

**FEATHER RIVER RECREATION AND PARK DISTRICT
1875 FEATHER RIVER BLVD., OROVILLE, CA 95965 (530) 533-2011**

DISTRICT BOARD MEETING

Regular Board Meeting
December 13, 2011

MINUTES

Open Session to Commence at 4:30 P.M.

The public portion of the meeting is recorded.

1. CALL MEETING TO ORDER

Chairman Jensen called the meeting to order at 4:47 p.m.

2. ROLL CALL

Chairman TJ Jensen	✓
Vice-Chairman Bob Sharkey	✓
Director John Allen	✓
Director Loren Gill	✓
Director Jan Hill	✓

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

At this time, the Board will extend the courtesy of the Hearing Session to interested parties who wish to speak on items not on the agenda. State law prohibits the Board from taking action on any item presented if it is not listed on the agenda, except under special circumstances as defined in the Government Code. **You may be limited to three (3) minutes.**

Vera Roth mentioned she has been reviewing the financial information and found something wonderful. However, she also asked each one of the Board members if they have ever filed for bankruptcy or foreclosure. Chairman TJ Jensen stated he would not allow her to independently ask the Board members and that her question was inappropriate.

Wendel Vantine addressed Vice-Chairman Bob Sharkey. He stated he read a press release stating Marissa was studying the Brown Act and was going to educate the Board on such policies. He said the Board should already be aware of the Brown Act and should not be in violation of the Brown Act. Sharkey had no comment at that time. General Manager Scott Perkins said he could address the question. Perkins stated there was not a press release issued. He asked what the attorney's representation has been for the Board. Jensen said Sara Knowles is a legal representation for the Board. Jensen stated if he would like more information, he could review the documents at the District office.

Virgle Gage stated the discrepancy of the meeting times and said the times should not be changed. Perkins answered his question and stated he changed the meeting time of this particular meeting to be of more convenience for the public. Attorney, Sara Knowles

stated it is up to the discretion of the General Manager or the Chair of the Board to determine the time of the meeting because there is no resolution or amendment stating the time of the meetings. Gage stated consistency is important and would like to come to some sort of agreement on a consistent time. Director Jan Hill stated there is a section in the Policies and Procedure Handbook (section 10) about the time of the meeting; however, it is not accurate because the handbook has not been updated with a resolution stating 5:30 p.m.

Mary Williams addressed Sara Knowles, asking who offered her the contract to work for the District. Chairman Jensen stated Knowles did not need to answer this question because the issue had been discussed at previous meetings and her contract is available because it is a public document if Williams would like to review it. Williams read an article from the California Public Bar Journal October 2011, Suspensions and Probations of Sara Knowles #216139. Williams read the article, detailing the specifics of the case.

Allen Roth stated his question had been answered.

Ron Strong asked about the fencing material that was at the yard. He said it was no longer there and was wondering where it went. General Manager Perkins stated it is there but it is not a sufficient amount of material to build a fence.

DC Jones said after listening to what is going on at the meeting he felt the Chairperson was being discourteous and the meeting could be more civil then how it has been so far.

5. RECOGNITION AND AWARDS – none

6. CONSENT AGENDA

- A. Approve the minutes of the June 14, 2011 Regular Meeting (Appendix A)
- B. Approve the minutes of the June 20, 2011 Special Meeting (Appendix B)
- C. Approve the minutes of the July 26, 2011 Regular Meeting (Appendix C)
- D. Approve the minutes of the August 9, 2011 Regular Meeting (Appendix D)
- E. Approve the minutes of the August 23, 2011 Regular Meeting (Appendix E)
- F. Approve the minutes of the September 13, 2011 Regular Meeting (Appendix F)
- G. Approve the minutes of the October 25, 2011 Regular Meeting (Appendix G)
- H. Approve the minutes of the November 8, 2011 Regular Meeting (Appendix H)
- I. Approve the minutes of the November 30, 2011 Special Meeting (Appendix I)
- J. Accounts Payable – (Appendix J)
- K. Ratification of Warrants – (Appendix K)

BOARD ACTION REQUESTED: Approve Consent Agenda

Director Hill made a motion to approve the consent agenda removing items A, G and H from the consent agenda. Director John Allen seconded the motion.

VOTE:

Chairman Jensen:	<u>Yes</u>
Vice-Chairman Sharkey:	<u>Abstain</u>
Director Allen:	<u>Yes</u>
Director Gill:	<u>Yes</u>
Director Hill:	<u>Yes</u>

7. ITEMS PULLED FROM CONSENT AGENDA

The items pulled from the consent agenda were items A, G and H. Items A, G, and H were up for discussion.

August Lincoln asked if the District was up to date with the minutes and he asked which minutes are missing. He also said that he knew the October 7, 2011 minutes are missing, because he attended that meeting. Executive Secretary, Marissa Pickering addressed his question by stating how many minutes are still missing and confirmed that the October 7, 2011 meeting was one of the minutes that are missing.

Director Gill asked why Director Hill pulled the items. Director Hill stated grammatical errors, missing times and misspelling of names.

Director Allen made a motion to approve items A, G and H. Director Gill seconded the motion.

VOTE:

Chairman Jensen:	<u>Yes</u>
Vice-Chairman Sharkey:	<u>Abstain</u>
Director Allen:	<u>Yes</u>
Director Gill:	<u>Abstain</u>
Director Hill:	<u>Abstain</u>

Items A, G and H will be sent to the Board members for their feedback and review. After reviewed by the Board and changes are made, items A, G and H will be on the next Board meeting agenda.

8. ACTION ITEMS

A. DISCUSS AND ACCEPT THE FINAL CHANGES MADE TO THE CONTRACT OF THE GENERAL MANAGER. THE CHANGES ARE: 1) TO INCREASE MR. PERKINS SALARY TO THE BUDGETED AMOUNT OF \$65,000 PER YEAR 2) TO INCREASE HIS CELL PHONE REIMBURSEMENT TO \$100.00 PER MONTH AND 3) THE DISTRICT SHALL CONSIDER PROVIDING A VEHICLE TO MR. PERKINS AT ITS SOLE COST AND EXPENSE FOR THE USE OF DISTRICT BUSINESS. (APPENDIX L)

Discussion:

Director Hill stated she had received negative comments about this amendment. Jensen asked Perkins to confirm the \$65,000 salary was the budgeted amount, and Perkins stated it is the budgeted amount. Director Hill stated the negative comments were not directly regarding this amendment to the contract, but mainly about the vacation. Jensen confirmed the vacation time was negotiated at the time of Perkins' hire. Jensen stated he would like to see the next budget to have a salary greater than \$65,000. Perkins specified that when the increase of his salary is broken down to hourly it is a .96-cent raise.

Sharkey, Jensen and Gill discussed their satisfaction with Perkins' ability to fulfill the obligations of General Manager and are proud of Scott for his ability to "step up to the plate" in a difficult time. Sharkey and Jensen would like to see a long-term contract put in place for Scott to ensure the District has Scott as the General Manager. The Board discussed the contract options and discussed previous General Manager's contracts. Jensen said he anticipates that recruitment of a new General Manager (in the future) would be difficult because the salary is lower than expected for the District like FRRPD. If the District would like to recruit and retain a strong candidate the salary needs to be competitive. Gill stated the District cannot afford to lose Scott and the District needs to have consistency and have a consistent General Manager.

Public Comment:

Victoria Coots stated that on July 5, 2011 the Board executed a contract with Scott Perkins to be hired at \$61,000 and on July 7, 2011 Perkins returned with a counter-offer of \$63,000 and then on November 8, 2011 the amendment to Perkins contract was discussed. Coots clarified that both of the negotiations took place during closed session and were not done in open session, which is a violation of the Brown Act. Coots read part of chapter 5 of the Brown Act. Coots referred to the Policies and Procedure Handbook section 7 in regards to the vacation time for employees. She also wanted to make a correction to the article published in the Mercury Register noted; she indicated the minutes from November 8, 2011 are contrary to the article.

August Lincoln asked if the salary included medical and benefits. Perkins stated the salary listed is the base salary.

Marcia Carter questioned whether the District could afford this increase. Ms. Carter mentioned her employment at the facility and her concerns of affording this increase due to the current financial situation. Ms. Carter also asked why Perkins did not offer her .46-cent raise to keep her. Ms. Carter also said that Bob Sharkey had nothing to do with the purchase of the Activity Center facility.

Virgil Gage addressed Perkins regarding him having other businesses and being employed by the District. Perkins clarified it is not a conflict.

Mary Williams discussed Scotts paid two weeks' vacation as part of his initial contract, is that correct? Jensen said yes, and the contract is available to the public if she would like to see it. Williams asked if Scott would get another two weeks of paid vacation during his first year. Director Hill was under the impression that the two weeks of vacation would be deducted out of his first years' accrued vacation time. Jensen and the Board stated they would like to review the contract again to confirm the specifics of the vacation time.

Roger Soudan believes it is important to invest in the District with the right staff. He feels if Perkins continues to hire good people and make smart financial decisions then the District will be successful. Soudan has concerns as to whether it is affordable at this time to increase salary. Soudan also shared that he feels possible other positions, such as the Finance Manager position, is unnecessary. Soudan feels a person of a lesser salary and job title and part time could fulfill the same duties. After this happens then it can be turned around.

Allen Roth asked if the vacation time negotiation would proceed in the upcoming years. Perkins and Knowles stated it is not going to proceed and he will not get four weeks of vacation in the upcoming years. Knowles stated the contracts vary and are a case-by-case basis.

Moved by Director: Allen Seconded by Director: Sharkey

VOTE:

Chairman Jensen:	<u>Yes</u>
Vice-Chairman Sharkey:	<u>Yes</u>
Director Allen:	<u>Yes</u>
Director Gill:	<u>Yes</u>
Director Hill:	<u>No</u>

B. DISCUSS THE “PUBLIC RECORDS POLICY AND FEE SCHEDULE FOR PUBLIC RECORDS REQUESTS” AND CHANGES TO THE “REQUEST FOR PUBLIC RECORDS” FORM. ON THE RECOMMENDATION OF THE GENERAL MANAGER, THE BOARD HEREBY APPROVES THE FEE SCHEDULE, POLICY AND REQUEST FORM. (APPENDIX M)

Discussion:

Perkins stated the Executive Secretary, Marissa Pickering, produced the documents and researched other Districts fee schedules and forms. Her research led to the creation of the attached documents. Pickering also noted the new option of emailing public records to individuals when they are requested, which is free and more convenient. Director Hill noted the deletion of the sentence stating, “You will be notified within 10 days of receipt.” Knowles stated the sentence is repetitive since it refers to the Government Code, which the code specifies the timeline. The deletion will ensure that our forms are not out of date if the code is amended. Director Hill would recommend the sentence be put on the document. Hill, Jensen, and Knowles discussed adding or disregarding this statement on the form.

Public Comment:

Mary Williams stated she felt it was ironic to increase the cost to the taxpayers.

DC Jones said the 10-day rule just helps people in the public to understand that they will get a response within a reasonable period. Jones stated that by law, the District could set rates at a certain amount. Jones asked if Pickering reviewed other Districts. Pickering confirmed the vast amount of research conducted on this topic and stated the sources can be provided. Jones said the research would be good backup material to give to the Board so they can be informed of what other Districts are doing and support this increase.

Moved by Director: Sharkey

Seconded by Director: Gill

VOTE:

Chairman Jensen:	<u>Yes</u>
Vice-Chairman Sharkey:	<u>Yes</u>
Director Allen:	<u>Yes</u>
Director Gill:	<u>Yes</u>
Director Hill:	<u>Yes</u>

C. ON THE RECOMMENDATION OF THE GENERAL MANAGER, AUTHORIZE THE PURCHASE OF A NEW TRANSPORT VEHICLE, NOT TO EXCEED \$20,000.

Discussion:

Perkins discussed the previous authorization of purchasing a van for \$25,000 but the District only spent \$18,000. Therefore, there was approximately \$7,000 that could be used towards the \$20,000 for a new van. Perkins stated the increase in students and current inefficiencies. Perkins also shared his concerns of staff driving personal vehicles to pick up children. Perkins stated this purchase would allow the District to expand. Jensen stated his concerns during the upcoming summer camp and personal vehicles. Director Gill asked where the money would come from. Perkins said some would come from the excess amount left over from the previously budgeted amount for a van, cutting employees/spending and a possible surplus sale. Director Hill questioned how much revenue would be generated from the van purchase. Perkins said he estimated bringing in \$2,100 per month before expenses. Perkins, Knowles, Jensen and Hill discussed insurance coverage for staff and personal vehicle policies. The Board discussed transportation fees and discussed utilizing the vehicle as a multi-purpose vehicle, possibly used for maintenance when not transporting children. The financial constraints were discussed again, and Perkins stated the vehicle would most likely be purchased after receiving the tax allocation.

Public Comment:

Marcia Carter said the Board would not approve purchasing a van during her time at the District when it was needed. Carter does not understand how the District can support the purchase now. Perkins said the number of kids in the preschool and after-school programs have significantly increased since that time.

Mary Williams shared that she would like more detailed information and would appreciate seeing program statistics to justify the possible expenditure.

Victoria Coots also feels that the facts should be listed. Victoria Coots agrees with this purchase. Coots feels the purchase is necessary and should have been a top priority. Cut pay and cut employees to save money and be able to have the funds to purchase this vehicle.

Roger Soudan asked about the condition of the school bus that the District owns. He also shared his concern of professionalism and the usage of personal vehicles. Soudan encouraged the District to keep the bus for future usage. Perkins answered his questions and said he believes the bus needs minimal operational maintenance.

However, there is currently not a staff person that would legally be able to drive the bus.

10-minute break: reconvene at 7:09 P.M.

August Lincoln asked about preschool and the afterschool program. Lincoln asked if the District has a mission statement and if the District is fulfilling the mission. Knowles read the mission statement to Mr. Lincoln. Lincoln asked if the District follows the Educational Standards code, Perkins said we follow the standards.

DC Jones recommends approving this purchase due to the shortness of time, because if not purchased the District will miss possible business.

Jensen stated he would like Perkins to receive three bids and proper documentation.

Director Hill mentioned other transportation options such as, "Cabs-4-Kids" and possibly outsourcing the transportation to another organization. Hill, Jensen and Perkins also discussed the contract that was lost with the Work Training Center (WTC).

Vera Roth questioned as to whether the District could contract or connect with the school district(s) to have buses drop off children at the facility.

Other transportation options and efficiency aspects were further discussed.

Moved by Director: Sharkey Seconded by Director: Allen

VOTE:

Chairman Jensen:	<u>Yes</u>
Vice-Chairman Sharkey:	<u>Yes</u>
Director Allen:	<u>Yes</u>
Director Gill:	<u>Yes</u>
Director Hill:	<u>Yes</u>

9. NON-ACTION ITEMS: (DISCUSSION ONLY)

- A. Financial Statements**
Information only. No action requested
 1. Balance Sheet (Appendix N)
 2. Income Statement (Appendix O)

Vera Roth stated she was thankful for the fewer number of pages and thankful the finances are less cumbersome. Roth asked about janitorial supplies. Roth, Jensen and Perkins discussed the new Harvest accounting system and future clarity of financial statements. Roth discussed the double-billing issue with the water company at Martin Luther King Jr. Park, which occurred in the March/April 2011. Roth was curious if the bill had been adjusted and was reconciled. Jensen said it was reconciled, and he recommends Mrs. Roth meet with the Finance Manager, Susan Martin, to discuss the specifics.

- B. Identification of Real Property Negotiations.** Negotiator: Scott Perkins. Property location ASMT #: 035-240-100-000. Other party: Mr. Don Noble. (Appendix P)

Perkins stated he posted “no trespassing” signs on the property as a temporary solution. Perkins informed the Board of his discussions with Noble and the interest of leasing the property annually for the cost of property taxes, while also doing weed abatement and keeping the grounds in compliance. If approved the District would pay \$136.00 per month to Mr. Noble. Perkins stated if the District went forward with the lease then the District would propose a first right of refusal if Mr. Nobel wanted to sell the property. Jensen stated if the District were to purchase the property then he would like to see the lease payments go towards the purchase price.

Dorothy Strong conversed about the property boundaries and the fact that the parcel goes all the way to Mitchell Avenue.

Director Gill asked what the purchase price would be. Perkins stated he thought it would be approximately \$100,000.00 but was not sure, that was an estimate and that he had not discussed a purchase price with Mr. Noble. Gill asked what the minimum period for the lease would be; Perkins stated it would be for a minimum of one year. Gill and Perkins discussed the playground equipment and play area. Perkins said the play area is within the boundaries of the Districts current property.

The Board discussed the liability and possibility of children accessing the property.

Director Hill discussed her correspondence with Mr. Noble.

Jean Pratt questioned where the toddlers play area and equipment could be moved. Perkins stated the toddlers do not play on that side of the property and that it is where the after-school children play. Perkins said the playground equipment could be moved but was not necessary given the play area is within the District’s property. Pratt and Perkins discussed the cost and liability.

DC Jones recommended the District consider licensing the property annually and either party could cancel at any time. Jones recommended the District not pay to utilize the property but instead negotiate to clean it instead.

C. Committee, Directors’ and Managers’ Reports

1. Finance Committee

Director Hill and Chairman Jensen discussed the finance committee meetings that were held in November 2011. Hill informed the Board that the tax allocation is not ready yet. At the meeting Jensen and Hill discussed rental fees, employee splits, comparisons of 2010 and 2011, harvest accounting system, refinancing and revenue recovery protocol.

2. Parks and Recreation Committee

Director Allen discussed enhancing the dog parks and increasing convenience. Allen also mentioned replacing and fixing the rock apparatus at Riverbend. Vice-Chairman Sharkey said they discussed the Pacific Heights parcel. At the next committee meeting, the committee would like to have the LWCF grant on the agenda and the tennis courts. It was discussed that the committee will plan on meeting in January.

3. Personnel Committee – Did not meet

4. Policies & Procedures Committee

Sharkey stated direction was given to staff to make edits to the Policies and Procedures Handbook. The employee handbook cannot be edited yet because the MOU has not been finalized. Hill expressed her concerns for all three documents being aligned. The committee and Perkins stated the documents will be aligned and contain corresponding information.

5. Directors' Reports

- a. **Director Allen** – Discussed the dog park and possible ideas he is looking into.
- b. **Director Gill** – Discussed the billboard on the freeway and recommends staff contact Greg Milton. Gill commented on maintaining consistency with the meeting time. Gill also discussed the Oroville Wild Flower event. Gill suggested postponing the event due to increased competition from the Department of Fish and Game. Gill also stated the potential increase of dancers due to the closing of Ms. Kathy's dance studio. Gill also added that the trail on the levee needs funding and grant possibilities. Gill would like to look into the District becoming a 501C3 again to build this trail.
- c. **Director Hill** – Mentioned she attended a special district's association meeting in November and Larry Duncan from Paradise was elected to LAFCO. There was also a report on PERS and a picnic, which will be in July 2012. Hill requested employee pay rate scales. Hill stated she received the information in the past but it was not up to date. Hill questioned the time of night Riverbend is closed down. Hill also commented on maintaining consistency with the meeting times. Hill mentioned the District needs a thorough audit once the money becomes available.
- d. **Vice-Chairman Sharkey** – Discussed his satisfaction with the light parade and the FRRPD Float. Sharkey liked seeing the positive news articles. Sharkey discussed SBF and he would like to see the funds support the Veteran's Memorial Park. Sharkey suggested a procedure to see the type of arrangement of SBF change and have approval come before the full Board, not just the two FRRPD Board members that serve on the SBF committee. Sharkey also discussed ideas for the structure of funding through the SBF, stating the city would receive a guaranteed 3/5 of the funds and the District would receive a guaranteed 2/5 of the funds each year.
- e. **Chairman Jensen** – reported on his meeting with the Mayor, Linda Dahlmeier. Jensen stated the District would need to have a full discussion about the tennis courts with the city. Jensen said his perception of the District is very positive.

6. General Manager's Report – (Appendix Q)

Perkins stated he would be meeting with Chief Bill Lagrone to discuss park safety and the video camera technology.

7. Finance Manager's Report – (Appendix R)

8. Staff Reports – (Appendix S)

- a. Executive Secretary
- b. Director of Children's Services

10. CORRESPONDENCE & MISCELLANEOUS

- A. Letter to Cresco Equipment Rental (Appendix T)
- B. Donation and letter from Bettie Basye Ott (Appendix U)

11. ITEMS FROM THE FLOOR

August Lincoln expressed his concerns of cancelling the Wild Flower event and feels it is a popular event.

Virgil Gage commended the Board and appreciated the responses from the Board. Gage also read a note from Wendel Vantine who wrote about his negative first impression of the Board and Board meeting.

12. BOARD ITEMS FOR NEXT AGENDA

13. EMERGENCY SITUATIONS

14. CLOSED SESSION

The Board adjourned to Closed Session at 8:45 p.m. to discuss the following:

- A. Pursuant to Government Code Section 54957 – Personnel
- B. Pursuant to Government Code Section 54957.6 – Labor Negotiations
- C. Pursuant to Government Code Section 54956.8 – Real Property Negotiations.
Negotiator: Scott Perkins. Lease of real property located at ASMT #: 035-240-100-000 the parties hereto Mr. Noble and the District – terms of potential lease.

15. ADJOURNMENT

Chairman Jensen adjourned the meeting at 9:24 p.m.