

**REGULAR BOARD MEETING
MINUTES**

OCTOBER 25, 2011

4:00 PM

The meeting was held at Feather River Recreation & Park District "Activity Center" at 1875 Feather River Blvd, in Oroville. The public portion of the meeting is recorded.

1. CALL MEETING TO ORDER

The meeting was called to order at 4:00 p.m.

2. ROLL CALL

Director Jan Hill, Director Loren Gill, Director John Allen
Vice Chairman Bob Sharkey, and Chairperson TJ Jensen were all present.

3. PLEDGE OF ALLEGIANCE

4. ADJOURNMENT TO CLOSED SESSION

The Board adjourned to closed session at 4:00 p.m. to discuss the following:

A. Pursuant to Government Code 54957 – Personnel

B. Pursuant to Government Code Section 54956.9 (b) (1) (2) – Anticipated
Litigation

5. RECONVENE PUBLIC PORTION OF MEETING

The meeting was reconvened at 4:58 p.m.

6. ANNOUNCEMENTS FROM CLOSED SESSION

No action was taken.

7. PUBLIC COMMENT

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 three (3) minutes.**

Virgil Gage – Mr. Gage inquired as to whether he had the latest copy of the Policies and Procedures Handbook dated 10/14/09. He also inquired as to whether Ms. Knowles' fees included travel time. He was informed that Ms. Knowles' fees do include travel time and that it appears that he does have the latest copy of the Policies and Procedures Handbook.

Victoria Coots – Ms. Coots indicated that she was concerned about the shredding of documents. She read from portions of the Policies and Procedures Handbook regarding the retention of documents policy. She

requested, verbally, copies of the materials that were shredded as well as the Board's approval to shred such documents.

Jennifer Wyman – Jennifer commented on the Jr. Giants status. She indicated that while not enough money was raised to offset all of the costs pertaining to the Jr. Giants trip, much of the cost to do so was offset by the recent fundraiser. If they were to do it again they would have a better plan. None of the vendors donated any money back to the Jr. Giants Program. This would be one thing done differently, they would put out a RFP for vendors to pay a fee up front.

August Lincoln – Mr. Lincoln read from uncited portions of the Brown Act. He is concerned that the minutes are behind and that the District may be withholding information.

Kathlynn Brazil – Ms. Brazil comment that she was disturbed that a band called "Kill for the Children" was at the Jr. Giants fundraiser. She also commented that she wanted to teach a class at the District, and it took four months to get a response. The class was called Fun with Fairies. In June of 2010 she was not invited to return to teach the class. On February 11, 2011 she was notified by Don Remley that the class was cancelled. She thinks that the district has lost its' direction, that the Board is blinded by infighting, that there is too much focus on monetary issues and the soccer fields. She thinks that the staff needs training.

Dorothy Strong – Ms. Strong indicated that she wanted to know when the minutes where last approved. She read from the Policies and Procedure Handbook that states that the minutes shall be submitted to the Board for approval at the next regular board meeting.

Mrs. Roth – Commented that there has been a lack of committee reports for quite some time. She hopes that on the next agenda there will be a finance report.

Ron Strong – Mr. Strong read from the Policies and Procedures Handbook pertaining to Service Contracts. Specifically, he wanted to know what was a service contract and why public bidding is not required for service contracts. . District counsel drew his attention to portions of the section that define service contract as special services rendered by persons or firms specially trained, experienced and competent to perform the special service required. Counsel indicated that this is an exception to the public bidding requirement.

Kevin Fattal – He offered his observations that historically the Oroville Gymnastics Sports Academy received praise for training children for kindergarten. He thinks that there is poor management within the District now, and that there is something that is good for the community within the facility. He wanted to know what the District was doing about this.

Mary Williams – Ms. Williams commented on the Sal Rodriguez contract and

asked the Board if they knew that Sal was doing the work. Chairperson TJ Jensen indicated to Ms. Williams that the proper procedures were not followed when Rodriguez was hired and that is why the matter came back before the public and the board.

DC Jones – Mr. Jones recommended that the Board hire a different auditor for 2012. He indicated that he thinks that this is not the level of accounting that the District needs. Chairperson TJ Jensen asked Mr. Jones if had read the prior audit, and Mr. Jones indicated that he did not. Chairperson TJ Jensen indicated that the audit is an annual government audit. Director Hill indicated that she would like a forensic audit, but the fee is \$280 an hour. She also indicated that she would like to get a specific participatory audit with regard to certain items.

Michael Whitmore – Mr. Whitmore indicated that he is a recently terminated employee. He complained that it doesn't appear that money is going into programs for the children. He indicated that he was fired because he failed to show up for work. He explained that he was not in a good state of mind because of family and personnel issues. Mr. Whitmore complained about his hours being cut and other employees having their hours increased. He indicated that he does not feel that the District is following the ethics guidelines produced by the National Education for Young Children, as released in 2005.

9. CONSENT AGENDA

Accounts Payable (Appendix A)

Ratification of Warrants (Appendix B)

All board members voted yes for the above items, with the exception of Jan Hill. The motion was made by Bob Sharkey, and seconded by John Allen. Director Hill remarked that she was not voting because she did not receive her board packet. She indicated that the packet was required to be received by her by 5:00 p.m. on the Friday before the meeting. Director Hill acknowledged that the board packet had been sent to her, via email, before 5:00 p.m. but that she was unable to open the document due to problems with her computer. Counsel for the District indicated that the Policies and Procedures Handbook for the District requires the District to deliver it by 5:00 p.m., but that there was no requirement that it be personally delivered. Director Hill indicated that she thought that the Handbook indicated that it should be personally delivered to her.

10. ITEMS PULLED FROM THE CONSENT AGENDA

None

11. GENERAL FUNCTIONS OF THE BOARD

APPROVE THE AGREEMENT WITH HARVEST ACCOUNTING AND MANAGEMENT SYSTEMS FOR CONSULTING SERVICES

This motion was made by John Allen, and seconded by Bob Sharkey. Director Gill indicated that he does not think it should go forward.. He will vote no, although he thinks it is needed, because it is additional spending that the District cannot afford. Director Sharkey thinks it is a good idea, Director Hill is worried about the cost.

Virgil Gage asked if the finance committee had met on this topic. Director Hill replied No. Mr. Gage expressed that it is his personal opinion that the District should slow down and get a better financial plan.

Jennifer Wyman indicated that while Susan Martin is the finance manager, she is also doing all the work of the finance department and she needs some assistance. She supports the proposal.

Victoria Coots questions this, as well as a lot of other matters. She thinks the District should step back and evaluate where it is going, and remarked that individuals cannot spend this way.

Jean Pratt indicated that there is a need but no money. She does not think that it is a good idea to spend money to make money. She thinks that the Board should take a look at everything, and that they are bypassing the finance committee.

Michael Whitmore remarked that he thinks that the District needs to advertise more and get more money in. He went on to say that his "room" had been taken away and that the musical equipment is his. He says that the piano is his but he will have to donate it to the District.

Director Gill voted no, Director Allen, Chairperson Jensen, Vice Chairman Sharkey all voted yes. Director Hill voted No.

12. BUSINESS AND FINANCE

1. FUND BALANCE SHEET (Appendix D)

IV. DISCUSSION SESSION

A. Oroville Gymnastics Academy purchase/property line issues

This item was introduced by Chairperson TJ Jensen. He indicated that there is an issue with the property line. Vice Chairman Sharkey indicated that it was Director Hill and Director Gill who negotiated the documents. Vice Chairman Sharkey went on to state that part of the back lot, known as the Tot Lot was not part of the District's property, and that it was not covered by insurance, nor was it fenced off. He stated that it was a huge

liability. Chairperson Jensen instructed Interim Assistant General Manager Shawn Brandt to meet with the Parks and Recreation Committee as soon as possible to look into this issue. Vice Chairman Sharkey indicated that he was not aware that this portion of the land was not part of the purchase. He asked if it was disclosed in a public session. Kevin Fattal indicated that it was disclosed in open session that the land was not for sale. Mr. Fattal indicated that there was a lien on the property for money that Mr. Noble had given to the Carter Family for running the building. August Lincoln stated that he didn't understand how someone could sell property that they didn't own. Jerry Williams stated that Mr. Buck stalled and Mr. Remley stalled in getting information to the Board. He said that there are three board members who didn't know about the purchase details. He indicated that the building will cost the District \$5,000,000.

Vice Chairman Sharkey indicated that the recent letter to the editor by Marcia Carter is not truthful – that he left the District on July 7, 2009 and that he didn't talk to anyone at the District for over a year. He stated that he was not in any negotiations to purchase the building. Directors Hill and Gill replied, to Vice Chairman Sharkey's questions, that Vice Chairman Sharkey was not in any of the negotiations. Vice Chairman Sharkey also indicated that there was an appraisal obtained by the District, one that he ordered, for the cost of \$5,000. He indicated that there is no record of that appraisal in the materials that were produced as the sales documents by the District. He said that there is no record in the title report and that it appeared to him that this appraisal, by Northern Valley Appraisals was not utilized by the Board. Directors Hill and Gill indicated that they did see the appraisal.

Kevin Fattal said that the 2007 appraisals were obtained by the Carter Family who was trying to refinance the building with private investors. He indicated that the building was not for sale at that time. Fattal indicated that he was not a fan for the building to be purchased by FRRPD.

Cheri Bunker indicated that the building is ours, let's deal with it and make it right. She thinks that people should come up with ideas to fix the problem and stop spending money.

District Counsel asked the Board to clarify for the public that the Board does not have the ability to hire and fire people. The letter to the editor claims that Vice Chairman Sharkey had something to do with Marcia Carter's departure from the District. Both Chairperson TJ Jensen and Vice Chairman Sharkey indicated that they do not, in accordance with District policy, have the ability to hire or fire employees, with the exception of the General Manager.

- B.** *Dog Park Chairperson Jensen indicated that the Dog Park is not conducive for use by the public. It was suggested that an Ad Hoc committee be appointed of 3-5 members to make the dog park better. Celia Gershwin indicated that the dog park is great in theory, but that the*

road is not good and it is not a safe place. Director Gill remarked that there is no formal permit in place, from the Department of Fish and Game, in order to utilize that area. DC Jones recommended that the District look into the Fish and Game issue and that it should be noted that the deed has restrictions and that you cannot remove native plants to put in grass.

- C.** Format for agendas *The Board generally discussed that they would like to return to the old format of agendas, in place prior to Don Remley acting as General Manager. Virgil Gage asked if the meeting would be at 5:00 or 5:30. Chairperson Jensen indicated that they would try to make it 5:30. District Counsel indicated that the time needed to be changed to accommodate certain persons whose attendance was required.*

V. COMMITTEES', DIRECTORS' AND MANAGERS' REPORTS

A. DIRECTORS' REPORTS

1. Director Allen – Reports that at Riverbend Park at the desert play ground (rock climbing area) is unsafe that it needs to be replaced or removed. It is a safety issue and he would like to see that taken care of otherwise the park looked pretty nice.
2. Director Gill – Wanted to comment on the 5:00 p.m. meeting time, stating the time should be consistent. Thinks the Jr. Giants is a great program and like Jennifer would like to see a financial breakdown. He likes the concert for Jr. Giants, but wants to find out what went wrong and where the fallings were, so next time we can do a better job to pay for the buses.
3. Director Hill – Wants to ditto what has already been reported.
4. Chairman Jensen – Wants to state what the District is doing positive things for the community. This building is being turned into a public agency and through that process is this vetting process. Coming into this facility it is very nice it is a big building and it needs to be utilized. I would encourage bringing to the table some positives. He would like to hear something positive that the community sees or hears from other community members it would be nice to have some positive. Tax allocations go to the county and see how much tax allocation CARD pays vs. what we pay here. We are the largest Special District in all of Butte County our Tax Allocation is nearly 1.3 million, CARD is over 5 million and they represent Chico, but we are the largest Special District in Butte County with 700 square miles providing recreation with 1.2 million vs. 5 million it is going to be very difficult, but with positive programs and an accounting process watch those programs we won't need to tax you anymore. I hear time and time again that the District should not make a profit, but this District does need them to make money because we do not have any wiggle room. The reason why the District has survived over 55 years because people except salary that is well below what is average and people volunteering their time. You can see this

community loves this District. It's really important to recognize what this District has to offer because the community as a whole has donated money, time and blood, sweat and tears to make it survive. Would like the Park & Rec. Committee to meet with staff and with Scott Perkins when he gets back to have safety inspections at each park for CAPRI. Bring report back to FRRPD Board.

5. Vice-Chairman Sharkey – Agreed with Cheri Bunker about the meeting of the minds about this facility that with this building that when he comes in which is not very often it is positive. He heard differently tonight, but he sees a lot of kids smiling and having a good time. He agrees buying this building should not have happened but it did happen and he believes it will all work out in the end. The Board is diligently trying to straighten out the finances. He thinks the community is going to see proof not too far from now. It's not going to be easy, but they are working hard on it. Glad to see the community attending the board meetings and giving their input. Has heard over and over about getting new programs; it's been that way for years.

V. COMMITTEES', DIRECTORS' AND MANAGERS' REPORTS CONT'D:

B. COMMITTEE REPORTS

1. Finance Committee – Schedule meeting
2. Park and Rec. Committee – Schedule meeting and do safety inspections at all parks
3. Personnel Committee – Meet on as needed bases.
4. SBF – Will be added to agendas for reports
5. Policies & Procedures – TJ would like them to meet before the end of this year to review the policies and procedures. Sara recommends the Committee meet before the next board meeting.

C. STAFF REPORTS

1. General Manager's Report - None
2. Finance Manager's Report (Appendix E)

VI. NON-ACTION ITEMS

A. CORRESPONDENCE *Chairperson Jensen announced that the Grand Jury of Butte County is investigating finances from the last four years and has requested a number of documents from the District.*

B. ITEMS FROM THE FLOOR *There were no items from the floor.*

C. BOARD ITEMS FOR NEXT AGENDA – Policies & Procedures Handbook

D. EMERGENCY SITUATIONS -*There were no emergency situations.*

17. ADJOURNMENT

There being no further items to discuss, the October 25, 2011 Board meeting was adjourned at 7:01 p.m.

The next regular Board meeting is scheduled for November 8, 2011. Regular Board meetings occur on the second and fourth Tuesday of every month at 5:30 p.m. at 1875 Feather River Blvd. in Oroville, California unless otherwise posted.