francis, Marino, Nichols, Noes: None Absent: Teese

- 2. Discussion /Action Item:** Review Pool Pass “additional member in the family” rate extended to a family’s daycare provider.

The General Manager requested that the Board review the current policy for Pool Pass “additional member in the family” rate extended to a family’s daycare provider. SRD current policy states that all pool and tennis passes are non-transferable and non-refundable. SRD has had a long standing policy which extends the Family status for a pass to a child caregiver employed by a

family. This child care giver pass is processed as “addition to the family pass. The General Manager provided the detail on the current policy and rates as follows:

Pool:

Resident \$70 Annual Pass

Non Resident; \$75 Annual Pool Pass

Resident \$22 Fall Pass 13.5 weeks

Non-Resident; \$22 Fall Pass 13.5 weeks

Tennis:

\$42 Annual Tennis Pass

\$33 6-month/3-month

Important note: To ensure safety and liability standards children are not permitted to bring guest to the pool without an adult pass holder present. This prevents children from gaining access without individual liability waivers signed and permissions and supervision of minors by onsite adults.

The General Manager noted that the current software system utilized to facilitate pool and tennis passes charges a fees which include processing fees, transaction fees and refund fee. Staff requests confirmation that these child caregiver passes are to remain non-refundable and non-transferable and families will continue to purchase passes for the various caregivers that they employ and give permission to bring their children to the SRD pool.

The Board discussed. Chair Nichols recommended that the Board consider providing one transfer annually and then charge for additional care givers. The Board discussed with staff the option to provide one \$25 transfer fee annually for a change in providers if occurring before the Fall pass. Staff recommended Patrons be charged for additional changes at the rate of “Annual Additional Person in the Family” and at the Fall Additional Person in the Family when the within the “fall pass” date range.

Motion: Move to Approve changes to the “Additional Person in the Family Pass for childcare providers” to include one \$25 transfer fee of one change of providers when occurring prior to the Fall Pass and charging for additional childcare providers thereafter. Changes made in the date range of the Fall Pass will be charged the “Fall Additional Member of the Family” rate.

M/S/C CN/SM Ayes: Bohner, Francis, Marino, Nichols, Noes: None Absent: Teese

- 3. Discussion /Action Item:** SRD Board of Director to request a waiver of fees by the County of Marin for permits related to construction to the benefit of the greater public.

The General Manager presented correspondence related to the Tennis Court Light Renovation permit application and related fees as submitted in the Board packet.

“Please note the following correspondence from County of Marin staff persons:

Response from County employee #1:

“2. Pursuant to a written request, the Board of Supervisors may waive or reduce any fee upon a finding that such waiver or reduction is in the public interest and that the applicant or appellant is unable to afford such fees.”

The Planning Department provided a total and when asked for a break down we received the following:

“The fees for a design review nonresidential (minor/accessory) are as follows:

3605.00 Planning Fees

360.50 10% Surcharge (not-deposit based)

530.00 DPW Review Fees

15.00 Tech fee (not deposit based)

530.00 EHS Review fees if the property is on septic.

The total would be \$4,510.50 with an additional \$530.00 is on septic.”

Response from County employee #2:

“Regarding fees, as previously communicated to you, Strawberry Recreation must pay full fees at the time of submitting an application, and request in writing a fee reduction to be considered for the 35% fee reduction. You should be aware that the County has already selected an application type (Design Review Nonresidential – minor/accessory) that minimizes Strawberry Rec’s upfront costs. If the outreach has gone well and there is little public concern about the increased lighting levels, our application processing can proceed efficiently and you would receive back unused funds from the deposit amount.”

SRD staff reported that Kate Sears was contacted providing the above information and the following inquiry:

“In the case of the SRD Tennis Court Light renovation permit application, how would we go about requesting a fee waiver for SRD as Measure A is tax payer revenue for the purpose of renovation in the interest of the public.

SRD also would like to propose that Measure A funded projects be considered for a government rate or a fee waiver moving forward to optimize this funding for the benefit of the public.”

SRD staff was directed back to the same County of Marin employee that did not provide any additional direction. SRD staff then researched and found the attached guidelines as well as the following:

MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY — PLANNING DIVISION FEES
(RESOLUTION NO. 2015-70)

Effective August 29, 2015

14. The CDA Director is authorized to waive up to 35% of the planning fees for projects undertaken by community-based non-profit agencies or organizations which provide services resulting in public benefits. Application fees shall be paid in full at the time of filing and accompanied by a written request for the waiver.

The General Manager worked with the Public Relations Sub Committee and presented a proposed DRAFT letter from SRD Board of Directors requesting the waiver of fees.

Motion: Move to Approve the letter from the Board of Directors to County of Marin requesting waiver of fees related to the Application for Permit for the Tennis Court Light Renovation approving Cale Nichols as designated signatory.

M/S/C SM/PB Ayes: Bohner, Francis, Marino, Nichols, Noes: None Absent: Teese

4. Discussion /Action Item: Marin Local Agency Formation Commission (LAFCO) ballot.

The ballot and related documents were reviewed by the Board of Directors. Director Marino noted that her recommendation is Craig Murray as ranked 1 as an incumbent experienced in Annexation. Todd Gates ranked #2. The Board discussed the candidates and the SRD relationship with LAFCO.

Motion: Move to Approve the LAFCO ballot selections and ranking Craig Murray #1 and Todd Gates ranked #2.

M/S/C SM/JF Ayes: Bohner, Francis, Marino, Nichols, Noes: None Absent: Teese

5. Discussion /Action Item: Proposed Preliminary 2017/18 Fiscal Budget Draft

The Board reviewed the proposed preliminary budget in preparation for discussion and detail review at the May meeting.

D. Administration: Manager's Report:

The General Manager commented that revenue and program registration is on target for the 2016/17 fiscal year. The engineer is scheduled to evaluate the pool building prior to the next Board meeting and that the Tennis Court Light Renovation permit is in process.

E. Correspondence:

Request for a disability rate was submitted as correspondence and discussed. Board confirmed that SRD does not have the staff, office systems or financial means to provide disability rates for passes and programs. This item may be addressed in the future with the establishment and viability of a foundation.

F. Board Member Items/Good of the Order:

Sub Committees: Public Affairs and Outreach, SRD Public Meeting Sub Committee, Finance, Human Resources Sub Committee, Design Sub Committee, Zone IV & Property Maintenance.

Chair Nichols thanked the Board members for their discussion. There being no further business to come before the Board, Chair Nichols motioned that the meeting be adjourned, seconded by Director Marino. The meeting was adjourned by Chair Nichols at 8:59PM

The next regular meeting of the Strawberry Recreation District Board of Directors will be held on: Tuesday, May 9, 2017 at 7:00pm in the 1st floor meeting room.

Secretary, Board of Directors Strawberry Recreation District

Chair, Board of Directors
Strawberry Recreation District