



Calwa Recreation & Park District

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Mary L. Rosales	Raul Guerra	Sandra Celedon	Paul H. Garcia	Felicia Salcido
Board Member Chair	Board Member Vice-Chair	Board Member Secretary	Board Member	Board Member

Luis O. Mendoza
District Administrator

www.calwarecreation.org

REGULAR MONTHLY BOARD MEETING MINUTES

Thursday, February 19, 2015

(Approved at the March 26, 2015 Meeting)

The Calwa Recreation and Park District Board of Directors welcomes you to its meetings and encourages you to participate. This agenda contains a brief general description of each item that will be considered by the Board.

Disclaimer: This agenda includes proposed actions and activities with respect to each agenda item as of the date of posting. As such, it does not preclude the Board from taking other actions on any item on the agenda that is different or in addition to what may have been recommended.

CALL TO ORDER

Meeting was called to order at 6:32 PM.

INVOCATION

Board Member Garcia gave the invocation

FLAG SALUTE

1. ROLL

Board Members Present: Chairwoman Mary L. Rosales, Vice Chairman Raul Guerra and Board Members Sandra Celedon, Paul H. Garcia and Felicia Salcido

Also present were District Administrator Luis Mendoza and District Counsel Paul Pimentel

2. APPROVE THE AGENDA

Board Member Garcia made a motion to approve the agenda.

ACTION TAKEN:

Motion: P. Garcia

2nd: R. Guerra

Vote: 5-0

3. APPROVAL OF MEETING MINUTES

A. January 15, 2015

B. January 29, 2015

Board Member Garcia made a motion to approve the January 15, 2015 minutes.

ACTION TAKEN:

**Motion: P. Garcia
Celedon abstained)**

2nd: R. Guerra

Vote: 4-0-1 (Board Member

Board Member Garcia made a motion to approve the January 29, 2015 minutes.

ACTION TAKEN:

Motion: P. Garcia

2nd: R. Guerra

Vote: 5-0

4. CONSENT ITEMS:

A. INFORMATIONAL ITEM: District Administrator's Report

District Administrator Mendoza briefly updated the report on workers compensation, indicating he received a quote from the Special District Risk Management Authority for a significantly more affordable policy. He informed the board that he will present the matter at the next board meeting.

In response to a question about damaged park property during the Art Wall event from Board Member Celedon, Administrator Mendoza responded that he had not yet developed a boiler plate contract that outlined the responsibilities of event organizers and vendors at the park, but that the agreement that the organizer signed, included a provision that required her to pay for damaged property. He indicated that Ms. Lujan was aware of the obligation and agreed to pay it. He added that she submitted a claim to her liability insurance provider to pay the District.

5. OLD BUSINESS

A. ACTION ITEM: Approve remodeling of outdoor Community Center restrooms, bringing them into ADA compliance

Administrator Mendoza reviewed the history of the item before the Board and the board's desire to have project costs not exceed \$10,000. He said that he continued to solicit proposals when he was hired at the end of November without any success, receiving the lowest bid of \$12,300, which didn't include permit fees. He described the research that lead him to his recommendation to have the project completed by District staff. He reviewed the budget and process staff would adhere to in order complete the project – the hiring of an architect to draw up the site plans, permitting and inspection process through the City of Fresno.

Mr. Mendoza responded to questions from Board Members Garcia and Celedon about the permitting and inspection processes and length of time to complete the project. Board Member Celedon asked that a full accounting of the project costs be submitted to the board and include the costs incurred when the project was started several months prior.

Board Member Guerra made a motion to approve Mr. Mendoza's recommendation to have District staff complete the project.

ACTION TAKEN:

Motion: R. Guerra

2nd: P. Garcia

Vote: 5-0

B. ACTION ITEM: Authorize District Administrator to submit evidence to Fresno Police Department for investigation into missing and converted District funds in FY2014 (July 1, 2013 through June 30, 2014)

Administrator Mendoza summarized the discussion in the item memorandum included in the agenda packet and made a recommendation that the he be directed to submit evidence and ask for an investigation by the Fresno Police Department into the missing and misspent funds in the 2014 Fiscal Year.

Counsel Pimentel advised the Board that suits in Small Claims Court are limited to \$10,000 per individual but that the District could pursue claims against several individuals if the evidence suggested that more than one person was involved. He also responded to questions from Board Member Celedon about the burden of proof in criminal and civil cases.

Board Member Garcia made a motion to approve Mr. Mendoza's recommendation to submit evidence to the Fresno Police Department and request and criminal investigation into missing and converted funds in Fiscal Year 2014.

ACTION TAKEN:

Motion: P. Garcia

2nd: R. Guerra

Vote: 5-0

6. NEW BUSINESS

A. INFORMATIONAL ITEM: Financial reports

1. Account reconciliations for January

Mr. Mendoza gave an overview of the material included in the agenda packet and in response to a question from Board Member Celedon, clarified that the District had two accounts with Bank of the West because the bank required that payroll funds be kept separate from income funds and expenses. He also apologized that there were transactions listed on the reconciliation reports that were entered by staff members several months before that could not be deleted until the District accountant cleared them. He indicated that entries were incorrectly entered in the Quickbooks accounting system by previous staff members but were not actual transactions.

2. Current account balances

Mr. Mendoza reviewed the balances in the District bank accounts.

3. Status of FY2014 Financial Statement and Audit

Mr. Mendoza reported that staff was done entering all the necessary data for the District's accountant/auditor to conduct his audit of the 2013-2014 Fiscal Year and that he anticipated would be completed within the next several weeks.

4. FY2015 Financial Snapshot

Administrator Mendoza reviewed the three spreadsheets included in the agenda packet which included a year-to-date report on spending through mid-February along with a comparison to what was budgeted, a projection of expenses for each line item in the budget through June 2015 and a report that combined current and projected income through June 2015. He answered questions in response to Board Member Celedon's concern for overspending in several line items and underperforming income categories including field rentals and picnics. He agreed that there were a lot of unknowns but could only rely on the expectations built into the budget and his experience so far. He indicated that the information provided for the agenda item was just a snapshot and did not include expenses proposed at the day's Board meeting.

B. ACTION ITEM: Authorize the District Administrator to set up direct deposit transactions for District payroll and stipends paid to Board Members

Mr. Mendoza presented his proposal to give employees and Board Members the option of having their paychecks/stipends deposited directly to their bank accounts, and reviewed the District's and ADP's steps when processing payroll. He indicated that the difference the board would see is that they would cease to sign the paychecks of employees who opted to have their pay deposited directly to their bank accounts. He offered to deliver reports for each payroll so that the board could review what deposits were being made for each pay period but Board Member Celedon stated that she didn't see a need since processing payroll was an administrative function and the board received payroll reports as part of their review of financial information at their regular board meetings.

Board Member Garcia made a motion to approve Mr. Mendoza's recommendation to offer direct deposits for employees' and board members' paychecks and stipends.

ACTION TAKEN:

Motion: P. Garcia

2nd: S. Celedon

Vote: 5-0

C. ACTION ITEM: Discussion and direction regarding release of District Counsel invoices Administrator Mendoza referenced the email he sent to the board alerting them to a request for copies of District Counsel's invoices and his decision to not make those available to the member of the public who requested them. He reported that he submitted a tally by month of Counsel's invoices to the requestor but did not provide copies of the actual invoices because he thought they were protected by attorney-client privilege and confidentiality. He also indicated that staff prior to October 2014 provided copies of invoices to members of the public, without knowing they were confidential.

Counsel Pimentel outlined why certain line items are considered confidential – those that reveal issues, people spoken to or time spent on an issue – and why others weren't, in keeping with the public's right to know. He also described the process by which the Board could make invoices public if confidential and work-product information were redacted. He also advised that the Board was the entity that held the privilege, not he, and that they could waive it if they so chose. Board Member Celedon and he discussed cases in which judges decided that attorney invoices were public records and were ordered released. Board Member Celedon stated that because legal opinions did not converge on a clear answer, she didn't feel the matter could be decided yet.

Vice Chairman Guerra made a motion, seconded by Board Member Garcia, to deny the release of District Counsel's invoices.

ACTION 1 TAKEN:

Board Member Celedon made a motion, seconded by Board Member Salcido, to table the motion.

Motion: S. Celedon

2nd: F. Salcido

Vote: 2-3 (M. Rosales, R.

Guerra and P. Garcia opposed)

ACTION 2 TAKEN:

Vice Chairman Guerra made a motion, seconded by Board Member Garcia, to deny the release of District Counsel's invoices.

Motion: R. Guerra

2nd: P. Garcia

Vote: 3-2 (S. Celedon and F.

Salcido opposed)

D. ACTION ITEM: Consideration of liability insurance waivers for Zumba classes and other activities at Calwa Park

Administrator Mendoza discussed the request by the current Zumba instructors for the Board to waive the District's requirement to have a liability insurance policy to cover them and the District should a participant be injured. He indicated that suits brought against the district by participants would likely fail because the District could only be held liable if it failed to provide a safe facility. He indicated that people can sue for just about anything but that the District could put some requirements in place to discourage frivolous lawsuits including a waiver that participants would sign prior to participating in classes. Mr. Pimentel concurred and discussed how the District could also require that Zumba instructors sign an indemnity, defend and contribute agreement as another deterrence tool and defense supplement.

Mr. Mendoza indicated that the board could set as policy, a directive to waive liability insurance coverage for other activities at the park but was not prepared to do that until a new process and agreements were developed to cover all activities at the park. Board Member Celedon expressed her concern for the development of a policy that would give the impression that certain groups are getting waivers without an express policy for why and how they're waived. Vice Chairman echoed Mr. Mendoza's concern for losing activities at the park because of a requirement that isn't necessary because it doesn't expose the district to additional liability.

Mr. Mendoza told the Board that should waivers be approved, staff would be need to monitor attendance in conjunction with the instructor. He indicated that this would be an additional responsibility for staff but that it would be necessary in order for the arrangement to be effective.

Board Member Garcia made a motion to waive the liability insurance requirement for Zumba classes with the condition that instructors sign indemnity, defend and contribute agreements and that the participants sign liability waivers.

ACTION TAKEN:

**Motion: P. Garcia
Salcido abstained)**

2nd: R. Guerra

Vote: 3-1-1 (S. Celedon opposed, F.

E. ACTION ITEM: Approve CalWorks Work Experience Program with Fresno County (Department of Social Services)

Mr. Mendoza gave an overview of how the Fresno County CalWorks Program worked and how the District could benefit from workers retained through the program. He indicated that workers could be assigned to complete tasks that would be supervised by the facilities supervisor or office staff. He stated that the only cost to the District would be to expand the workers compensation policy to cover volunteers and workers under the CalWorks Program. He said that he didn't have an exact cost for how much the workers compensation insurance policy premium would increase because of a new proposal submitted by the Special District Risk Management Authority (SDRMA) didn't include these additional workers. He felt it was likely the board would opt for this new policy and the SDRMA had not yet submitted an updated proposal. He asked the board for the authority to move forward with the CalWorks Program so that the District could have all of the requirements in place, including workers compensation, by the time the workers were assigned.

Board Member Garcia made a motion to direct the District Administrator to implement the CalWorks Program with Fresno County and use his discretion to determine the number of participants.

ACTION TAKEN:

**Motion: P. Garcia
Guerra abstained)**

2nd: S. Celedon

Vote: 3-0-2 (M. Rosales and R.

1. Authorize District Administrator to add program participants and other volunteers to Workers Compensation Insurance Policy

Board Member Garcia made a motion to authorize the District Administrator to add volunteers and CalWorks Program participants to the District's workers compensation policy up to a maximum cost of \$1,500.

ACTION TAKEN:

**Motion: P. Garcia
Guerra abstained)**

2nd: S. Celedon

Vote: 3-0-2 (M. Rosales and R.

F. ACTION ITEM: Authorize District Administrator to purchase and enter into agreement with licensed contractor to replace water tank

Administrator Mendoza gave an overview of how the District's water system is set up, including the use of its private well, its connection to Fresno's water system, how those feed into a 4,000 gallon water tank and how it helps feed the park's irrigation system. He described the ongoing problem with the leaky tank and how much water it was wasting, including the potential risk the tank's integrity poses to employees and park visitors. In response to questions and concerns from board members, he indicated that he needed some leeway to decide who and how the tank should be replaced because of the safety issues posed. He indicated that because of budget constraints in the current fiscal year, money spent to deal with the situation would, in effect, be borrowed from the next fiscal year. He advised that the matter would need to be addressed as the FY2016 budget is prepared since money spent would come from the property tax allocation intended to last through December 2015. He indicated that he would seek more financially sound solutions but that the proposal by Central Valley Tank was the most affordable at the time. He requested authority to spend up to \$20,000.

Chairwoman Rosales and Board Member Garcia agreed that a solution was long overdue and encouraged Mr. Mendoza to seek guarantees and specific results from whoever does the work.

Board Member Garcia made a motion to give direction to the District Administrator to spend up to \$20,000 to deal with the problem.

ACTION TAKEN:

Motion: P. Garcia

2nd: R. Guerra

Vote: 5-0

7. UNSCHEDULED ORAL COMMUNICATIONS:

- A. COMMENTS FROM THE PUBLIC.** The public may address the Calwa Recreation and Park District Board on any item of interest within the jurisdiction of the Board, even though it is not on the agenda. The Board will listen to the comments presented; however, in compliance with the Brown Act, the Board may only briefly discuss the item, but it cannot take any action at the meeting. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the Board or to permit the Board to provide information to the public, provide direction to its staff, or schedule

the matter for a future meeting. All speakers are requested to wait until recognized by the Board Chairman

Public Comment Time Limitations: All comments are limited to three (3) minutes per individual, with a fifteen (15) minute maximum per group, per item, per meeting.

B. BOARD MEMBER COMMENTS AND ANNOUNCEMENTS

Chairwoman Rosales, Vice Chairman Guerra and Board Members Garcia and Salcido thanked Administrator Mendoza for his work over the past few months and particularly for his effort to keep the park open while the District dealt with its workers compensation issue.

8. CLOSED SESSION

A. ACTION ITEM: Public Employment, District Counsel, pursuant to Government Code Section 54957

When the closed session ended and the public was allowed to enter the room, Chairwoman Rosales announced that the board took action to continue the Closed Session item to the next meeting on March 19, 2015.

9. ADJOURNMENT

The meeting was adjourned at 9:18PM.

These minutes were approved at the March 26, 2015 meeting of the Board of Directors.