

**FEATHER RIVER RECREATION AND PARK DISTRICT  
Regular Meeting of the Board of Directors**

**Tuesday, May 24, 2011 at 5:30 p.m.**

**The regular meeting of the Board of Directors of the Feather River Recreation and Park District was held at 5:30 p.m. at South Feather Water and Power Agency located at 2310 Oro-Quincy Hwy. in Oroville, California.**

**CALL MEETING TO ORDER:**

5:40

**ROLL CALL:**

Chairman TJ Jensen	<u>✓</u>
Vice Chairman Bob Sharkey	<u>✓</u>
Director John Allen	<u>✓</u>
Director Loren Gill	<u>✓</u>
Director Jan Hill	<u>✓</u>

**PLEDGE OF ALLEGIANCE**

**I. PUBLIC COMMENT**

Chairman Jensen asked that the Public Comment Session take place after Claudia Stuart gives her presentation from the Hearing Session.

**HEARING SESSION**

**A. CLAUDIA STUART, BUTTE COUNTY DEPARTMENT OF DEVELOPMENT SERVICES**

Claudia Stuart made a presentation to discuss and request the Districts support for an Urban Master Planning Application by Butte County to the State for the Oroville Urban Green Master Plan. The Master Plan was prepared under Prop. 84, whose funds are used for a number of purposes. The County is looking at a grant application to the Strategic Growth Council which represents a number of State agencies. Goals of the grant funds are to create green plants to produce forest canopies, reduce greenhouse gases, improve community amenities, conserve energy, provide open space and all is done to make the community more sustainable and promote well being.

**I. PUBLIC COMMENT**

At this time the Board extended the courtesy of the Hearing Session to interested parties who wish to speak on items not on the agenda.

**SHERI BUNKER** of Oroville area emailed a request to be on the agenda to get permission for June 25, 2011 to use Bedrock Park to cast off the floats and Riverbend Park dock to land for the 3<sup>rd</sup> Annual River Float which is actually the 100<sup>th</sup> Anniversary of the River Float. The event takes about an hour to float to the dock. Registration is at 3:30 p.m. and the float starts at 4:00 p.m. Shawn commented that the District did have it on their calendar. She also asked if it would be alright for the Thermalito Grange to have a concession. She also informed the Board of the Palermo Grange hosting the California State Grange Convention October 12-16, 2011. They requested to use the Palermo Park by the Grange building only. Shawn asked Sheri to call the office to confirm.

**LORRAINE TASSI** of Oroville stated that she was hired last September as Financial Manager by the General Manager, John Buck and the previous Board after the termination of Susan Martin, Financial Manager. She stated that members of the staff enlightened her as to the turmoil that Susan Martin had caused by her personality and attitude. Lorraine stated that as she started to clear the work load from her desk she started to understand that Susan Martin took on many hats. She was the Financial Manager, Human Resources Administrator, Health Benefit Administrator and Retirement Administrator. This is a person that Bob Sharkey has stated numerous times that he'd like to reinstate into the District. I want the Board and the public to know that if reinstated Susan Martin may put the District at high risk for not only Federal and State, CALPERS interventions, but also employee discrimination claims.

Lorraine Tassi stated that in January of 2010 she was preparing to issue 1099's and found that only 5 Board members were coded to receive them in. She investigated the 2009 year end paper files and found that only the Board members were issued 1099's in January. No other 1099's were found. She stated that she alerted the District's general manager who then alerted the Board members. She received a call from Director Sharkey who, in her opinion, was hassling and accusing her of falsely making statements about Susan Martin, personal family friend. Lorraine Tassi stated that Director Sharkey demanded that she verify her findings with Susan Martin. She emailed Susan Martin and Susan Martin responded with a partial definition of the 1099's requirement and a request of the 1099's that Lorraine thought needed to go out. Lorraine emailed back with the remainder of the 1099 tax requirement and a list of who she sent 1099's to. She verified that I was correct and only those few were issued. By not issuing 1099's Susan Martin has opened the District to State and Federal audits and potential costs in penalties and interest. In the past week Lorraine has located public records request for the Districts lawyer. She located 1099's for 2008, 2007 and 2006, prepared by Susan Martin and these too were not complete. In one of those years her husband had done work for irrigation and was paid more than \$2,500.00 and he did not receive a 1099. This may be considered fraud and may open the District to a Grand Jury investigation.

Several meetings ago Dr. Remley brought to the attention of a payment to CALPERS for repayment of early withdrawal for Mr. Sharkey when he resigned his position as General Manager. The monies that Mr. Sharkey received were for his sick and vacation hours earned but not taken. The monies were a payout. Mr. Sharkey and Susan Martin had issued a check directly to CALPERS, not to Mr. Sharkey. This way, monies for his sick and vacation earnings were not reported on his W-2 and not reported by the District to the Federal or State. In Lorraine Tassi's opinion this transaction not only jeopardizes the District's finances to be audited by Federal and State agencies but also CALPERS. A previous General Manager received a large lump sum as he left the District but his payment was made to the employee, taxed properly, and reported on a W-2. He did deduct from the gross amount a large amount to a 457 deferred compensation retirement plan which is pre-taxed.

Lorraine Tassi stated while Susan Martin was acting as Personnel Administrator she processed twice 2% increases for certain employees. There was no paper documentation but must have been related to union requirements. Of those people Susan Martin and Mr. Sharkey received those increases as well. Are the Financial Manager and General Manager union members? The next time there was a 2% increase Susan Martin processed them for herself, Mr. Sharkey but also left out some union members. Lorraine Tassi couldn't figure out why not all employees received that cost of living increase. This is discrimination.

Lorraine Tassi stated while Susan Martin was acting as Health Benefit Administrator she allowed Shawn Brandt to pay a very minimum amount for her dependant health coverage while others paid more or equal.

Lorraine Tassi stated that with everything she has found she has nothing to gain and as of tonight she handed in her resignation effective her last day of work, May 31<sup>st</sup>. She thanked the people she has met the last few months. She has enjoyed working at the center and hearing the children's voices.

**AARON HILL** of Oroville stated he doesn't like what he has to do but he has to do it. It's been interesting but mostly disheartening to watch the 3 new Board members in action since they took office. In his opinion heads have rolled, programs have nooses around them, people stomped on, dreams of movement dashed, bad decisions made, unprofessionalism abounds, good Board procedures and protocol ignored or put aside, moral weakened, previous acquisitions put in peril. In his opinion Mr. Sharkey is like General Sherman marching through Georgia, destroying everything in his path, leaving nothing unturned, with little regards for people's feelings, livelihoods and dedication. In his opinion he put common decency on hold like General Sherman did. I think you picked the wrong way to fight this battle. But then he has a hard time knowing what battle it is. Mr. Sharkey had every right to run for office and have your concerns fostered but the way he did it throws him out of the water for Aaron. He remembers taking ethics 101 in college. One of the major things you learn is that the end does not justify the means. In his opinion board members should be good public servants honest and respectful to one another and to the statute of government that is those that work hard to make it all happen.

**JENNIFER KREMIN** of Oroville said she feels she knows everyone on the Board well and doesn't feel that anyone on the Board has done anything maliciously to hurt the District. When people get up and attack one or more people on the Board she finds it disheartening and sad. She finds it disheartening and sad that at the last few meetings, staff from the Parks and Recreation Department find that this is the place to come and belittle people, to fire off at people, to talk about management and she doesn't feel that this is the proper place to do that. She thinks it's horrible that they are so short staffed already. They are busting their butts, answering the phones, and trying to get people reserved for different things and there are people digging through things from 10 years ago. She feels that it's horrendous, sad and she thinks these people are malignant to this District. She is so pleased that the people who don't want anything good to happen in this District, and even if they do in their own path are so against the people that have a different opinion that they attack, attack, attack. To go back 10 years to prove that someone did something wrong instead of doing the job at hand to make the place go forward and she hopes that that continues and the people that are so bitter and so vulnerable go someplace else. She wants the Board to please don't get discouraged and please don't take all these horrible words to heart because people might talk about Bob, might talk about John, or talk about Jan or Loren or T.J. and I know that all of you are doing a good job and all of you are really trying. I know that you have differences of opinion but the end result I hope will be our District moving forward and doing better. So please don't take it to heart because none of you are bad people. It's real easy to come up here and degrade someone when you have 3 minutes to say whatever you please. I think that's horrendous and that the Board should be cut out from that. I do know that at the end of my time on this Board was when Bob Sharkey had resigned or had given his letter of resignation. He wasn't gone yet and we were in the process of hiring a new general manager when I left. I do know that there were many communications. He did ask for his sick time and vacation time to be paid. He asked the Board and the Board sent emails to the attorneys asking which way to do it. The attorneys responded that they didn't know exactly how to do the contribution. Was it pre-taxed or through the regular payroll and then sent to PERS and he sent emails back saying he was looking into it and unfortunately that is when she left and she doesn't know the end result. I do know that this Board does things behind closed doors. I don't know what the last email was saying this is how you do it. But I do know that it was communicated through Bob, through Susan and through all of us on the Board, "How do we do this properly?" Because nobody wants to do it the wrong way. And if it was done the wrong way even just slightly or in a whole bad way they asked the attorneys how to do it. Now, I don't know if the attorney's said to do it this way and they said oh no we're going to do it that way. I don't know, but I believe that is the truth but I believe we were doing due diligence to do it the right way and nothing done to hurt the District. We did our best.

**RECESS 6:27**  
**RECONVENE 6:39**

**SARA KNOWLES** counsel for the District made a brief statement. Any statements that were made regarding past or current employees of the District that this Board will be making no comment on the employees because it is against District policy.

**DIRECTOR SHARKEY** commented that he is deeply hurt by these accusations. This is not the first time that he's heard them. Yes, he ran for the Board and that has hurt a lot of people apparently. A lot of people were happy that I ran but when these statements keep coming up and constantly abusing me in this way is extremely difficult to take. I can't believe what I'm hearing here. Some of them are just unbelievable. I cannot believe these statements were made this harsh on a consistent basis. I did nothing but try to help this District and I feel a lot of pain of what I've tried to accomplish because of what has happened here. You don't know how many years I've spent working to get Riverbend done and other projects like that and if I have to take a beating every week because I did something in this community, I'm sorry that it hurts peoples' feelings. And my goodness if to run for this Board is a crime I didn't know it was a crime. I was elected by over 9,000 people. I think there are some people out there that do like me but I come to these meetings and I am circled by people with pure hatred. This really is hurtful and that's all I have to say.

**SHARON GILL** stated that she knows a lot of painful, hurtful things have been said. Everybody on this Board has been attacked one way or another. My husband, Loren Gill, is on the Board. He's been written about in the paper and everybody has. I'm sorry it's gotten to be like that but I really think these public comments to a certain extent are needed because a lot of things have happened, they are being brought out. I think a lot of things have happened in this District over the years all the way back and now they're coming to light and it's bad. And I think this is good. I think these things are coming out and I know they're hurtful but they're coming out. And to me this is like a jury. You hear the defense, the prosecution. You listen to what people say and you make your own decisions. That is why we're here. We were invited to these meetings to hear these things. And it's up to us to decide what we feel. But I feel the comments are needed. Maybe not quite so hurtful but I think they're really needed because we need to know what's going on and what has been going on otherwise things are swept under the rug. I would really like these public comments to continue. I know some things are hurtful but it's coming out.

## **II. HEARING SESSION**

### **B. CONCRETE FOR RIVERBEND PARK SOCCER SNACK BAR**

The Board discussed the cost of pouring concrete at the Riverbend Park soccer snack bar, proposed by Ford Construction Company, of \$5,770. Rotary has committed verbally to donate \$10,000 toward the snack bar. The expenditures of the doors and roof have already been made. The bid on the concrete puts the costs over \$10,000 by about \$3,000. Sara Knowles, counsel for the District has not seen documentation from Rotary that defines that they would contribute a set amount and recommended that before anything is approved that the Board access that and also see if Rotary would be able to come up with the difference. It was suggested that the District consult with Rotary or Oroville Youth Soccer to secure the extra cost of the concrete. Staff was directed to make sure that the concrete pouring was at cost and if not maybe a parent from soccer that's a general contractor would be able to donate the labor. It was noted that the estimate was not a contract and there would need to be a contract in place to do the work.

**SHARON GILL** asked if the District would have to put money into this project. Chairman Jensen responded that the District would not be putting any money into the project. The District would be reimbursed for all costs by Rotary.

## **III. ACTION SESSION**

Anyone wishing to speak on items on this agenda may do so at the time the item is called and the Chairperson opens discussion to the public. When you wish to speak, you must wait to be recognized by the Chairperson and, prior to addressing the issue give your name and address for the record. **You may be limited to five (5) minutes.**

**A. GENERAL FUNCTIONS OF THE BOARD**

- 1. Approve Letter of Support for Butte County's application for Prop 84-Urban Greening Planning Grant funds.**

On the recommendation of the Interim Assistant General Manager, it was moved by Director Allen and seconded by Director Hill that the Board approve the Letter of Support for Butte County's application for Prop 84-Urban Greening Planning Grant funds. (Appendix B)

VOTE: Passed

Ayes: Director Hill, Director Gill, Director Allen, Vice Chairman Sharkey, Chairman Jensen

Noes: \_\_\_\_\_ Abstain: \_\_\_\_\_

- 2. A Resolution authorizing the removal of Donald L. Remley as an authorized signer on any and all District checks, ACH transfers and check registers for all financial accounts relating to the District.**

On the recommendation of the Interim Assistant General Manager, it was moved by Director Allen and seconded by Director Gill that the Board adopt Resolution 1156-11 (Appendix C) authorizing the removal of Donald L. Remley as an authorized signer on any and all District checks, ACH transfers and check registers for all financial accounts relating to the District.

**Adopt Resolution 1156-11**

VOTE: Passed

Ayes: Director Hill, Director Gill, Director Allen, Vice Chairman Sharkey, Chairman Jensen

Noes: \_\_\_\_\_ Abstain: \_\_\_\_\_

- 3. Accept the resignation of Vice Chairman Bob Sharkey from the Personnel Committee.**

On the recommendation of the Interim Assistant General Manager, it was moved by Director Allen and seconded by Director Gill that the Board accept the resignation of Vice Chairman Bob Sharkey from the Personnel Committee effective May 24, 2011.

VOTE: Passed

Ayes: Director Allen, Director Hill, Director Gill, Vice Chairman Sharkey, Chairman Jensen

Noes: \_\_\_\_\_ Abstain: \_\_\_\_\_

- 4. Appoint Director John Allen to the Personnel Committee.**

On the recommendation of the Interim Assistant General Manager, it was moved by Director Gill and seconded by Vice Chairman Sharkey that the Board appoint John Allen to the Personnel Committee effective May 24, 2011.

VOTE: Passed

Ayes: Director Allen, Director Gill, Vice Chairman Sharkey, Chairman Jensen

Noes: Director Hill

Abstain:

Director Allen accepted the appointment.

**5. Approve additional payment to Environmental Science Associates (ESA) for work done on the 2020 Master Plan.**

On the recommendation of the Interim Assistant General Manager, it was moved by Director Allen and seconded by Vice Chairman Sharkey that in the event legal counsel determines that the District is obligated to pay the invoice the Board approved payment to Environmental Science Associates of \$1,092.50 for overage costs on the 2020 Master Plan. If legal counsel determines that the District is not obligated to pay the invoice the item will be brought back to the Board.

VOTE: Passed

Ayes: Director Allen, Director Gill, Director Hill, Vice Chairman Sharkey, Chairman Jensen

Noes: \_\_\_\_ Abstain \_\_\_\_

**6. The District appointed Wayne Lee Llewellyn to the Benefit Assessment District Oversight Committee.**

Mr. Llewellyn is currently a vendor with the District, selling ice cream. It is the opinion of Sara Knowles, legal counsel for the District, that this position would not be a conflict of interest because it is a volunteer position and the committee is an advisory committee. If subjects dealing with vendor fees were items of discussion with the committee, Mr. Llewellyn should abstain from any vote.

On the recommendation of the Interim Assistant General Manager, it was moved by Director Allen and seconded by Vice Chairman Sharkey that Wayne Lee Llewellyn be appointed to serve as a member of the Benefit Assessment District Oversight Committee for a four-year term ending March 30, 2015.

VOTE: Passed

Ayes: Director Allen, Director Gill, Director Hill, Vice Chairman Sharkey, Chairman Jensen

Noes: \_\_\_\_ Abstain \_\_\_\_

**7. Authorize Board Training for the Feather River Recreation and Park District Board of Directors not to exceed \$1,500.00.**

On the recommendation of the Board Chairman TJ Jensen, it was moved by Director Allen and seconded by Vice Chairman Sharkey to pull this item from the agenda. The Board authorizes TJ Jensen to schedule Board Training for the Feather River Recreation and Park Board of Directors not to exceed \$1,500.00.

VOTE: Pull item from agenda

Ayes: Director Allen, Director Gill, Director Hill, Vice Chairman Sharkey, Chairman Jensen

Noes: \_\_\_\_ Abstain \_\_\_\_

**8. Approve purchase of Toro Time Cutter (mower) for \$2,359.50.**

Director Gill will abstain from the vote because he is the landlord of the tenant for the business.

On the recommendation of the Interim Assistant General Manager, it is moved by Director Allen and seconded by Director Hill that the Board approve the purchase of the Toro Time Cutter for \$2,359.50.

Action: Motion withdrawn

On the recommendation of the Interim Assistant General Manager, it is moved by Vice Chairman Sharkey that staff bring back 3 signed bids on mowers that meet the specifications wanted, to the next meeting.

Action: No second; Motion failed

On the recommendation of the Interim Assistant General Manager, it is moved by Director Hill that staff attain 3 signed bids on mowers that meet the specifications wanted, to Shawn Brandt. If the Toro Time Cutter is the lowest bid Shawn Brandt may approve the purchase of it.

Action: No second; Motion failed

7:20 p.m. Chairman Jensen called a 5 minute recess.

7:27 p.m. Meeting reconvened

On the recommendation of the Interim Assistant General Manager, it is moved by Vice Chairman Sharkey and seconded by Director Allen that staff brings back 3 signed bids on mowers that meet the specifications wanted, to the next meeting.

VOTE: Passed

Ayes: Director Allen, Director Gill, Director Hill, Vice Chairman Sharkey

Noes: Chairman Jensen Abstain \_\_\_\_

**9. Approve payment to Connelly Roofing for roofing materials for Riverbend Park soccer snack bar.**

Connelly Roofing has ordered the roofing materials to complete the roof at the Riverbend Park soccer snack bar. The metal roofing material is \$4,956. The felt and staples is approximately \$344. He is not charging for the labor. The Rotary Club had promised a donation of \$10,000 to the District when the project is completed.

On the recommendation of the Interim Assistant General Manager, it is moved by Director \_\_\_\_\_ and seconded by Director \_\_\_\_\_ that the Board approves the payment to Connelly Roofing.

VOTE: Ayes: \_\_\_\_ Noes: \_\_\_\_ Abstain \_\_\_\_

**10. Approve minutes of the May 4, 2011 Special Board Meeting.**

On the recommendation of the Interim Assistant General Manager, it is moved by Director \_\_\_\_\_ and seconded by Director \_\_\_\_\_ that the Board approve the minutes of the May 4, 2011 Special Board Meeting; (Appendix G)

VOTE: Ayes: \_\_\_\_ Noes: \_\_\_\_ Abstain \_\_\_\_

**11. Approve minutes of the May 10, 2011 Regular Board meeting.**

On the recommendation of the Interim Assistant General Manager, it is moved by Director \_\_\_\_\_ and seconded by Director \_\_\_\_\_ that the Board approve the minutes of the May 10, 2011 Special Board meeting; (Appendix H)

VOTE: Ayes: \_\_\_\_ Noes: \_\_\_\_ Abstain: \_\_\_\_

**B. BUSINESS AND FINANCE**

**1. Approve Accounts Payable and Ratification of Warrants**

On the recommendation of the Interim Assistant General Manager, it is moved by Director \_\_\_\_\_ and seconded by Director \_\_\_\_\_ that the Board approve the Accounts Payable as presented in Appendix I, and the Warrants as presented in Appendix J.

VOTE: Ayes: \_\_\_\_ Noes: \_\_\_\_ Abstain: \_\_\_\_

**2. Approve Financial Reports**

On the recommendation of the Interim Assistant General Manager, it is moved by Director \_\_\_\_\_ and seconded by Director \_\_\_\_\_ that the Board approve the following financial reports:

**(a)** Profit and Loss Report for April, 2011, and presented in Appendix K;

**(b)** Profit and Loss Report for Fiscal Year, as presented in Appendix L;

**(c)** Balance Sheet as presented in Appendix M.

VOTE: Ayes: \_\_\_\_ Noes: \_\_\_\_ Abstain: \_\_\_\_

**VI. COMMITTEE, DIRECTORS, & MANAGERS REPORTS**

**A. DIRECTORS' REPORTS**

1. Director Allen
2. Director Gill
3. Director Hill
4. Vice Chairman Sharkey
5. Chairman Jensen

**B. INTERIM ASSISTANT GENERAL MANAGER'S REPORT**

Shawn Brandt (Appendix N)

**C. STAFF REPORTS (Appendix O)**

1. Deanna Simmons (O-1)
2. Greg Griffin (O-2)
3. Sheryl Manies (O-3)

**V. CORRESPONDENCE & MISCELLANOUS**

**A.** An article in the May 12, 2011 Chico News and Review features the Oroville Junior Giants program and the work Jennifer Kremen has done to build the program. This free program has served approximately 250 children, ages 5 to 18 years, each year. The program teaches development of four core character traits – confidence, integrity, leadership and team work. Donations to this program may be made at the Feather River Recreation and Park District office. (Appendix P)

**VI. CLOSED SESSION**

**A. ENTER INTO CLOSED SESSION**

The Board will recess into Closed Session at \_\_\_\_\_PM to discuss the following:

- 1) Pursuant to Government Code Section 54956.9 – Pending/Anticipated Litigation  
**Legal Counsel:** Attorney Sara Knowles, Leland, Schultz & Morrissey
- 2) Pursuant to Government Code Section 54957- Personnel. Hiring of New General Manager

**B. ADJOURN FROM CLOSED SESSION**

Closed Session was adjourned at 10:30 p.m. and the Board returned into Open Session.

**VII. ADJOURNMENT**

**A. ADJOURNMENT**

The Board Chairman adjourned the meeting at 10:30 p.m.