

Regular Board Meeting

Minutes

August 8, 2013

The regular meeting of the Board of Directors was convened by Chair Steve Hoagland at 6:30 p.m. at the Ambrose Community Center, 3105 Willow Pass Road, Bay Point, CA.

1. Opening Ceremonies:

Roll Call: Board Members Present: Garcia, Hoagland, Mason, Dawson, Cendaña-Torlakson
Staff Present: De Lorenzo, Rodrigues
Audience Present: Approx. 15

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Chair Hoagland.

3. Approval of Agenda

Motion: Move to approve the agenda as presented.

Motion: Garcia **Second:** Dawson

Action: Voice Vote: 5 ayes/Motion Passed

4. Consent Calendar:

Director Mason asked that Items b and d be removed for discussion. On item b, Director Mason asked if the backflow testing included the county parks and Mrs. Rodrigues answered no, that they are tested separately in the fall. Director Cendaña-Torlakson asked about the credit card with Tarry's (resigned General Manager) name still on it. Mrs. Rodrigues stated that the card was still being used and we will change it as soon as we hire a new General Manager. Director Mason referring to the Maintenance Report asked if we were putting the same lights in at Anuta Park and Mr. De Lorenzo said he would address that in his General Manager's Report. Director Mason also stated that the maintenance workers should be wearing their Ambrose t-shirts and Mr. De Lorenzo agreed.

Motion: Move to approve items b, c and d of the Consent Calendar

Motion: Garcia **Second:** Mason

Action: Roll Call Vote: 5 ayes/Motion Passed

Motion: Move to approve item a of the Consent Calendar.

Motion: Garcia **Second:** Mason

Action: Roll Call Vote: 4 ayes/1 abstention (Cendaña-Torlakson)/Motion Passed

5. Presentations:

a. Yard of the Month Awards

2 of 3 winners were present to accept their award.

6. General Manager's Report:

The Interim General Manager, John De Lorenzo gave reports on the following:

1. The Community Yard Sale on September 14th
2. Rande Ross, Teen Center Supervisor being honored with a Koshland Award and putting him on the next agenda under Presentations to let him know how proud we are of his accomplishment
3. Infrastructure assessment
4. Damage at the center in July – hole in men's room; broken auditorium windows; and someone tried to steal copper pipes in kitchen
5. Problem with renter falsifying application, trying to work with him and he ended up renting somewhere else.
6. New rental in Room 13, the Greater East Bay Barber/Cosmetology Apprenticeship Program, and they will be paying \$900 per month instead of the \$600 we had been receiving.

7. The grants report that Mrs. Rodrigues completed and included in the packet.
8. Lynbrook well project – attorney helping to get the least governmental requirements for the bid packet and looking at a cost of around \$75,000
9. Staff collecting e-mails for a database for advertising as a result of program participant evaluations
10. The kitchen sink project – meeting with Sup. Glover's rep, a Health Dept. inspector, the Senior Nutrition supervisors and Paul Hodge the contractor. They reviewed what the seniors need, the health and building codes.
11. Compensation study – staff is most important asset, small district so shouldn't be a large project, asked Board if he could solicit proposals and bring back costs to the Board and Board agreed.
12. Proposal from Bob Cupit for three pole lights at Anuta Park for \$6,600 – Mr. De Lorenzo asked for more specifics in what lights were needed – it was established that lights for the cement path were what is needed.

7. Public Communications:

Marcia Ravizza stated she had been involved with the Port Chicago Reunion held at Ambrose Park since 1979. She said she was upset with the performance of the maintenance workers and the condition of the park. Ms. Ravizza stated that she was yelled at by one of the workers and had to spend an hour cleaning up the Lions Den area. She said that one of the workers helped her but by lunch time she couldn't find them. She stated that she had never had anything happen like this in the past.

8. Legal Counsel Report:

None

9. Public Hearing:

None

10. Board Matters:

a. Consider directing the General Manager to do all things necessary to get Ambrose Park pool and buildings rehabilitated and reopened within existing budget as soon as feasible. Mr. De Lorenzo stated that the Board had held three public meetings and had heard loud and clear the overwhelming need to re-open the pool. He presented a timeline for the project and stated that best case scenario would be 20 months and worst case would be 29 months. Director Mason said he was pleased that Mr. De Lorenzo had contacted East Bay Regional Park District and cleared things up regarding the \$1.1 million WW grant for the pool. Director Cendaña-Torlakson asked if any of the reports from RJM would help and Mr. De Lorenzo answered that RJM stated that they won't help or save money.

Motion: Move to instruct the General Manager to do all things necessary to get Ambrose Park pool and buildings rehabilitated and reopened within existing budget as soon as feasible.

Motion: Garcia **Second:** Dawson

Action: Roll Call Vote: 5 ayes/Motion Passed

b. Set September 7, 2013 at 10:00 am in Community Center as date, time and location of the 4th special community meeting on Ambrose Park Master Plan/Pool Project. No action taken, this item only to inform the public.

c. Consider approval of recommended policy on use of District facilities. Mr. De Lorenzo stated that too many groups have been coming to the Board to waive fees for renting the facilities and he believed we needed a policy in place to address it. He gave figures of how much we have given away over the last year. He said the policy will guide all parties and the General Manager will make the decision going by the policy. Mr. De Lorenzo reviewed the policy and highlighted specific points. The Board said it was wonderful, very thorough and touched on everything. Director Cendaña-Torlakson asked if this was for new events or the ones already in place that we co-sponsor and Mr. De Lorenzo stated that every event will have to re-apply. Director Mason stated he had asked for a policy on this and Mr. De Lorenzo did a great job. He also stated that the decisions should be made by the administration and not the Board.

Motion: Move to approve the recommended policy on waiver of rent on use of District facilities for existing and new events.

Motion: Garcia **Second:** Cendaña-Torlakson

Action: Roll Call Vote: 5 ayes/Motion Passed

d. Consider amending Section 1312 of District Personnel Policies regarding cell phone usage. Mr. De Lorenzo stated that the second paragraph of Section 1312 says that after two warnings about abusing the cell phone the employee will then be subject to disciplinary action. He said that there should be no warnings before disciplinary action can be taken and should be the same as other District policies.

Motion: Move to amend paragraph two of Section 1312 of the District's Personnel Policies as presented by the General Manager.

Motion: Mason **Second:** Dawson

Action: Roll Call Vote: 5 ayes/Motion Passed

e. Amend Board of Directors Policy Manual/By-Laws:

1. Policy Manual page 7, Part V, Rule V-6: Order of Agenda to add a second "Public Communications". Mrs. Rodrigues stated that at a previous Board meeting it was agreed by all Directors that there should be a second "Public Communications" item placed on the agenda and this change was to amend the Policy Manual/By-Laws to reflect that agreement. Director Dawson said she didn't see how having it just once was detrimental and she was not in favor of adding a second "Public Communications" item. Mr. Michael Kerr stated that if they come in even a little late they would miss it and they need to be in favor of communications between them and the public. Directors Mason and Cendaña-Torlakson both agreed there should be two "Public Communications" on the agenda.

Motion: Move to approve the addition of a second "Public Communications" item to the agenda and make the amendment to Part V, Rule V-6 of the Policy Manual/By-laws.

Motion: Mason **Second:** Cendaña-Torlakson

Action: Roll Call Vote: 2 ayes (Mason/Cendaña-Torlakson)/3 noes (Dawson/Garcia/Hoagland)/Motion Failed

2. Article III, Section 1: Authority to Bind District. Mr. De Lorenzo stated that at the last Board meeting the Board had indicated their desire to reduce the General Manager's spending authority to \$15,000 from \$25,000 and this was the amendment to reflect the change. Director Mason stated he had brought this up and agreed with \$15,000. Director Cendaña-Torlakson said this had come up in December 2008 as a Board item and she was the only one to say no and suggest a lower limit so she really agrees with this change.

Motion: Move to amend Article III, Section 1 of the Policy Manual/By-laws to lower the limit for General Manager, any District employee or agent's authority to bind the District from \$25,000 to \$15,000.

Motion: Mason **Second:** Dawson

Action: Roll Call Vote: 5 ayes/Motion Passed

3. Article III, Section 2: Contracts, Deeds and other Documents. Mr. De Lorenzo stated that at the last meeting the Board had also indicated that they would like more interest and input in planned changes to any District assets and to have District staff attempt to get a minimum of three bids for all contractual projects and this change to the Policy Manual/By-laws would accomplish that.

Motion: Move to amend Article III, Section 2 of the Policy Manual/By-laws adding a third paragraph as presented by the General Manager.

Motion: Mason **Second:** Garcia

Action: Roll Call Vote: 5 ayes/Motion Passed

4. Rule IV-14: Minutes. Mr. De Lorenzo stated that the Policy Manual/By-laws currently says the minutes are generally action minutes and the Board had also indicated at the last meeting that they would like a general synopsis of each speaker included in the minutes. He said the Policy Manual/By-laws needed to be amended to show that. Director Mason said he had brought this up and he would like the gist of what was said. Director Cendaña-Torlakson said she liked the wording that says "each speaker".

Motion: Move to amend Rule IV-14: Minutes of the Policy Manual/By-laws to delete paragraph two and replace it with the paragraph as presented by the General Manager.

Motion: Mason **Second:** Cendaña-Torlakson

Action: Roll Call Vote: 5 ayes/Motion Passed

Director Mason stated that staff has been doing a lot of work that he has asked for in the past and it will make it easier for the next General Manager.

11. Closed Session:

None

12. Public Communications:

Mr. Mike Kerr stated that Mr. De Lorenzo's report was a breath of fresh air that was needed. He also said he was disappointed in the change of the Public Comments but was glad the minutes will be more informative. Laura McKay stated that she lives near Lynbrook Park and doggie bags are needed. She also asked what to do about a homeless person in the park. Director Cendaña-Torlakson said that if they don't have a neighborhood watch, then they need to call the sheriff.

13. Committee Reports and Board Comments and Items for Next Agenda:

Director Cendaña-Torlakson said she really liked the packet; it feels good to work on policy and thanked the staff. She stated that on May 9th she received a letter from Marcia Ravizza regarding

removal of Mr. Hoagland from his position as Chair and read the letter. She said she was asked to put it on the next agenda. Director Cendaña-Torlakson said the Rule V of the Policy Manual said items were to be sent to the Chair for placement on the agenda and she read the rest of the policy. She said Director Hoagland was not at the June meeting and she wanted to give him the opportunity to respond. Director Hoagland stated that it is not factual and he has not done anything to not represent the community as a whole. He commented on the issues stated in the letter. Director Hoagland addressed Ms. Ravizza and said he knew who helped her write the letter by the comments but those issues have all been resolved because that issue isn't here anymore. He said he would not step down as Chair. He stated that the only way to get rid of him is to recall him which has already been tried and didn't work. Director Hoagland said he is happy with the job he has been doing and it will take three board members to have him removed and would entertain a motion if they would like it placed on the next agenda to remove the Chair. Director Mason said he would make that motion. Director Hoagland asked for a second to the motion and there was none so the motion died for lack of a second. Director Mason made comments about the public being the owners of this District and the Board is the elected legislative body who should make policy as they did tonight. He said the General Manager oversees the day to day operations without interference from the Board and cited cases of Board interference with staff. He stated that their role is policy and procedures and making sure the District is abiding by the policies and procedures they set. Director Mason read page 4 of the By-laws regarding legal counsel and it being inappropriate for a Director to contact legal counsel without the authority of the Board and it states that they may be liable for those charges. He said the only person with the authority to contact legal counsel is the General Manager and even that should be discretionary because every time he is called or e-mailed it is a charge to the District. Director Mason cited some Board members contacts with legal counsel and said they were never approved by the Board and he hopes this stops. He said that if it becomes a frequent problem, it should be dealt with by the entire Board during a Board meeting. He stated that counsel represents the District as a whole entity and not to Directors as individuals. He also said that when counsel is contacted by a Board member he should be telling them that he doesn't give advice to individual Board members. Director Mason stated that he was glad it was a great night setting some good firm policies and glad they were all on the same page but still has growing concern with the direction of this Board. Director Cendaña-Torlakson stated she is glad Director Mason is going to the Leadership Conference and is sure he will bring a lot of information to us. She also said that if she is right some of the lawyer fees are not just for the District but also for personal. Director Mason stated that they should not be contacting counsel without Board authority. Director Cendaña-Torlakson said she wanted to ask Mrs. Rodrigues of it was true that some of the fees were personal based and not just District based and Mrs. Rodrigues answered that she couldn't really say because she only had backup for the legal bills since Mr. Smith left because until he left he kept the backup and just gave her the bills. Director Cendaña-Torlakson said we just have to follow the procedures if that's the case and maybe it will help if they separate what is personal and what is District in the budget committee. She also stated that she remembered when the lawyer was here and there was no General Manager, he said if there is a problem to call him because he knew the Chair needed help on some of the item. Mrs. Rodrigues stated that there was some contact during that time. Director Dawson stated that was then and this is now and we all understand what we are supposed to be doing. She said that she has confidence in Mr. Hoagland and the rest of the Board and sees a bright future for Ambrose in the next few months. She stated that we are all looking forward to the Ambrose Pool and think we should pull all our forces together and get focused on what's really important and what's best for this District. Director Cendaña-Torlakson reminded the Board that they had voted on subcommittee by-laws and should formalize it like they did with Public Communications. Director Mason stated that he wanted to discuss the letter from Pittsburg unless it is resolved. Mr. De Lorenzo apologized for not filling him in but Mr. Hoagland and he had met with Pittsburg's City Manager and they just wanted to make sure the project was proceeding. He also thanked Mrs. Rodrigues and the Board for all their support in the short time he has been here.

14. Closing Ceremonies:

a. Adjournment.

Motion: Move to adjourn the meeting.

Motion: Garcia **Second:** Dawson

Action: Voice Vote: 5 ayes/Motion Passed

Approved by the Board of Directors on _____

Signature of Board Member