



Luis O. Mendoza
District Administrator

Calwa Recreation & Park District

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

REGULAR MONTHLY BOARD MEETING MINUTES

Thursday, December 18, 2014

(Approved at the January 15, 2015 Meeting)

6:30 PM

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

INVOCATION

Board Member Garcia gave the invocation

FLAG SALUTE

1. ROLL CALL

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

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

2. APPROVE THE AGENDA

District Administrator Mendoza asked that items H and Q be removed from the agenda to give staff more time to prepare them.

Board Member Garcia made a motion to approve the balance of the agenda.

ACTION TAKEN:

Motion: P. Garcia 2nd: R. Guerra Vote: 4-0

3. APPROVAL OF MEETING MINUTES

Administrator Mendoza corrected the minutes to indicate that Board Member Garcia was present (Board Member Guerra was inadvertently listed twice) and that the minutes were for November 20th.

Board Member Celedon asked why the minutes for the previous month's meeting were not included with Administrator Mendoza responding that he had not had a chance to compile them and that he would submit them for the next board meeting in January.

A motion to approve the minutes with the corrections was made by Board Member Garcia.

ACTION TAKEN:

Motion: P. Garcia

2nd: R. Guerra

Vote: 4-0

4. NEW BUSINESS

A. **ACTION ITEM**: Presentation and actions related to the findings in the audit of District's 2012-2013 Financial Statement by Michael B. Cuttone of *Cuttone & Mastro, Certified Public Accountants*

Administrator Mendoza indicated that although the item was listed as an action item, the board did not need to take action at that time; that the item would return at the January board meeting for approval. Mr. Cuttone summarized the material he handed out at the meeting and asked that the board consider the recommendations he outlined.

B. **ACTION ITEM**: Presentation and actions related to the 2015 Art Wall Project

Administrator Mendoza gave an overview of how the project was organized in January 2014 and how the District came to pay more than what was raised. He indicated that even after the District continued to collect fees from the project, from artists who painted year-round, the project had a net loss of \$70. He discussed allegations of missing money and how that impacted the project's bottom line.

The project's main organizer, Serena Lujan, described the events leading to the proposal and the board's familiarity with the event (having been approached about a partnership at previous board meetings).

Administrator Mendoza then outlined the organizer's proposal for a partnership with the District for the January 2015 event:

- District waive park rental fees and liability insurance requirements
- District would receive a check before the day of the event for half of the potential fees collected from artists spots, approximately \$335
- Enter into an agreement where the District would cover half of the costs and retain half of the proceeds raised from artist fees and vendor booths
- A beer garden with proceeds split between Donaghy Sales, Inc., Serena Lujan, the District and a yet-to-be identified nonprofit organization which would secure the license to sell beer
- District rely on others handling cash transactions and accounting

Administrator Mendoza advised the board that he was not prepared to recommend a partnership for an event in January because of the number of open issues, time limitations and the amount of staff time required to organize it. He suggested a partnership for an event in March 2015 but Ms. Lujan declined the offer because she had already made commitments to have the event in January. She also said that it was important that the event be held in January because it marks the anniversary of her brother's passing.

Board Member Celedon expressed frustration with the board taking up the issue on several occasions and her opposition to the partnership being presented because of the concerns Administrator Mendoza cited. She said that she thought it was important for the District to set up policies and procedures so that potential partners don't have to go through what they did to get project approval and she encouraged the event organizers to rent the park using the process already established for similar events at Calwa Park. She made a motion to deny the partnership.

Ms. Lujan and her partner Joe Cannon also voiced their frustration with having to return to the board on numerous occasions to get approval. Counsel Pimentel clarified that he did not recall the board approving the partnership with a waiver of liability insurance. Board Member Celedon and Mr. Pimentel clarified that the project had not been approved because it lacked a three-vote majority.

Mr. Cannon and several members of the audience expressed support for the event and shared why they thought it would be beneficial for the community.

Different project approval options were discussed by the board but settled on the motion made by Board Member Guerra: to approve the Art Wall event with a fee of \$1,000 and the conditions applicable to other renters (security deposit, liability insurance, security, etc.).

ACTION TAKEN:

Motion: R. Guerra 2nd: S. Celedon Vote: 4-0
Motion to approve the Art Wall event with a fee of \$1,000 and the conditions applicable to other renters

C. **ACTION ITEM:** Discussion of current contracts and actions bringing to legal form, lease contracts and other legal documents necessary for the use of facilities and equipment owned by the District

Administrator Mendoza described the inconsistencies in the process, terms and documents used to award leases and service contracts at the District. He also noted that several of the long-term and high-dollar agreements should have been approved by the board but weren't. He proposed to develop documents and a process that the District would follow for every applicant. He also proposed to work with Mr. Pimentel to develop a boiler plate contract that would be used in negotiations with tenants and service providers.

Several members of the audience disrupted the meeting with discussions and interruptions that interfered with people hearing what was being said.

Citing costs associated with developing a contract with legal counsel, Board Member Celedon made a **motion to direct the district administrator to develop a boiler-plate contract in its most complete form before it is reviewed by legal counsel.**

Audience member and District renter Rodney Gumpton asked whether the board had approved contracts prior to them being executed. Mr. Mendoza answered that they had not.

ACTION TAKEN:

Motion: S. Celedon 2nd: P. Garcia Vote: 4-0
Motion to direct the district administrator to develop the boiler-plate contract in its most complete form before it is reviewed by legal counsel.

D. **ACTION ITEM**: Adoption of **Resolution Number 122014-01**, Election of Directors – moving District elections to coincide with statewide General Elections

Counsel Pimentel summarized the process and financial benefits of moving the board elections from odd-numbered years to even-numbered years to coincide with statewide General Elections, and added that the voter participation rate for new board elections would be significantly higher more voters going to the polls. He informed the board that he drafted the resolution and exhibits included in the agenda packet in collaboration with attorneys in the Fresno County Elections Office. He also advised the board that should the resolution be approved by the board and the Fresno County Board of Supervisors that the Elections Office will require the District to pay the cost of mailing the resolution to voters in the District up front.

Board Member Celedon asked that the district administrator contact the elections office to get an estimate on the new share of cost the district would be responsible for in the new elections so that the number can be budgeted in subsequent fiscal years.

ACTION TAKEN:

Motion: P. Garcia 2nd: S. Celedon Vote: 4-0
Motion to adopt Resolution Number 122014-01, Election of Directors

E. **INFORMATIONAL ITEM**: Review Financial Statements for October and November 2014:

- i. Fresno County Account
- ii. Monthly County Check Log
- iii. Monthly Revenue Log
- iv. Monthly Expense Log

District Administrator Mendoza reviewed the reports included in the agenda packet and reported the balances in the three district accounts: Bank of the West \$10,809.12 (used for payroll, Bank of America \$6,599.68 (operations) and \$0 in the Fresno County account. He also mentioned that the district was awaiting a check for \$9,200 as payment for Hmong New Year Celebration.

In response to a question from audience member Nerissa Richardson, Mr. Mendoza advised the board that he would not continue to follow the practice used by previous administrators of providing financial statements that were generated in Excel and were three weeks old. He indicated that the reports did not provide a full picture of the district's finances and were vulnerable to fudging. He said that he will be using a new format and reporting procedure at the next board meeting.

F. **ACTION ITEM**: Actions related to streamlining use and designating authority on District bank accounts

Administrator Mendoza reviewed how the district utilized its three bank accounts and how it complicated the way the district conducted its business. He shared the recommendation of the district's auditor, Michael Cuttone, that the district select one bank for everything – to pay bills, payroll and make purchases. Mr. Mendoza indicated that there wasn't anything they could do about the Fresno County account but that the district could consolidate its Bank of America and Bank of the West accounts. Citing bad customer service and their numerous policy changes in recent weeks, he recommended that the board close the Bank of America account and move all of its money to Bank of the West.

Mr. Mendoza added that the Bank of the West account was set up as a non-profit account and should the board decide to consolidate with Bank of the West, the new account would be set up as a government account.

ACTION TAKEN:

Motion: S. Celedon

2nd: R. Guerra

Vote: 4-0

Motion to approve Administrator Mendoza's recommendation to close Bank of America account and consolidate it with Bank of the West account.

G. **ACTION ITEM:** Authorize the District Administrator to purchase new trailer for District maintenance needs

District Administrator Mendoza described the need to replace the trailer that had been used for grounds maintenance because it was no longer repairable. He suggested that a 6X10' trailer be purchased that could be utilized for grounds maintenance but also to transport the district lawn mower when it needed repair. He said that the district had to pay \$80 to transport the lawn mower every time it needed to be repaired off-site. He indicated that he needed the approval of the board to spend more than \$1,000 and recommended that he be given authority to spend up to \$2,500.

A member of the audience suggested that the administrator call True Trailer because he thought the owner (Tom) could replace the trailer hub for under \$60. Administrator Mendoza said that that would be his preference, to save money, and that he would call True Trailer so see if the hub could be replaced.

ACTION TAKEN:

Motion: P. Garcia

2nd: R. Guerra

Vote: 4-0

Motion to direct staff to call True Trailer before a new trailer is purchased to ensure that the trailer could be fixed for cheaper than what it would cost to purchase a new one.

H. **ACTION ITEM:** Authorize the District Administrator to purchase or enter into agreement with licensed company to fix basketball and tennis court lights, and/or fix possible electrical issues – **REMOVED FROM AGENDA**

I. **ACTION ITEM:** Authorize the District Administrator to lease tree-trimming equipment

Administrator Mendoza asked for board authorization to spend up to \$3,200 to lease a lift and wood chipper to complete the tree-trimming and light fixture project that started the week before. He described the cost effectiveness of leasing the equipment versus paying a private company to do the work. He went on to discuss the importance of trimming trees to stop heavy branches from breaking and causing damage or hurting park visitors.

Board Member Garcia asked whether the funds were in place to cover the cost with Mr. Mendoza responding that he felt that the costs could be absorbed by the budget as it stood but that he could raise the money independently through private donors, if necessary.

ACTION TAKEN:

Motion: P. Garcia

2nd: S. Celedon

Vote: 4-0

Motion to approve the expenditure of up to \$3,200 for tree-trimming and light-fixing equipment.

J. **ACTION ITEM**: Discussion and direction to initiate revisions to District Bylaws

Mr. Mendoza described the poor record-keeping of the district office leading his inability to pinpoint the document or meeting that indicated which set of district bylaws were currently in effect. Mr. Pimentel added that even if a version could be identified as being current he did not feel that it could be used as a foundation from which to draft a new set because they would have to be so radically revised that it would be more efficient to start from scratch.

Board Member Celedon suggested that staff refer to the California Special Districts Association (CSDA) for guidance on how to assemble the most effective set of bylaws with Mr. Mendoza concurring.

ACTION TAKEN:

Motion: P. Garcia 2nd: S. Celedon Vote: 4-0

Motion to direct Administrator Mendoza to refer to CSDA resources to write a new set of district bylaws and give the administrator the leeway to contract with Mr. Russell for assistance to draft them.

L. **INFORMATIONAL ITEM**: Report on District staffing levels

Administrator Mendoza reviewed the staff positions currently in place: a full-time administrator, full-time facilities supervisor, part-time office assistant and two part-time facilities employees. He advised the board that he would report changes as the demands of the district's activities change.

M. **ACTION ITEM**: Actions related to the implementation of policies affecting employee pay on approved holidays

Mr. Mendoza described the conflicting language in the employment packet and the confusion it created among new staff members and applicants (who should not have received the packet), who questioned whether part-time permanent employees were eligible for holiday pay. He advised the board that there were two employees currently in that category and that he wanted clarification on whether it was the intent of the board to have them receive holiday pay. He responded to questions from Board Members Celedon and Garcia about the whether there was an obligation to pay employees holiday pay and whether the pay would be retroactive to their start dates.

Board Member Celedon stated that there were several other items in the employee packet that needed to be changed and made a motion to table the matter for a future meeting.

Mr. Pimentel responded to a member of the audience who questioned the district's firing process. Audience member David Bethea asked questions about the district's hiring process with Mr. Pimentel and Mr. Mendoza responding. Several members of the audience disturbed the meeting proceedings with discussions and interruptions that interfered with people hearing what was being said.

ACTION TAKEN:

Motion: S. Celedon 2nd: P. Garcia Vote: 4-0

Motion to table the item for a future meeting where a draft employment packet with other needed revisions could be discussed.

N. **ACTION ITEM:** Approve 2015 holiday schedule for District park and recreation hall

Administrator Mendoza requested a policy decision on the days when Calwa Park would be closed and asked for input from the board. Members of the audience asked that the board and visitors know when the park is closed.

ACTION TAKEN:

Motion: P. Garcia 2nd: S. Celedon Vote: 4-0
Motion to table the item.

O. **ACTION ITEM:** Approve Board of Directors meeting schedule for 2015

Administrator Mendoza presented the list of dates when board meetings would be scheduled if meetings were held on the third Thursday of every month. He wanted the board to have the opportunity to move the dates if they conflicted with holidays or other schedules. Board Member Celedon asked that the schedule be adopted with the condition that they be held at 6:30 PM on those days. She also asked that the board adhere to the schedule to minimize the need for special meetings.

Audience member Nerissa Richardson asked that the board adhere to its schedule so that the public could attend.

Motion: S. Celedon 2nd: P. Garcia Vote: 4-0
Motion to approve the meeting schedule, setting the meeting dates for the third Thursday of every month at 6:30 PM.

P. **ACTION ITEM:** Authorize the District Administrator to propose and revise fees associated with facility rentals and services provided by the District
i. Approve \$0.10 per page fee for reproduction of District documents

Mr. Mendoza described the need to create a master fee schedule so that the public is aware of what park fees are. He said that he would return at a future board meeting with a complete fee schedule but that there wasn't a need to hold off on one that could be used to recoup costs associated with copies of documents. Counsel Pimentel clarified that although the Public Records Act allows a charge for copies, the act doesn't require it.

Motion: S. Celedon 2nd: P. Garcia Vote: 4-0
Motion to approve the \$0.10 per page fee for reproduction of district documents outside of those provided during board meetings and that the district administrator return to the board with a comprehensive schedule of fees.

Q. **ACTION ITEM:** Actions related to remodeling public bathrooms – REMOVED FROM AGENDA

R. **ACTION ITEM:** Authorize the District Administrator to submit grant application to Kaiser Permanente and other funding sources for community garden

District Administrator Mendoza described staff's proposal to create a community garden in the fenced area just north of the recycling center off of Barton Avenue. He said that the

letter of intent is due before the next board meeting so approval of the concept was required before staff could proceed with its application for grant funding through Kaiser Permanente.

Motion: P. Garcia 2nd: R. Guerra Vote: 4-0

Motion to approve District Administrator's proposal to submit a grant application to Kaiser Permanente for a community garden at Calwa Park.

S. **ACTION ITEM**: Authorize the District Administrator to initiate and execute strategic planning process

Mr. Mendoza described the need to initiate a public dialogue to gather the community's ideas for what they'd like to see at Calwa Park in the short and long term. He thought it would be important to develop a strategic plan that the district would use to achieve those goals. He indicated that the process would take several months but he wanted the board's blessing to proceed with the community meetings in January or February of 2015.

Board Member Celedon asked that the meetings be organized as workshops so that board members could attend and the meetings would be publicly noticed.

Motion: P. Garcia 2nd: R. Guerra Vote: 4-0

Motion to approve District Administrator's proposal initiate a strategic planning process.

1. COMMENTS

A. COMMENTS FROM THE PUBLIC

David Bethea asked that the board find out, by the next meeting, what happened to beer garden fees that were owed to his organization, Youth Ops. He described a partnership with the district in December 2013, where Youth Ops secured a license from the state to sell beer. He indicated that he never received the check and reported the incident to the police department. Counsel Pimentel asked for clarification on the date of the event and the person with whom Mr. Bethea signed the contract. Mr. Bethea could not recall the details but indicated a contract was signed.

A member of the audience (who did not identify himself) asked why Board Member Celedon's request to have Danielle Kramer's employment release be placed on the agenda wasn't fulfilled because she wanted to know why Ms. Kramer wasn't returned to the position she held prior to being appointed interim district administrator. He questioned why so many of the things the community raised at the last board meeting weren't on the agenda. He wanted to know what the board was doing for the community. He also mocked the presence of security officers at the meeting and the district's "need to call some more."

Danielle Kramer asked that board members receive training on how to run meetings and stated how nice it would be for board members to attend park activities

Joe Cannon thanked the board for reconsidering the Art Wall event

B. COMMENTS FROM THE BOARD

Board Member Celedon asked that an item be placed on the agenda to discuss why Ms. Kramer was released from employment and not returned to her previous position. She also asked that an item be scheduled to discuss allegations of board member

misconduct. She stated that she appreciated the agenda packet and asked that the next agenda include a consent agenda for routine approvals and informational items and an administrator's report.

Board Member Guerra suggested some publicity ideas for the organizers of the Art Wall event and Board Member Garcia thanked public for expressing their concerns.

2. CLOSED DOOR SESSION

No Closed session was held.

The meeting was adjourned.

Minutes were approved at the January 15, 2015 Meeting