

ORANGEVALE RECREATION & PARK DISTRICT

Minutes of Meeting of Board of Directors July 8, 2010

A Regular Meeting of the Board of Directors of the Orangevale Recreation and Park District was held on Thursday, July 8, 2010 at the District Office. Chairperson Stickney called the meeting to order at 6:32 p.m. In Director Caldwell's absence, Director Brunberg was appointed Secretary.

Directors present: Stickney, Brunberg, Hawkins, Meraz (6:37)

Directors absent: Caldwell

Staff present: Greg Foell, Administrator
Chuck West, Parks Supt.
Patty O'Connor, Minute Clerk

3. **PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was conducted.

4. **APPROVAL OF AGENDA** Upon a motion by Director Hawkins, seconded by Director Brunberg, the agenda was approved by a 3-0 vote as presented.

5. **PUBLIC DISCUSSION** The public present did not wish to address the Board.

DIRECTOR MERAZ ARRIVED AT 6:37 p.m.

6. **MINUTES**
 - a) Minutes of June 10, 2010 Regular Meeting: This item was tabled as a quorum was not present for approval.

 - b) Minutes of July 1, 2010 Special Meeting Workshop: Upon a motion by Director Brunberg, seconded by Director Hawkins the minutes were approved by a 4-0 vote.

MOTION #1

7. **CORRESPONDENCE**
 - a) Confidential Envelope – Attorney Billing May 2010: Upon a motion by Director Brunberg, seconded by Director Hawkins, the billing was approved by a 4-0 vote.

MOTION #2

- b) Letter from the County of Sacramento Regarding County Code Enforcement Fees on the Property Located at 6916 Hazel Avenue (Former Anderson Property): Staff has negotiated a fee of \$1,200 from \$2,900. It has been paid.

- 8. **CONSENT MATTERS – GENERAL FUND**
 - MOTION #3**
 - a) Ratification of Claims for June 2010: The variance of pay for coaches was questioned; staff will research. Upon a motion by Director Brunberg, seconded by Director Hawkins, it was approved by a 4-0 roll call vote to accept and ratify the Claims.
 - b) Budget Status Report for June 2010: For information and review.
 - c) Revenue Report for June 2010: For information and review.

- 8.1. **OLLAD CONSENT MATTERS**
 - MOTION #4**
 - a) Ratification of Claims for June 2010: Upon a motion by Director Brunberg, seconded by Director Hawkins, it was approved by a 4-0 roll call vote to accept and ratify the Claims.
 - b) Budget Status Report for June 2010: For information and review.

- 8.2. **KENNETH GROVE CONSENT MATTERS**
 - MOTION #5**
 - a) Ratification of Claims for June 2010: Upon a motion by Director Brunberg, seconded by Director Hawkins, it was approved by a 4-0 roll call vote to accept and ratify the claims.
 - d) Budget Status Report for June 2010: For information and review.

- 9. **STANDING COMMITTEE REPORTS**
 - a) Administration and Finance: No report.
 - b) Maintenance and Operation: No report.
 - c) Recreation Committee: No report.
 - d) Personnel & Policy: No report.
 - e) Government: There was no report.
 - f) Planning: Meeting minutes from June 22, 2010 were presented and discussed. Items

discussed included the closure of the Family Christian Center (District not pursuing at this time), facility rental rates (fee comparison being done), and Kids Corner (cost recovery strategies).

- g) Trails Committee: Meeting minutes from June 18, 2010 were presented and discussed. All agreed it was a very productive meeting. Issues discussed including priorities of trail projects and grant opportunities.
- h) Ad Hoc Committee Reports: No report.

10. ADMINISTRATOR'S REPORT

- a) Monthly Activity Report – June 10: A staff report was provided.
- b) Electronic Sign Update: Process is ongoing. Comments for and against the sign were received from the public at the CPAC meeting with several positive comments being expressed. The item was approved 5-1 and referred to Planning Commission.
- c) Woodmore Oaks to Streng Trail Project Update: Appraisals have been completed and a meeting will be scheduled with the landowners.
- d) Portable Toilet Quote for Almond Park: An informal bid was received for toilets at Almond Park. It was agreed the hand wash may not be needed. It will be in a fenced enclosure that will be locked when the park is closed. The Board directed staff to solicit informal bids.

11. UNFINISHED BUSINESS

- a) None to discuss.

12. NEW BUSINESS

- a) Master Plan Survey Findings Presentation by Pros Consulting: Neelay Bhatt from Pros Consulting provided a background of the survey. They received 325 completed surveys with a 95% level of confidence. He outlined the next steps in the process including program, facility and financial assessments, equity mapping and visions and goals. He will return to the August meeting with more information and reports.

Public Comment: Clay Jackson asked if the survey asked how many people wanted the assessment district to go away. Neelay said the question wasn't asked. He stated that the survey indicated that a similar percentage of respondents supported a \$5 increase in the assessment as supported no increase.

- b) Approval of Resolution 10-07-422 Resolution Approving the Orangevale Recreation and Park District Park Impact Fee Nexus Study and Requesting that the Sacramento County Board of Supervisors Adopt and Implement the Proposed Park Impact Fee on Behalf of the District: Blair Aas of SCI Consulting Group provided an overview of the revised Park Impact Fee Program. Outreach has been exhaustive and there is an agreement in principle with the BIA and developers. The revised fees were decreased slightly and will be phased in over 3 years. After a public hearing by the Board of Supervisors, the second reading is anticipated on September 21 with the fees possibly becoming effective in January 2011. Upon a motion by Director Brunberg, seconded by Director Hawkins, it was voted 4-0 to approve Resolution 10-07-422.

MOTION #6

Public Comment: Clay Jackson recommended Indian Stone Corral be included on Page 69 to note the interest of the District. Admin. Foell noted it would not have an impact but could be acknowledged to protect any future interests of the District.

- c) Approval of Resolution 10-07-418 Resolution Authorizing the Retiring Medical Participation Agreement for Special District Retirees with the County of Sacramento: Upon a motion by Director Brunberg, seconded by Director Hawkins, it was voted 4-0 to approve Resolution 10-07-418.

MOTION #7

- d) Public Hearing: Approval of Resolution 10-07-419 Resolution Approving the Engineer's Report, Confirming the Diagram and Assessment and Ordering the Levy of Assessment for Fiscal Year 2010-11 for the Orangevale Landscaping and Lighting Assessment District (OLLAD): Susan of SCI

MOTION #8

Consulting provided a background of the process and was available for any questions. Director Stickney opened the public hearing at 7:58 p.m. Hearing no requests from the public to speak, the public hearing was closed at 7:59 p.m. Upon a motion by Director Hawkins, seconded by Director Caldwell, it was voted 4-0 via roll call to approve Resolution 10-07-419.

MOTION #9

- e) Public Hearing: Approval of Resolution 10-07-420 Resolution Approving the Engineer's Report, Confirming the Diagram and Assessment and Ordering the Levy of Assessment for Fiscal Year 2010-11 for the Kenneth Grove Landscaping and Lighting Assessment District: Director Stickney opened the public hearing at 8:01 p.m. Hearing no requests from the public to speak, the public hearing was closed at 8:02 p.m. Upon a motion by Director Brunberg, seconded by Director Hawkins, it was voted 4-0 via roll call to approve Resolution 10-07-420.

MOTION #10

- f) Approval of Resolution 10-07-421 in Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010: Upon a motion by Director Brunberg, seconded by Director Hawkins, it was voted 4-0 to approve Resolution 10-07-421.

MOTION #11

- g) Approval of Agreement for Accounting Services for Fiscal 2009/10 with Larry Bain CPA: Upon a motion by Director Brunberg, seconded by Director Meraz, it was voted 4-0 to approve the Agreement.

MOTION #12

- h) Approval of Resolution 10-07-423, Resolution Authorizing Transfer of Funds from the Parkland Dedication Fund to the General Fund: Upon a motion by Director Brunberg, seconded by Director Meraz, it was voted 4-0 to approve Resolution 10-07-423 to transfer \$27,464.06 to cover the remaining costs of capital projects in the 2009/2010 fiscal year budget.
- i) Rejection of Claim for Damages from Cresleigh Homes at 8518 Mandoral Circle: Regarding water damages resulting from an incident with vandalism of the backflow device

MOTION #13

in the park. Upon a motion by Director Brunberg, seconded by Director Meraz, it was voted 4-0 to reject the claim.

- j) Letter of Complaint from Terry Benedict to the Board of Directors: Chairperson Stickney Noted it was unfortunate Mr. Benedict was not in attendance.

Administrator Foell stated “Terry Benedict is really interested in the District and he has written six letters of various types of complaints. Everyone on the Board was mailed the letters so everyone has had an opportunity to see them and read them and so now we are here to consider them.”

Chairperson Stickney read his response to Mr. Benedict’s concerns: “I’ve read these letters and I have got some thoughts that I hope will clarify my response to him. I would invite the other members, after I get done with all six letters, if you feel that you need to say something, feel free to do that, but please be brief.

Number one letter was in regard to Mr. Chuck West, he (Mr. Benedict) was concerned about the protocol of doing volunteer work within the District. Mr. Chuck West representing the District told Mr. Benedict that we don’t have a written policy but all things must be done through our protocol.

To clarify, I believe this means that we require the public to get permission either written or verbal from the District staff before they volunteer for any project. In this case we also consult with Final 9 and Shady Oaks to help because if they want to do any volunteerism with the Disc Golf we would like to have those people in particular involved with us.

To further talk about the letter:

1. It would be impossible to have a written policy to cover every situation. It is the role of the Board to establish overall policies for the District.
2. The District hires a District Administrator to

implement our policies and run the day-to-day operations of the District. Part of these responsibilities means establishing internal policies. These policies do not need to be in writing and may be established as circumstance require.

3. The District Administrator delegates some of his responsibilities to his staff. In this case to the Supervisors and they must be given discretion to handle any situation and deal with it as they deem necessary.
4. Consulting with District staff prior to any volunteer making improvements or handling repairs on District property is necessary for liability reasons as well as maintaining control over our property. This policy need not be in writing to be in effect.

His number 2 letter complaining about the Board giving Chuck verbal approval to allow Final 9 to expand the Golf Course with their tournaments that they do several times a year.

Number 3 letter was a complaint regarding giving verbal approval to Chuck to use orange spray paint on the ground for a tournament. Complaint also refers to not following ORPD Application for Use of Facilities form that states public must have written approval to paint or alter facilities in any way.

This concern is more of a day to day District operation rather than the establishing policy. I would like to add that the Board of Directors has given Chuck and the District Administrator approval many years in a row about upgrading or doing whatever they want. It is a day to day operation. We don't like to micro manage. We pass it along to Chuck and the District Administrator to take care of that as we do for other things like Pow Wow Days. It is not our job to run the day to day stuff. It is our job to let staff take care of the day to day stuff.

Letter 4 was in regard to behavior by two of our employees regarding reading of the letters (from Mr. Benedict) sent to the District Administrator.

The District Administrator will make any necessary determinations as to what personnel action needs to be taken against these two employees, if any.

Letter 5 – Requests to waive claim of privilege for records and attorney costs regarding with the decision to allow Final 9 as a concessionaire.

The attorney-client privilege extends beyond protecting documents that discuss and/or involve pending or anticipated litigation. The privilege is necessary to protect the District's interest in contractual negotiations as well as other matters. The District does not disclose any privileged information and is unwilling to waiver any of this privilege at any time. If other Director's feel differently and would like to discuss it, we can discuss it at a later date.

Nevertheless, and although not required to do so, the District had their attorney write Mr. Benedict a letter stating the legal authority for entering into the agreement. A letter was already sent explaining this (in July 2009).

Letter 6 was a letter about the incident that happened between him and Mr. Meraz.

This incident did not occur while Mr. Meraz was acting in his capacity as a board member. Mr. Benedict therefore must address this concern in a different manner.

I appreciate Mr. Benedict's interest in the District though I disagree with many of his conclusions.

Would any other Board Members like to speak to the six letters?"

Director Hawkins stated "I couldn't have said it better."

No other Board comments were stated.

- k) Naming of Snipes-Pershing Park: Director Stickney requested a portion of the park be named after Norma Hamlin for her lifetime achievement of community outreach and input.

Director Brunberg and staff felt a plaque would be appropriate. Admin. Foell will research and report back to the Board.

- 1) June Sacramento County Sheriff Off Duty Park Report: The report was presented and reviewed.

13. DIRECTORS AND STAFF COMMENTS

Director Brunberg asked about the possibility of the District being exempt from building code fees based on discussion at the CPAC meeting. Admin. Foell stated that he asked the District's attorney and she said that the District is required to adhere to local building and zoning codes for the County in which they are located under Govt. Code Section 53091.

14. ITEMS FOR NEXT AGENDA

15. ADJOURNMENT

With no further business to discuss, the open session of the general meeting of the Board of Directors was adjourned at 8:56 p.m.

Mike Stickney, Chairperson