

ANDERSON VALLEY COMMUNITY SERVICES DISTRICT
Minutes of the Regular Board of Director's Meeting
August 17, 2011

Approved as corrected 9/21/11 (Corrections on Page 2 & 4 in red)

1. **Call to Order and Roll Call:** Meeting called to order by Chair **Paget**: 5:30 p.m. Board members present: **K. Wilder, D. Paget, V. Hanelt, K. McKenna** and **A. LaCampagne**. Staff Members present: **J. Andrews, C. Wilson** and **J. Clark**.
2. **Recognition of Guests and Hearing of the Public:** **Mark Scaramella, Doug and Beverly Elliott, Terry Farrelly, Henry Gundling, Dave Kooyers** and **Earl Peterman**. **Paget** asked **Beverly Elliott** to make her presentation first.

Elliott said she was here to encourage everyone to support Measure A, an initiative that will add one-eighth of a cent to the county sales tax on taxable items (not food) or 13 cents for every \$100 spent and will make Mendocino County's public libraries fully functional again. Presently, the Ukiah library is down to 2 ½ days per week and all children's programs have been cut. There are 48,000 library cardholders in the county ó has provided a form for endorsing the initiative and also for volunteering ó please call her if you are able to help out. They will have a booth at the Fair in September. Also advised a new bookmobile is being provided, funding comes from the U. S. Department of Agriculture (USDA). **Elliott** would like this item added to next month's agenda and asks that the Board endorse the initiative. **Scaramella** asked if the USDA also provided the funding to pay the drivers ó response was they are paid by the county libraries. **Wilson** asked if our small library on the fairgrounds is part of this system ó response was no, that is operated by the Unity Club. **Hanelt** provided information on the Unity Library and advised they pay rent to the fairgrounds for use of the building. The **Elliott's** left at 5:40 p.m.

Paget moved Item 6 a so **D. Kooyers** and **E. Peterman** could make their presentation in regards to the proposed medical marijuana dispensary.

Kooyers introduced himself as pastor at the Valley Bible Fellowship. He and **Earl Peterman** have numerous objections to the proposed medical marijuana dispensary that would be located next door to their church in the old ambulance barn. (See attachment for detailed objections.) Objections include, but are not limited to: violates federal law; medical marijuana grows are prohibited within 1,000 ft. of schools, churches, etc., how much more restrictive should the law be where the finished product is available in condensed quantity; and SB 2650 criminalizes dispensaries and co-ops near place where children gather for school (must be at least 600 feet from a school, public or private), Vacation Bible school is held yearly, pre-K to 12, they have a long history of having a school in use there. **Paget** asked what restrictions the county has ó **Wilder** responded there is none and **Ms. Hamburg's** father is on the committee to create regulations for the dispensaries. **Wilson** said he had been told by an individual the reason he and his wife both have cards is that they are married and that creates stress. **LaCampagne** asked what **Lauren** thinks about the dispensary - **Peterman** said they have spoken to her and she is in support of her neighbors and is afraid of break-ins. **LaCampagne** also asked when the business license comes up for review and **Kooyers** responded it doesn't. **LaCampagne** then asked what impact a resolution from the board would have ó **Kooyers** said if enough of the community objects that may impact the application process. **Peterman** said the application includes ómassageö but does not mention Marijuana at all. **LaCampagne** - another argument is where other districts have allowed dispensaries to be located. **Andrews** mentioned that Sunday School is a year-round occurrence. **Paget** asked if the Board would be willing to send a letter to the Board of Supervisors asking them to create an ordinance concerning the location of dispensaries. **LaCampagne** said we should come right out and say we object to this particular location. **Kooyers** ó should recommend a letter of denial. **Scaramella** suggested writing a letter

directly to Ms. **Hamburg** and ask her to hold off on opening until there is a dispensary ordinance in place, request a moratorium until they have rules, this is poor timing and a bad idea. Wilson agreed, thinks there is no way they won't go ahead if they aren't prevented. **Scaramella** suggested writing to the county also. **Wilder** to give Ms. **Hamburg** the opportunity to withdraw but pursue with the county too. **Paget** offered that when you weigh the differences between alcohol and marijuana, she sees no **more** harm in marijuana **than in alcohol** and does not think we would be risking losing our polling place at the Fairgrounds. **Scaramella** suggested inviting Ms. **Hamburg** to appear before the Board to hear both sides of the story. ***Motion by Wilder asking the Board to authorize a letter written to Laura Hamburg stating that with the information we currently have we are opposed to the business, would like the opportunity to discuss it with her, pursue the issue with the Supervisors and express our opposition. Motion seconded by Hanelt.*** **LaCampagne** said if they want a dispensary to go ahead but this location is not a good idea. **Scaramella** said Lake County does not allow dispensaries in any downtown location and they require minor use permits. **Paget** to process currently does not allow public input, we should have input. **Kooyers** reiterated they would be breaking federal laws and said the federal authorities are prosecuting now, along with IRS getting involved. **Hanelt** said she would like to get Tom **Allman's** opinion. **Paget** said anyone who wants marijuana here can get it, this would be a way to cash in on tourist traffic (no pun intended). **Paget** to suggest writing a letter to Ms. **Hamburg** expressing our opposition and also to relevant county authorities. ***Vote on motion by Wilder passed with a unanimous vote.*** **Wilder** will work on drafting a letter with **LaCampagne** and Wilson if authorized to do so. ***Motion by Hanelt to authorize Wilder, LaCampagne and Wilson to draft letters, seconded by McKenna and passed by unanimous vote.*** **Kooyers** and **Peterman** left at 6:21 p.m. **Scaramella** asked to be provided copies of the letter to Ms. **Hamburg** and the Supervisors.

3. **Approval of Minutes:** **Wilder** noted that under No. 12, 4th Bullet, correct spelling for the instructors name is "Tamara". Corrections by **Paget** as follows: No. 2, middle of paragraph (changes in bold italic and underlined): Goodell advised they are independent and that state laws *that govern public agencies* do not apply to them. **Paget** had a question on the Land Trust hiring someone as a contractor or an employee *without advertising the job.* No. 6 a. 4th sentence: **Paget** said that the insurance companies will find ways to increase rates in order to keep profits constant to this is one of the places that as an agency we need to be driven *by the need* to provide better coverage, *not by insurance rates.* ***Motion by Hanelt to approve the minutes as correct, seconded by Wilder and passed by unanimous vote.***
4. **Correspondence Received:** Reviewed. Noted letter from GSRMA explaining Workers' Compensation coverage on non-emergency employees. There was a question on the section that says "However, the Labor Code allows the governing board of a public agency to adopt a resolution declaring its volunteers to be employees for purposes of workers' compensation coverage. Cal. Labor Code Section 3363.5". Add to next month's agenda.
5. **Changes or Modifications to Agenda:** Question on the letters to **Hamburg** and **Smith**. **Scaramella** and **Clark** both requested copies of letters. The letters were authorized at last month's meeting.
6. **New Business:**
 - a. Request for Letter of Opposition to Proposed Marijuana Dispensary to see under Hearing of the Public.
 - b. New Cal Fire Fee - See attached memo from Dan **Grebil**. **Paget** asked if it would be appropriate to draft a letter to the Board of Forestry to response was yes and Wilson volunteered to do so. **Paget** thinks it is ridiculous to charge an additional fee to homeowners who are already getting charged in a fire district, suggests we oppose ABX1 29 and request not to implement it within established fire districts. Wilson said he did not think the bill would pass but will keep

coming back. *Motion by Hanelt to authorize Wilson to draft letter in opposition to the proposed fees, motion seconded by McKenna and passed by unanimous vote.*

7. **General Manager's Report:** Copy attached.

- Calendar of Events reviewed. Echo Report is used for receiving Federal Grant funds.
- GSRMA Insurance on Museum ó **Andrews** to research difference in cost of insurance if we insure, invite someone from the Museum to meet with the Board, determine who actually owns buildings and review issues. Suggestion to invite Sheri **Hansen** and Christine **Clark** to next meeting. Wilson reviewed lease, clearly states Lessee is responsible for full cost of insurance and covers all fire insurance. **McKenna** ó so we do not need additional insurance? Wilson said he thought it would be liability insurance only, but will review tomorrow.
- **Andrews** to look into possibility of obtaining an on-going permanent additional insured certificate to cover Fairgrounds.
- Letters sent to Carmel Angelo and three supervisors.
- Benefit Assessment letters sent out ó will be submitting changes electronically this year ó copy of list of changes attached for review. **Hanelt** asked how much of an increase there will be ó Wilson said \$2,500 more or less. **Hanelt** said they were still only about halfway through their review.

8. **Fire Chief's Report** – Copy attached - mostly informational.

- Has learned that the Fire Department can pay the firefighters a stipend to reimburse them for out of pocket expenses incurred by participation in department activities ó taxes to be deducted and W2s issued at end of year. **LaCampagne** ó referenced the Department of Labor Standards Enforcement ó federal law and conflicting state laws. Wilson asked her to direct him to the correct paperwork pertaining to this.
- VHA Grant ó Received 50/50 grant which requires a resolution by the Board authorizing him to make purchase, etc. *Motion by Hanelt to approve Resolution No. 2011-2 authorizing Wilson to act on behalf of the AVCSD, seconded by Wilder and passed unanimous vote.* Wilson asked permission to leave at this time noting the Out-of-District and Loss Control policies had already been submitted with his input. Permission to leave was granted by **Paget**.

9. **Fire Protection Committee Report:** Copy of minutes attached - mostly informational. **Hanelt** mentioned that the YCBA is saving their money now to eventually replace 7464.

10. **Budget Committee Report** ó Copy of minutes attached.

a. Budget Chairperson Report:

- (1) Discussion on öCycledö Program- report only. **Hanelt** felt the presentation by Melissa **Meader** was a shot across the bow, she is öthinkingö about applying for a grant, no information provided, need to request a cleaner proposal to see what they want the CSD to do, both short-term and long-term. Bike path would be a huge project, approximately \$100,000 per mile. **McKenna** said the deadline for application of the grant is March 2012 and they would be applying for a planning grant only at this time. **Paget** said she was aware of the request to apply through MCOG for a planning grant, specific request was for setting up an account to receive donations, which would be the same as the Apple Juice, Reward, the Sheriff's Dog and pool fund. **Hanelt** mentioned there was nothing to review as far as CSD involvement. **Paget** ó when Beverly **Dutra** came to us for setting up an account for the Dog Fund, she had no paperwork to hand out. **Hanelt** felt that was altogether different. **LaCampagne** read the Recreation Minutes which indicate the Recreation Committee approves asking the CSD to create a special fund within the Recreation Department for öCycled.ö **Scaramella** ó the item was not on the agenda and since there was no urgency, it was not voted on to add to the agenda. **LaCampagne** felt the meeting was very hostile towards **Meader**, particularly Wilson's comments. **Clark** ó in defense of the Budget

Committee, every question asked attempting to get a general concept was answered with "I don't know". **Wilder** thought it was a general lack of understanding, a bike path would be a big economic boon to the valley, people who talked to him did not understand the requirements of submitting for approval. **Paget** said there are other things the Budget Committee approves that are not on the agenda & response was that they were approved to be added to agenda. **Andrews** said they could talk after the meeting, need a written proposal and suggests returning to next meeting. **Hanelt** & not clear at all about what she was talking about. **Scaramella** said their website has generic bike path information, nothing she was referring to during the meeting. **Hanelt** asked if we have anything in the Policies and Procedures for setting up special accounts, what is the policy for approving. **LaCampagne** said it would be the same concept as the apple juice fund, etc.

b. Request for New Expenditures (if any)

(1) Budget Committee Recommendation to approve request by General Manager to attend an Advanced Excel Program being offered in Santa Rosa, cost of class \$99, plus GM's time and travel to and from Santa Rosa. **Motion by Hanelt to approve request for the class, time and travel. Motion was seconded by Wilder. Scaramella** noted that as a Budget Committee member, he voted against approval, thought there were other priorities. **Vote to approve request was unanimous.**

11. Airport Committee Report: Copy of minutes attached. **Wilder** confirmed that the annotated ALP concerning Through-the-Fence Access had been mailed to the FAA. Planning discussion for the Airport Open House.

12. Recreation Committee: Copy of minutes attached.

- Teen Center made \$400 at the Not So Simple Living Fair.
- No Teen Center Coordinator as yet

13. Personnel Committee Report: No meeting.

14. Policies and Procedures Committee Report

a. Review of Series 3000 & Airport Advisory Committee; Loss Control and Out-of-District Billing. Copies attached for Board's review for Loss Control and Out-of-District Billing. Airport Advisory Committee can be reviewed tonight.

Airport Advisory Committee: Reviewed by **Wilder**, several minor changes. **Motion by LaCampagne to accept the policy, including the Airport Access Agreement as presented by Wilder. Motion seconded by Hanelt and passed with four aye votes, Wilder abstained.** **Wilder** mentioned the policy was distributed among the members of the committee. **Paget** added a comment on the Airport P&P & since she was scolded by Gene Herr concerning the porta-potties, saying it did not require a motion by the Board to approve paying for them she would like to insert how much money can be spent by the Airport without Board approval. **Wilder** pointed out that was covered in the very last paragraph of the policy. The figure of \$250 is from his recollection, can we look up when it was changed so the correct figure is included? It was decided to establish the fee again next month for approval instead of trying to research. Add to Budget Committee agenda next month.

Approval of Loss Control and Out-of-District Billing will be next month. Personnel will be up for review. **Paget requested reviewing Budget since Personnel was not ready for review yet.**

15. Old Business:

a. Proposed Policy for Removal of District Records from District Facilities & **Hanelt**. Copy attached. Reviewed by **Hanelt** & question on board members and staff being charged a fee - response was no. **Scaramella** said he would provide a copy of the California Public Records Act which can be used as a guideline. **Paget** said more and more records are being maintained

electronically. **Hanelt** ó need a policy on electronic copies. **Paget** - needs to go to the Policies & Procedures Committee.

16. Any Special Item Not on the Agenda but Approved Unanimously by the Board or Legally Required or Authorized for Immediate Action: None

17. Concerns of Directors:

LaCampagne ó õCyckedö program, already expressed that she thought the reception was hostile towards **Meader**

McKenna - None

Paget ó None

Wilder ó Would like to see the CSD software updated..

Hanelt – Very difficult Budget meeting ó feels bad **Meader** felt the meeting was hostile, during the meeting it was a far more complicated presentation, understands now she was only asking for an account for donations. The point Wilson was making was if the CSD is in it in the beginning, do we still want to be involved at the end. Vast amounts of money involved. Very unfortunate both **Meader** and **LaCampagne** felt the meeting was õhostileö.

Scaramella ó Would like the Fee Schedule issue resolved.

18. Closed Session – None.

19. Adjournment: Regular meeting adjourned at 8:30 p.m.

Joanie Clark
Secretary/Clerk