

Regular Board Meeting

Minutes

November 14, 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
Board Members Absent: Cendaña-Torlakson
Staff Present: De Lorenzo, Rodrigues
Audience Present: Approx. 20

2. Pledge of Allegiance:

The Pledge of Allegiance was led by the Chair.

3. Approval of Agenda

Chair Hoagland stated that they needed to add a closed session item Government Code 54954.2 to the agenda regarding negotiations with the potential General Manager.

Motion: Move to add a closed session item Government Code 54954.2 to the agenda.

Motion: Dawson **Second:** Garcia

Action: Voice Vote: 4 ayes/1 absent (Cendaña-Torlakson)/Motion Passed

The Chair now called for a motion to approve the agenda with added closed session item 13a and moving closed session item 13a to 13b.

Motion: Move to approve the agenda with the noted amendment.

Motion: Garcia **Second:** Dawson

Action: Voice Vote: 4 ayes/1 absent (Cendaña-Torlakson)/Motion Passed

4. Closed Session:

The Chair adjourned the meeting to a closed session regarding the following:

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 94956.9
(one potential case)

Chair Hoagland reconvened the meeting and reported out that they had a discussion on potential litigation with legal counsel but no action was taken.

5. Consent Calendar:

Director Mason requested that items a and b be pulled for discussion.

Motion: Approve the Consent Calendar except for items a and b to be pulled for discussion.

Motion: Mason **Second:** Garcia

Action: Voice Vote: 4 ayes/1 absent (Cendaña-Torlakson)/Motion Passed

Director Mason said that in the minutes of the August 8th meeting, the General Manager reported that he had a meeting with Supervisor Glover and others regarding the kitchen sink project and wanted to know where we are on that. Mr. De Lorenzo said he had met with all the persons involved and Supervisor Glover offered to raise the money with community members but he hasn't heard back from him. Director Mason questioned warrant 38877 to Shell and said he thought it was high. He asked if the maintenance workers were filling out mileage sheets and Mr. De Lorenzo said he didn't know but will find out. He also questioned \$700 to Vega Consultants and Mrs. Rodrigues stated that they had to move and enclosed a phone wire at the community center for our phones. He also asked about \$2,900 to Julie Mason and Mr. De Lorenzo said it was for classes for the Kaiser Grant.

Motion: Move to approve the Consent Calendar items a and b.

Motion: Garcia **Second:** Dawson

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

6. Presentations:

a. Yard of the Month Awards

There were no persons present to accept their award.

b. Introduction of the new General Manager – Mr. De Lorenzo stated that there was no news yet on the new General Manager.

7. General Manager's Report:

The Interim General Manager, John De Lorenzo gave kudos to Mrs. Rodrigues for completing all the minutes and the large board packet and gave reports on the following:

1. Debbie Giles completion of the report requested at a previous meeting and it is included in the packet
2. Seniors Halloween party and children's Halloween party partnering with the Sheriff's office, Spark Point, and CARES After School Program – 200 children and many activities
3. December activities – tree lighting and breakfast with Santa, etc.
4. Lynbrook Park rehabilitation project – explained process and new park rules signs
5. Community Center and Alves Lane Mini-Park lawns were aerated
6. Listed many changes at Ambrose Park – painted tables, BBQ in Lions Den fixed, etc.
7. New planting plan for Hickory Meadows Park with help from Habitat for Humanity
8. All park locations are now on our website – maps are being improved
9. Researched with County Treasurer's Office about receiving interest on District funds managed the county and why it isn't possible at this time.
10. Report on Ambrose Park Pool project RFP mandatory walk-through – thanked Director Mason for his attendance and help, several came and expect one more
11. Lynbrook Park Well Project – best time for RFPs is after the first of the year, and work is to be completed within 60 days; we will save immediately
12. With the new General Manager, Mr. De Lorenzo expects this is his last Board Meeting and stated he enjoyed working with the community, the Board and the staff, and wishes the District and Bay Point Community the best.

8. Public Communications:

Mike Kerr stated that he had a lot of interaction with Mr. De Lorenzo and it was a pleasant experience. He also said that he hoped the next General Manager will be close to what he has done. Greg Enholm complimented Mr. De Lorenzo and stated he had heard positive comments about him. Mr. Enholm noted the Contra Costa College District was having a 60th anniversary celebration on December 7th in Martinez and passed out flyers.

9. Legal Counsel Report:

None

10. Public Hearing:

None

11. Board Matters:

a. Report on Employee Compensation Study by Shellie Anderson of Bryce Consulting. Mr. De Lorenzo stated that the Board had approved Bryce Consulting to do an employee compensation study since it had been many years since it had been done. He introduced Shellie Anderson who briefly walked through the report and explained how they arrived at their findings. Director Mason stated that he had done some research on his own and thought size is not the only thing to look at. He stated that the job descriptions or actual job duties should also be compared. He stated that he thought our maintenance workers should be compared to general laborers. There was a short discussion and Mr. De Lorenzo said he appreciated his research but he is talking about the integrity of a report by experts. He said there was a lot to digest and this was just a snapshot of information showing our position to other agencies. He made a couple of recommendations to change titles on a couple of current positions which would involve no money. He recommended that the Board review the report and make a policy decision as to where they want to set employee compensation in relation to the marketplace and suggested increases, even if only small adjustments at this time. There was no action taken on this item.

b. Consider search for new Legal Counsel for District and best way to proceed. Mr. De Lorenzo stated that our current legal counsel will be retiring and recommended a search as soon as possible for a new one. He suggested RFPs which is the common way to do it. He stated that Mr. Cornelius offered to help, free of charge, with the RFPs and a list of possible attorneys. Director Mason agreed with the RFPs and said

that California Special Districts Association has a few law firms to include. He said he doesn't think we need an interim since we have Kilday and can contact one of the CSDA firms if we need help. Director Dawson said we need to start soon and Director Garcia agreed with RFPs and said it was good that Mr. Cornelius will help.

Motion: To start the Request for Proposal process to hire legal counsel for the District and accept the help offered by our current attorney.

Motion: Garcia **Second:** Dawson

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

c. Consider hiring Interim Legal Counsel for District. Mr. De Lorenzo stated that he believes the District would benefit from hiring Interim Legal Counsel until permanent Counsel is brought on board so that the District's interests are protected. The other attorneys we use from time to time are highly specialized. He recommended Mr. Curt Kidder who he and our current counsel have both worked with and recommended that we interview him for interim legal counsel. Director Dawson said just as we did with the General Manager, we need to do the same for our legal counsel and should not be without one.

Motion: Move to interview Mr. Curt Kidder for Interim Legal Counsel.

Motion: Garcia **Second:** Dawson

Action: Roll Call Vote: 3 ayes/1 no (Mason)/1 absent (Cendaña-Torlakson)/Motion Passed

d. Consider a postcard survey regarding Ambrose Park Pool and District Parks. Mr. De Lorenzo stated that this item was requested to be on the agenda by Director Hoagland. Director Hoagland said we have \$1.5 million for the project and would like more input before spending it. He stated he knows some people would like to say we got all kinds of comments over the last couple of months but we have gotten very few comments really. Director Hoagland stated that his idea was to pay for a postcard to go to all residents and ask if they want to spend the money to repair Ambrose Pool and open right away or spend it in Ambrose and other parks for other things. He said that he is not afraid of getting more information even if it's that they still want to repair the pool. He stated that they don't want the public coming back on us saying we never asked them or we had meetings behind closed doors, which has been said before. Director Hoagland said this is a last shot at getting information and this is the time to do it while the RFPs for the pool are still out and we won't have anything until December anyway. Public comments were made by Debra Mason, Aaron Jones, Mike Kerr, John Wilson and Vivien Lisa covering the following points: public attendance at all meetings, the Board not listening to the public, telling the public if they want a pool they will have to pony up the money, the Board not getting what they wanted and now insisting on more input, inviting people to come and expecting plans for a remodeled pool, attendees at all meetings overwhelmingly wanting the pool, not wanting to pay for a survey at the beginning of the whole process and why is it okay now, the cost for postage and return postage being too much and why is it affordable now when it wasn't before, it would push the project back some more, wanting to see the survey before it goes out because wording makes a difference, it being unnecessary and we should have a pool next summer. There were comments by Director Mason, Director Garcia and Director Dawson covering the following points: being against this because the Board already voted for the rehab of the pool, hoping the Board stands behind what it voted on, this being why the public doesn't trust us, survey being good for the pool and consider a bond, need to ask the bigger community, connecting with the residents taking many forms, the cost counts but need to get as much information as possible and being a good outreach. There were no motions made or action taken.

e. Discussion and decision on the way the Board agenda is structured regarding "action and information only" items. Director Mason said that he had asked for adding this a few months ago because he would like to see more items presented as information so the Board members can have time to digest and study some items before they vote on them. Director Dawson said they get the information in the packet three or four days in advance to review and we don't need to change. Director Garcia agreed with Director Dawson

Motion: Move to add "action" or "information only" to the items on the agenda in the future.

Motion: Mason

Motion died for lack of a second/Motion Failed

f. Consider revision to park policy regarding field usage. Mr. De Lorenzo explained that the current policy is not addressing concerns brought by the public and read the recommended changes. Director Mason asked if it included all the parks and Mr. De Lorenzo answered that it included all the ball fields.

Motion: Move to accept the revisions to park policy regarding use of all parks ball fields.

Motion: Mason **Second:** Garcia

Action: 4 ayes/1 absent (Cendaña-Torlakson)/Motion Passed

g. Infrastructure Study Report. Mr. De Lorenzo explained that ABM offered to do this study for free and they are completing sections at a time. He said the report included is strictly on lighting in the facilities and our report showed that if we update all our lighting, we would save money monthly and in just the Community Center could save us \$7,600 per year and would pay for the initial cost in roughly 2 years. He recommended waiting for the entire infrastructure study before making any decisions. There were no questions or comments.

h. Consider approval of Board Member attendance at the CPRS Conference in Ontario, CA from March 4th through 7th, 2014. Mr. De Lorenzo stated that Directors Mason, Dawson and Hoagland had requested to attend the conference which required Board approval. Director Mason stated that he didn't think they needed to attend the conference every year and reminded everyone about using correct reimbursement forms. He also said that he knew Director Hoagland was on another Board that attends and didn't know if they paid for him, but we also need to look at the budget for conferences in the future.

Motion: Approve Directors Mason, Dawson and Hoagland's attendance at the CPRS Conference in Ontario, CA from March 4th through 7th, 2014.

Motion: Garcia **Second:** Dawson

Action: 4 ayes/1 absent (Cendaña-Torlakson)/Motion Passed

i. Reschedule Board Budget Workshop. The Board scheduled the Budget Workshop for Tuesday, December 10, 2013 at 6:30 p.m.

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

Director Dawson reported on a Kaiser workshop on offering only sugar free drinks that she attended and noted that the vending machines in the center already only have water products. She also said that for the next meeting agenda she would like us to revisit the postcard survey so Director Cendaña-Torlakson can weigh in on it. Director Mason mentioned the Infrastructure Study and stated that we have been trying to go green and suggested looking into motion lights and flushers for the restrooms.

13. Closed Session:

The Chair adjourned the meeting to a closed session regarding:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Government Code Section 54957)
Title: General Manager

The Chair reconvened the meeting and stated there was no action taken and nothing to report.

14. Closing Ceremonies:

a. Adjournment.

Motion: Move to adjourn the meeting.

Motion: Dawson **Second:** Garcia

Action: Voice Vote: 5 ayes/Motion Passed

Approved by the Board of Directors on _____

Signature of Board Member