

Regular Board Meeting

Minutes

December 12, 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. 10

2. Pledge of Allegiance:

The Pledge of Allegiance was led by the Chair.

3. Approval of Agenda:

Motion: Move to approve the agenda as presented.
Motion: Mason **Second:** Cendaña-Torlakson
Action: Voice Vote: 5 ayes/Motion Passed

4. Closed Session:

The Chair adjourned the meeting to a closed session regarding the following:
CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
Litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 94956.9
(one case)

Chair Hoagland reconvened the meeting and reported out that by a unanimous vote it was decided that the District would abandon an appeal on this case.

5. Consent Calendar:

Director Cendaña-Torlakson stated that since she was not at the November 14th meeting she could not have seconded the motion to adjourn. Mrs. Rodrigues stated she would fix the error.

Motion: Approve the Consent Calendar with the one change to the minutes.
Motion: Garcia **Second:** Cendaña-Torlakson
Action: Voice Vote: 5 ayes/Motion Passed

6. Approval of Contract with New General Manager

Mr. De Lorenzo stated that they had gone through a process that took months to find the new General Manager. He said the contract presented was agreed to by Mr. Long and the Board and recommended approval of the contract. Director Mason said he had nothing against Mr. Long but expressed concerns about not following our policy and that we should be sticking to our own policies.

Motion: Move to approve the contract with Doug Long to hire him as the District's General Manager.
Motion: Dawson **Second:** Garcia
Action: Roll Call Vote: 4 ayes/1 no (Mason)/Motion Passed

7. Presentations:

a. Yard of the Month Awards

2 of 5 winners were present to accept their awards.

b. Introduction of the new General Manager, Doug Long

Director Hoagland gave a short background on Mr. Long and welcomed him to the District. Mr. Long stated that he likes challenges and thanked the Board and Mr. De Lorenzo for the opportunity. Director Hoagland thanked Mr. De Lorenzo and stated that even in his short time here he has improved the District. Mr. De Lorenzo was presented with a gift and thanked by all Board Members.

8. General Manager's Report:

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

1. Thanked Mrs. Rodrigues for the excellent work on updating the By-Laws and Personnel Manual.
2. The Tree Lighting went great and was told there were more people this year. Thanked Mr. Mike Kerr for his help and noted the coming Breakfast with Santa and the Sheriff's Dinner and Toy Giveaway.
3. Update on proposals for renovation of Ambrose Pool and stated the Master Plan Committee meetings will be noticed and open including interviews with the chosen companies.
4. CDBG Grant for new flooring for the auditorium due on Monday and Board can approve the grant application in January.
5. The Board can address the compensation study in January

At this point Mrs. Rodrigues stated that since the offices are closed for the holidays until January 2nd, two days would not be enough time to complete and mail a Board packet for the meeting and asked that the meeting be pushed back to January 16th. All agreed.

9. Public Communications:

Debra Mason, Marcia Lessley, Trina Hudson, Mike Kerr and Deputy Briggs made comments on the good job Director Mason has done in his first year on the Board even though he has had to fight against the odds, a list of his accomplishments, short meetings in the past, voting by e-mail, hope that pool continues to be a priority, continuing to improve and follow policies and procedures, the tree-lighting was wonderful, being proud to live here, thanked Mr. De Lorenzo for engaging the community, thinking the Board is working better than ever, realizing how detailed the work is for the board packet for each meeting, hope continue to be open to the community, thanks to Mr. De Lorenzo for the long hours he has put in and hope that the new General Manager is as good. Deputy Briggs thanked the District for co-sponsoring their holiday event and Mr. De Lorenzo thanked him for his help at the tree-lighting event.

10. Legal Counsel Report:

None

11. Public Hearing:

None

12. Board Matters:

a. Consider approval of contract with Curtis Kidder to become the District's Interim General Counsel. Mr. De Lorenzo stated that at the November meeting they had decided that we want interim legal counsel until permanent counsel can be found. He said the contract would start on January 1, 2014 and it specifies the rates and recommended approval of the contract. Debra Mason stated that FPPC training states that you should have counsel, who keeps you from violating ethic code and open meeting laws, not find ways to do it and not get caught. Director Mason noted Article 1 Part C that talks about respecting counsel and stated that he had been treated badly by our last counsel and respect has to go both ways.

Motion: Move to approve the contract with Curtis Kidder to become the District's Interim General Counsel.

Motion: Cendaña-Torlakson **Second:** Dawson

Action: Roll Call Vote: 5ayes/Motion Passed

b. Consider a general District postcard survey about desired facilities and programs. Mr. De Lorenzo stated that this item was considered at our last meeting with no action taken and Director Dawson requested it be addressed again at this meeting. Director Dawson stated that she thought it should be considered again because Director Cendaña-Torlakson was absent at the last meeting and should have a say. Director Hoagland stated that it would be a more expansive survey, not just about the pool. He said it would probably be more than a postcard since it would cover all facilities. Debra Mason, Trina Hudson and Mike Kerr made comments on past board member comments about it being the public's responsibility to be involved, being okay with less public opinion when it was the splash pad project but now wanting to hear from half the population of Bay Point and not taking for granted what the public wants when we are responsible for serving them, okay if it is a general survey, against a survey just on the pool, any polling being a waste of money, already having a Master Plan, public has already said they want the pool, maybe a survey later if more funds are available. The Directors made comments on being against the assessment, not going to the people to bail us out when we mishandled funds and were overspent for 3 years, complying with the Brown Act regarding assessment processes, meetings not being expensive, a longer and more general survey, already having a Master Plan with recreational items and working on that. Mr. De Lorenzo explained that we

need it identify our purpose and if we want an assessment there are various ways of going about it with professional help. He also said a Vision Plan is another way with focus groups.

There was no action taken on this item.

c. Consider a request from Supervisor Federal Glover to waive Community Center Board Room fee increase for the Bay Point Municipal Advisory Council meetings. Director Garcia recused herself from this item and left the room as she is on the Bay Point Municipal Advisory Council. Mr. De Lorenzo said that the raise in rates does not allow for any changes but because it was requested he brought it to the Board. He said the difference would only be \$168 a year and recommended granting the request. Debra Mason, Mike Kerr and Trina Hudson made comments on the MAC paying a flat rate, the MAC being funded by Keller funds and Pittsburg receiving 40% of it, MAC getting very little of the Keller funds, not making sense to give them a break, if the policy is to not give waivers then don't give a waiver, not understanding why he's asking if it's such a small amount and maybe he doesn't know. The Board members made comments on the MAC being a governing body, the amount being small, if we go against it gives the impression we're not friendly with the community, originally half of Keller was to go to Ambrose, appreciating the grants we get, being an affront to even ask, should stick to our policy, giving to one then more will request a waiver. Mr. De Lorenzo suggested that maybe Supervisor Glover didn't realize how little the raise was and need to explain it to him.

Motion: Move to approve the request from Supervisor Federal Glover to waive the Community Center Board Room fee increase for the Bay Point Municipal Advisory Council meetings.

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

Action: 2 ayes/2 noes/1 recused (Garcia)/Motion Failed

d. Infrastructure Study Report. Mr. De Lorenzo stated that the company is submitting the report in segments; last month was lighting and this month is the air conditioning system. He said they stated some of them should be replaced as soon as possible and he recommended budgeting funds for their replacement. Director Mason stated that this would be a perfect use of reserve funds. All agreed to work it into the budget.

e. Consider approval of key deal points with Contra Costa County for lease of office space at Ambrose Community Center. Director Garcia recused herself and left the room since she is employed by Contra Costa County. Mr. De Lorenzo stated that the lease with the county expired in 1997 and has been month to month rent without a raise since then. He said that he had negotiated with the county and had considered the going rate, an inflation factor, all space used and a pro rata share of utilities. He stated that the county said they won't be using the auditorium or board room for a half day as they have been and will leave before paying any share of the utilities. Mr. De Lorenzo stated that we don't want to lose the county right away and recommended a short term lease and in the meantime find ways to make up for the rent with other renters and recreational classes. Debra Mason, Trina Hudson and Mike Kerr made comments on do the other renters pay for utilities, statements implying Supervisor Glover or the county might retaliate but he has been very fair, the board being vindictive suing the county, the Chair implying fraud by Supervisor Glover concerning the Keller funds, him also being responsible for the pool being closed, the need to get along with the county, lease should have been revisited annually and hope it is in the future, Federal being like any other politician, the Grand Jury investigating the Keller funds and Keller Funds going to his office staff. The Board made comments on a 3 year lease with 2% increase each year, not wanting to see their services go, increases should start small, the need to look for new renters who will pay utilities, propose a shorter term lease, due diligence in keeping the same standard as other county offices (thermostats) and hoping they will be more acceptable as we negotiate.

Motion: Move to accept a three year lease as recommended by the General Manager and make sure the thermostats are kept at the County required temperature.

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

Action: 4 ayes/1 recused (Garcia)/Motion Passed

f. Election of Board Chairperson and Vice Chairperson. Mr. De Lorenzo noted items from his staff report

Motion: Appoint Director Cendaña-Torlakson as Chair.

Nomination: Dawson **Second:** Garcia

Voice Vote: 5 ayes/Director Cendaña-Torlakson elected as Chair

Motion: Appoint Director Dawson as Vice Chair

Nomination: Garcia **Seconded:** Hoagland

Voice Vote: 4 ayes/1 no (Mason)/Director Dawson elected as Vice Chair

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

Director Mason gave a report on his Board Member Training and noted some items in his report such as the main thing in all is the community is the owner of us, the Board is to set policy and let the General Manager do his job, and the General Manager needs to make sure the Board sticks to that. He also thanked everyone for their comments on his behalf. Director Garcia thanked Mr. De Lorenzo, said it was a pleasure to work with him and thanked Mike Kerr for distributing the canned goods collected at the tree lighting which was once again great. Director Dawson thanked Mr. De Lorenzo for the good job and thanked Director Hoagland for his work as Chair. She said the tree lighting was nice and enjoyed by everyone. Director Cendaña-Torlakson said there will be a taco restaurant and a Subway opening on Port Chicago in the Bonfare center. She thanked the Board for electing her as Chair and thanked Director Mason for the year and said she had worked with him and worked out any differences. She thanked Director Garcia for taking over the Yard of the Month Program and thanked the people that come to every Board meeting. Director Dawson also thanked Director Mason for his depth in the Board items and she appreciated his input. Director Hoagland stated it was good to work with Mr. De Lorenzo and he had come at the right time. He said the tree lighting was great, the Breakfast with Santa is on Saturday and thanked the public for coming.

14. Closing Ceremonies:

a. Adjournment.

Motion: Move to adjourn the meeting.

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

Action: Voice Vote: 5 ayes/Motion Passed

Approved by the Board of Directors on _____

Signature of Board Member