

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

REGULAR BOARD MEETING

MINUTES

November 8, 2011

4:00 p.m.

The public portion of the meeting is recorded.

1. CALL MEETING TO ORDER

The meeting was called to order at 4:04 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

Chairman TJ Jensen deferred the Pledge of Allegiance to occur after he called the open meeting to order.

4. CLOSED SESSION

The Board adjourned to closed session at 4:05 p.m. to discuss the following:

- A.** Pursuant to Government Code Section 54957 – Personnel
- B.** Pursuant to Government Code Section 54956.9 (b) (1), (b) (2) – Anticipated Litigation. Legal Counsel: Attorney Sara Knowles, Leland, Schultz, Morrissey & Knowles, LLP
- C.** Pursuant to Government Code Section 54956.9 (b) (1), (b) (2) – Anticipated Litigation. Legal Counsel: Attorney Sara Knowles, Leland, Schultz, Morrissey & Knowles, LLP
- D.** Pursuant to Government Code Section 54956.9 (b) (1), (b) (2) – Anticipated Litigation. Legal Counsel: Attorney Sara Knowles, Leland, Schultz, Morrissey & Knowles, LLP

5. CALL OPEN MEETING TO ORDER

Chairman Jensen called the open meeting to order at 5:33 p.m. Chairman Jensen asked everyone in attendance to stand for the Pledge of Allegiance. After the Pledge of Allegiance, he announced what happened in closed session. The announcement was regarding changes that have been made to the General Manager's Employment Agreement (contract). The changes were to increase Mr. Perkins salary to the budgeted amount of \$65,000 per year, increase his cell phone reimbursement to \$100.00 per month and the District shall consider

providing a vehicle to Mr. Perkins at its sole cost and expense for the use of District business. Section 8 was removed from the contract. Section 8 specifies, "The District shall provide Mr. Perkins a cell phone at a District expense to be used for District business." Chairman Jensen stated that if anyone would like to see the contract it is available upon request at the front desk.

6. ROLL CALL

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

7. 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. 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.**

Virgle Gage, stated that he received a report saying that a FRRPD truck was see going out of town on Lincoln Blvd. on Sunday, October 30, 2011 around 6:20 p.m. and he received a report that it had a load of dirt on it. The person that reported it was wondering who was driving the vehicle that authorized its usage. He also wanted to know if there was a log book to log the usage of the vehicles. Mr. Perkins addressed Mr. Gage's questions by first stating that FRRPD does have the Palermo Park and the Palermo Pool within the District. Perkins did not know who was driving the truck on Sunday around 6:20 p.m. However, the District employees do close all of the parks and although the District is transitioning into the winter hours, the parks may be shut down as late as 10:00 p.m. Mr. Gage wanted to know if the truck was authorized to move at that time of night on a Sunday. Perkins stated it is likely that the truck was authorized. Perkins made it clear there is no vehicle log; however, the employees do have time sheets to log their hours.

Kevin Fattal directed his questions to Mr. Perkins. Mr. Fattal said at the previous meeting, when Mr. Perkins was absent, he brought letters from teachers in the community stating how the programs used to be so wonderful. He wanted to know what FRRPD is doing to continue the award-winning programs, the programs that garnered these letters from all the teachers in the area, and that the children leaving the center are the best prepared to enter kindergarten. Perkins stated that there was a specific agenda item pertaining to programming and Chairman Jensen preferred that Perkins defer answering the question until agenda Section 12, Item D was at hand. Fattal had a second question directed at Perkins. He asked how Perkins could give 100% of his time to the District when Perkins is also a real estate agent. Mr. Perkins stated that the District job requires more than 40 hours a week. Perkins stated he works 100 hours a week and he puts many of his hours into the District and has presently subordinated

his real estate job time to the District. Mr. Perkins said the answer to Mr. Fattal's question is, simply put, that he, "works a lot."

Vera Roth spoke about a non-agenda item. She asked if Susan Martin was on contract. She also asked if Susan Martin is an hourly or salary employee. Mr. Perkins stated that she is an hourly employee.

Marcia Carter addressed the Board and community about a Letter to the Editor that she wrote. She read the letter to the Board and attendees at the meeting. She stated the dates mentioned in the letter were accurate because she writes everything in her calendars (which were present) and she keeps all of her past calendars to refer back to the dates. She stated on April 21, 2009 Bob Sharkey brought a group from FRRPD to tour the (Gymnastics) facility and on March 13, 2009 there was a Board meeting discussing the facility in closed and open session. She also showed newspaper articles proving that the announcement to sell the facility was publicly advertised. She stated that after Bob Sharkey resigned, she communicated with Bill Finley about collaborating with PIC and YMCA. She said she wanted to work with FRRPD and they had vision.

Jennifer Wyman addressed the issues regarding the purchase of the Gymnastics Academy that occurred during her term when she served on the Board of Directors. She remembered the open sessions, closed sessions, and communications regarding initial discussions of the sale of the Academy. She stated, in January 2009, the Board had discussed building a place at Riverbend Park; the Board had the concepts drawn up by Land Image and looked into the costs of relocating. Ms. Wyman said in March 17, 2009 the Board got an email that was a forward from Bob Sharkey. The original email was written to Bob Sharkey from Mike Donnelly about the sale of the Gymnastics Academy facility, and Mr. Donnelly wrote that he thought the Board might be interested in purchasing the facility. Attached to the email, was a PDF posting announcing the listing of the facility. When the Board spoke with Mr. Donnelly, Donnelly mentioned Bill Finley was interested in possibly turning this facility into a community center and working with the organizations like the YMCA and PIC. Wyman said the Board approved money that spring for an appraisal. In her recollection, Mr. Sharkey was not negotiating the purchase, but people were actually approaching Mr. Sharkey and the Board about the purchase and asking if the District would be interested in being a partner. Wyman said they were only exploring the idea and she thought the Board was still very serious about relocating to Riverbend. Wyman said, up until she left the Board in August 2009, a purchase was not going "full steam ahead" and there were only discussions about it.

8. RECOGNITION AND AWARDS

Chairman Jensen stated there were not any at this time.

9. 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 August 9, 2011 Regular Meeting (Appendix C)

- D. Approve the minutes of the August 16, 2011 Special 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. Accounts Payable – (Appendix H)
- I. Ratification of Warrants – (Appendix I)

BOARD ACTION REQUESTED: Approve Consent Agenda

Vice Chairman Sharkey made a motion to approve the Consent Agenda. The motion died for lack of a second.

Director Gill made a motion to pull items A, B, C, E, F, G and H. Director Hill seconded to pull the items A, B, C, E, F, G from the consent agenda.

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>

Director Allen made a motion to approve items D and I. (Item D was the minutes from the Special Board meeting on August 16, 2011 and item I was the Ratification of Warrants) on the consent agenda. The motion was 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>No</u>

10. ITEMS PULLED FROM CONSENT AGENDA

The Directors of the Board entered into a discussion of the items A, B, C, E, F, G and H from the consent agenda. Director Gill recommends discussing each of the items that should be edited and see how long it takes. Chairman Jensen starts with Item A. Director Gill states several name changes and grammatical errors. Director Gill mentioned there were blanks in the area of the minutes where it states what Director has made a motion and who seconded the motion. A public comment was made by August Lincoln stating he did not have a copy of the minutes and he was unable to keep up with the edits being made. Mr.

Perkins and Chairman Jensen informed Mr. Lincoln that the minutes being discussed were included in the agenda packet for the November 8, 2011 meeting, and they were only drafts. Chairman Jensen stated the minutes would not be posted to the website until they are approved. Director Gill mentioned he really liked the new agenda the Board will be using from November 8, 2011 on. In addition, Director Gill stated he would like to know the individual Director's votes, not just a number of ayes, noes and abstentions. Director Gill wondered if the Board could complete the minutes in the new agenda fashion. Chairman Jensen asked legal counsel, Sara Knowles, if the Board could re-format the minutes to a newly approved agenda format. Mrs. Knowles said that this would need to be included in the Policy and Procedure handbook in a section discussing how the minutes should be completed. Mrs. Knowles said, "Typically your agenda and minutes parallel one another, and these minutes were prepared in that manner." Mr. Perkins said that there would be a significant amount of staff time to reformat all of the agendas, but the staff could put in some notes if that would work. Mrs. Knowles said the names of the Directors should be included in the minutes. Mr. Perkins said that in the future the names would be included.

Director Hill recommended postponing the minutes to a different meeting since there were many changes. Jensen said that he believes it would be a good idea to postpone the minutes. Mrs. Knowles recommended each Director should make their comments and send them to the Executive Secretary, Marissa Pickering, within 10 days. Director Gill mentioned he thought that some minutes might be missing. Mrs. Knowles clarified that the minutes included in this agenda were the ones needed to get the District caught up. Perkins stated that he and Ms. Pickering would look into which minutes are missing. The Directors decided the discussed items A, B, C, E, F, and G would be brought up at the next Board meeting.

In regards to Item H, the accounts payable, Director Gill mentioned he liked the format of the accounts payable document and the memo, which is very descriptive. Mary Williams commented that she does not have a copy of the accounts payable with her agenda. Mrs. Knowles stated that the entire agenda packet is available via email, in the District office and on the website; However, Mrs. Williams could specifically request the accounts payable document if she would like to in the future.

Director Allen made a motion to approve item H (the accounts payable) on the consent agenda. The motion was seconded by Director Hill.

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>

August Lincoln made a comment about the consent agenda. Mr. Lincoln would like the minutes to be up-to date on the website. He stated the minutes should be stated verbatim and this should be achievable because we have the recorder. Mrs. Martin stated the current agenda is posted on the website and so are the approved minutes.

11. ACTION ITEMS

A. ON THE RECOMMENDATION OF THE GENERAL MANAGER, THE BOARD HEREBY DIRECTS THAT ALL COMMITTEES (FINANCE, PERSONNEL, PARK AND RECREATION AND POLICIES AND PROCEDURES) MEET DURING THE MONTH OF NOVEMBER 2011 AND REPORT TO THE BOARD AT THE NEXT REGULAR MEETING, SCHEDULED FOR 12/13/2011.

Discussion: Mr. Perkins said this gives the Board members more specific direction and puts the committees back on track.

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>

B. ON THE RECOMMENDATION OF THE GENERAL MANAGER, THE BOARD HEREBY DIRECTS THAT THE REGULAR BOARD MEETING SCHEDULED FOR NOVEMBER 22, 2011 SHALL BE CANCELLED.

Discussion: Mr. Perkins feels that, with the shortage of calendar days due to the Holidays and the amount of committee meetings in November, it would be in the best interest for the staff and Board to cancel the November 22, 2011 meeting. Chairman Jensen stated his only concern was how the bills from the end of November would be approved and could be paid. Jensen recalled a resolution from either January or February from 2011 where the General Manager would have the power to pay the bills. Perkins asked if there could be a motion to give the Chairman the power to approve the accounts payable. Mrs. Knowles recommends giving the Chairman the authority to approve the accounts payable or authorize the General Manager to decide which bills need to be paid during this period. Mr. Perkins said there were not any pressing issues that needed to be brought up at the November 22, 2011 meeting and the committee meetings will take up a lot of time during November. Therefore, it would be beneficial to have the committees meet for the remainder of November and have the committees report at the next scheduled meeting, December 13, 2011.

Director Allen made a motion to give Chairman TJ Jensen the authority to execute the accounts payable that are deemed necessary to be paid by the General Manager and to cancel the November 22, 2011 Board meeting.

Moved by Director: Allen Seconded by Director: Sharkey

After the motion was made, Virgle Gage wanted to know if the Board meeting was being cancelled because Thanksgiving was on that week. Mr. Perkins clarified that the holiday does complicate the schedule, but the meeting is not being cancelled due to the holiday. It was in fact being cancelled because the number of committee meetings held in November was an aggressive schedule

for the committees and staff. Gage wanted to know what Board members would be absent during the regularly scheduled meeting of November 22, 2011, if one were held. John Allen was the only person who would not attend. Perkins reaffirmed that the attendance at that meeting and the Thanksgiving holiday was not the reason the meeting was being cancelled. Perkins said the reason the holiday plays a role is because it shortens the period of time for staff to fulfill all of the obligations and there is not enough time to complete the necessary tasks for both the committee meetings and a Board meeting. Therefore, Mr. Perkins recommends that all of the committees meet in November and shall report at the December meeting. After the public discussion, a vote was made.

VOTE:

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

C. UPON RECOMMENDATION OF GENERAL MANAGER, THE BOARD HEREBY AUTHORIZES THE GENERAL MANAGER TO ENTER INTO A CONTRACT NOT TO EXCEED \$7,500 TO INSTALL FENCING ENCLOSING THE DISTRICT'S PERIMETER.

Discussion: Mr. Perkins stated that a boundary line issue at the Activity Center came to his attention. The easterly boundary is not fenced and Mr. Don Noble's property is easily accessible for students enrolled in the Preschool at the Activity Center. Mr. Perkins also provided background information about the Activity Center being out of compliance up until the new Interim Child care Director, Amanda McClellan, informed him of the compliance issue. Mrs. McClellan organized the childcare facility so that the preschool children are located on the westerly side of the facility and the District is now in compliance. Mr. Perkins said the fact that the property is not fenced poses a liability for both Mr. Noble or the District and it is important to find a solution to the fencing issue. Mr. Perkins stated he met with Mr. Noble earlier that day and Mr. Noble does not see an immediate need from his perspective, but it would be beneficial to him if the District paid for the fence. Chairman Jensen suggested possibly leasing the property from Mr. Noble so that the property can be utilized by the District. If the property was leased it would also be covered by CAPRI. Mr. Perkins indicated that would be a great solution.

Marcia Carter made a comment about licensing issues. She wanted to clarify that when she did the licensing they could have young children in the side where the older children are as long as you do not co-mingle the different age groups. She said she would call her licensing contact, Jordan MonathLisa McKay and Margie Whittaker.

Vice Chairman Sharkey was concerned about the liability coverage on the property. Vice Chairman Sharkey stated that if leasing is the direction the District pursues then CAPRI needs to be notified as soon as possible. Mrs. Knowles stated she feels the only options for the District are to lease the property from Mr. Noble or fence the perimeter to avoid liability claims and control the property to ensure safety.

Greg Griffin mentioned there is cyclone fencing located in the yard that the District can use to put up a fence. Jensen said leasing would be a good option and CAPRI should be contacted to find out if the property would be covered if the District leased it.

Director Gill discussed the possibility of trading property with Noble. Because we now own the property off of Pacific Heights road. Director Gill recalled through the DWR licensing the water contractors and DWR could come up with an aquatics center and it would be ideal to have it on Mr. Noble's property on the easterly side of the Activity Center. Mr. Sharkey stated they need to take action to reduce this liability as soon as possible. Mrs. Knowles stated that the General Manager can negotiate for the lease and the Board will have to approve it. Sharkey expressed the importance of immediate attention to this issue because there is a deep-pocket exposure for the District. Mrs. Knowles stated an immediate action would be to put up "no trespassing signs" as a temporary solution.

Celia Hirschman asked why a fence is not done if there is fencing and staff available to construct the fence. Chairman Jensen clarified that it is part of the motion to look into constructing the fence. Vice-Chairman Sharkey said it needs to be verified that there is fencing first and that is why there are several options in the motion. Director Hill brought up the idea of using plastic fencing and continued supervision of the children by the staff.

Mary Williams questioned why a fence is not up yet if there is fencing material. Williams also stated she liked the idea of signs in the short term.

Dorothy Strong asked if the line was in dispute. Chairman Jensen asked if the property would need to be surveyed. Mr. Perkins said a survey may be required and that would be an additional cost, not budgeted in the \$7,500. Mr. Perkins stated the property would have to be looked at to see if there are pins marking the property line.

Marcia Carter spoke about why the Gymnastics Academy sold the property to Mr. Noble. The property was sold to Mr. Noble because it was the intent to build a Riverbend Charter School. However, the Charter School was denied by the school district. Carter stated that Mr. Noble would most likely be interested in leasing the property for a nominal fee.

Chairman Jensen asked legal counsel, Sara Knowles, about the liability and if it is extreme. Mrs. Knowles said it depends on what happens and it is important for the District to do something to notify people that the property is private. Mr. Perkins stated that the District does have exposure here because of the frequent visitors that come to the Activity Center. Mr. Perkins feels the first priority is to discuss the options with Mr. Noble and to put up signs as soon as possible. The other option, is if Mr. Noble does not want to enter into a lease, the District will look into building a fence using District staff with District supplies and the last option would be to get three estimates from contractors and have contractors build a fence.

Finance Manager, Susan Martin, believed that CAPRI covers any property that is owned or leased by the District. Mrs. Martin stated if the District did lease the

property then the District would inform CAPRI and the property would be covered, likely with no additional premium.

Director Hill told Mr. Perkins that Mr. Noble might be interested in splitting the costs of building a fence. Mr. Perkins said it would not be as beneficial to Mr. Noble so he may not be willing to split the costs.

Chairman Jensen and General Manager Scott Perkins said leasing would be a great option, because if the District would like to utilize or potentially buy the property in the future, they would not have to de-construct a fence.

Vice-Chairman Sharkey made a motion to authorize the General Manager to contact Mr. Noble to see if he is willing to lease the property through the coverage of CAPRI as a first priority and/or construct the fence utilizing District materials and District staff and/or enter into a contract not to exceed \$7,500 to install fencing enclosing the District's perimeter.

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>No</u>
Director Hill:	<u>No</u>

12. NON-ACTION ITEMS: (DISCUSSION ONLY)

A. Financial Statements

Information only. No action requested

1. Balance Sheet (Appendix J)
2. Income Statement (Appendix K)

B. Update on IT issues

General Manager Scott Perkins stated there are IT issues and two computers are not working. The District is using the services of PacifiCom on an as-needed basis. Mr. Perkins mentioned he is still concerned with computer security and he will hopefully have a recommendation in December regarding this.

C. Update as to fencing

Discussed above in item 11C.

D. Update as to new programs

General Manager Scott Perkins stated that three new programs were added. Mr. Perkins wants to compare year-to-year how the programs are doing. The numbers in the Children's Services are increasing. The senior exercise program attendance has doubled. Mr. Perkins discussed how he hoped to utilize the rock room in the near future. There was a discussion about increasing advertising of the programs.

In this section, Mr. Fattal re-stated his question, which he asked during public comment. Mr. Perkins answered by stating there have not been any programs that have been cut since Mr. Perkins became General Manager. Mr. Perkins stated that Mrs. McClellan has added new curriculum and enhanced the current programs.

E. COMMITTEE, DIRECTORS' AND MANAGERS' REPORTS

1. Finance Committee

The Finance Committee scheduled their meeting for November 15, 2011 at 8:00 a.m.

2. Parks and Recreation Committee

The Parks and Recreation Committee scheduled their meeting for November 14, 2011 at 9:00 a.m.

3. Personnel Committee

There was not a meeting scheduled for the Personnel Committee at this time.

4. Policies & Procedures Committee

The Policies and Procedures Committee scheduled their meeting for November 17, 2011 at 2:00 p.m.

5. Directors' Reports

a) Director Allen

Director Allen stated he went to watch the soccer games at Riverbend and it was nice to see a large number of people at the fields. He also saw the dirt on field 4 and was happy about that.

b) Director Gill

Director Gill had no report at this time.

c) Director Hill

Hill recognized newly hired Executive Secretary, Marissa Pickering, and her degree in Entrepreneurship. Hill also stated she supported implementing a Rolling into Reading program at the Activity Center. She also recommended additional changes she would like in the Policy and Procedure Handbook.

d) Chairman Jensen

Jensen asked for the Parks and Rec. Committee to discuss the Dog Park and possibly starting a Dog Park Committee. He also asked if the District owned the gazebo east of Municipal Auditorium, which the District does own. He would like to discuss grants and stated it could be discussed at the Finance Committee meeting. Jensen discussed the Jr. Giants team and hoped to see fund-raising in December. Jensen would like the District to consider supporting the Senior Center in any way possible. Jensen commended the recreational activities and the skate park.

e) Vice-Chairman Sharkey

Vice-Chairman Sharkey praised the staff and General Manager, Scott Perkins. Sharkey discussed the property that the District owns on Pacific Heights road and requested that Mr. Perkins find the deed for the property. He spoke about strong partnerships by using the Nelson Complex property as an example.

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

General Manager, Scott Perkins stated, despite financial issues, the programming is expanding. Mr. Perkins anticipates being pro-active in the future and increasing the success of the District.

7. Finance Manager's Report – none

8. Staff Reports – none

13. CORRESPONDENCE AND MISCELLANEOUS

A. LETTER AND EMAIL – REQUEST FOR PUBLIC INFORMATION FROM VICTORIA COOTS AND RESPONSE BY DISTRICT COUNSEL (APPENDIX M)

Chairman Jensen stated he believed Victoria Coots is leading the recall of the District Board members. Jensen stated the documents Coots wrote were vague and ambiguous. Jensen appreciated the responses from Mrs. Knowles and staff.

14. ITEMS FROM THE FLOOR

Mrs. Williams wanted to confirm the Rodriguez Landscaping company had received their 30-day notice, explaining to them that the two-month (October and November) contract between Rodriguez and the District would end on November 30, 2011. Perkins confirmed the 30-day notice had been sent to Rodriguez.

15. BOARD ITEMS FOR NEXT AGENDA

16. EMERGENCY SITUATIONS

None at this time

17. ADJOURNMENT

Chairman Jensen adjourned the meeting at 7:37 p.m.