

FINAL Meeting Minutes

PARK ACQUISITION CORPORATION

Regular Meeting

7:00 PM

Thursday, March 5, 2015

Fireside Room, 100 Marin Valley Drive, Novato, CA

ATTENDEES:

- Board Members: Larry Cohen, Mike Hagerty, Tom Miller, Jay Shelfer (Desiree Storch absent)
- 30 Non-Board Residents
- Park General Manager: Matt Greenberg
- Recording Secretary: Susan Windman

ATTACHMENTS

- Proposed “Marin Valley Mobile Country Club Events Policy” (revised 02/18/2015)

CALL TO ORDER: 7:09 PM

Jay Shelfer, PAC Board President, called the meeting to order and mentioned that meetings are being recorded. After each meeting, the recording (the audio file) will be placed on the PAC Board webpage so that Park residents can listen to the audio recording. He added that during the meeting residents speaking should identify themselves and they can do this by either stating their name or stating that they are a Park resident. Residents speaking at the microphone should state their name.

A. APPROVAL OF FINAL AGENDA

Motion was made and seconded to approve the final agenda. Motion was voted on and passed 4-0.

B. PUBLIC COMMENTS (for issues not on the agenda; two minute time limit)

- Bill Davis spoke about MVSC. He mentioned that the MVSC election was supposed to be on the agenda, but it's not there. Bill read from a handout, copied below.

What is Marin Valley Senior Community (MVSC), Inc.?

MVSC is an IRS-designated 501(c)(3), tax-free charitable corporation, so it pays no federal, state, or local taxes.

Examples of these are organizations for: charity, religion, education, science, or prevention of cruelty to children or to animals.

Specific examples: MADD, Red Cross Salvation Army, Sisters of Charity, Jewish Community Center, Lutheran Brotherhood, PTAs, some hospitals, alumni associations, etc.

Money given to them is tax-deductible for the donor.

If someone or some corporation was to gift to this Park something of value, it would go to us, the residents, to be used for charitable purposes, not to the City of Novato.

MVSC is a resident-controlled 501(c)(3) corporation in this Park. Every resident of this Park, by virtue of being a resident, is a member of MVSC.

There are three outside board members and four resident board members, who are elected by the residents. Their terms are for six years.

Bill Davis
President, MVSC
March 2015

Bill added that MVSC has around \$400 in the bank and that the MVSC Board meets once a year.

Bill asked that the PAC Board officially declare the MVSC board election. Bill would like PAC to do it at the current PAC meeting. Bill provided the Board with a copy of the bylaws and a requisition.

- Ray Schneider wondered about the status of the Comcast cable contract.
- Judy Vucci provided an update of Rent Differential Committee activities. Residents are aware of rent disparities at the Park. The situation began during the time Mr. Sayd was in charge. Every time someone moved, he raised the rent as a way of increasing profit and addressing Novato rent control. This led to the current unfair situation in which one resident may have a much higher rent than their neighbor with a similar property. Maggie and Jane of the Committee made a map of the Park that visualizes the rent disparities. Homes indicated on the map in red pay \$100-\$200 per month higher than their comparable neighbors. The homes marked green pay slightly less than \$100 difference. The yellow homes pay the basic neighborhood fee that was established when the Park was first developed. There are about 77 homes paying higher than their immediate neighbors.

Jay mentioned he would put the topic on next month's agenda.

C. CONSENT CALENDAR

1. Approve minutes of January 7, 2015 meeting.

Motion was made and seconded to approve the reviewed January 7, 2015 minutes.
Motion was voted on and passed 4-0.

2. Approve minutes of February 4, 2015 meeting.

Motion was made and seconded to approve the reviewed February 4, 2015 minutes.
Motion was voted on and passed 4-0.

D. REPORTS

1. PAC Treasurer's Report (Larry Cohen):

PAC Final Balance	\$5,723.83
PAC Actual Balance	\$2,184.33
Humanitarian Fund Starting and Final Balance	\$3,539.50
Total Spent Current Fiscal Year	\$1,859.62

2. MVMCC Administration and Finance Report (Jay spoke for Desiree)

The debt-to-service coverage ratio is currently at 2.74.

3. Maintenance and Capital Projects (Matt Greenberg)

Matt presented the following update and distributed a written summary to Board members:

- More French drains and retaining walls have been finished.
- The patio cover has been installed, pending minor adjustments.
- Underground electrical conduit has been repaired for the existing lamp post street light at 51 Marin Valley Drive that has been out for a while.
- The Clubhouse security system has been delivered.
- New soil has been tilled and roots removed in the area where the juniper was removed (demo garden area).
- New lighting has been delivered for the exercise room and the mens and womans changing rooms. The rooms are currently being painted.
- The couplings at the utility meters are currently being tested to determine corrosion, before replacing the gas shutoff valves.
- Two trees were removed for emergency reasons from the last storm.
- Walkway lighting was added along the path leading down to the pump house. The walkway was dark and someone previously slipped.

In response to the previous resident question about the Comcast contract, Matt summarized his conversations with Comcast. Matt was able to negotiate Comcast down by another 25% (to around \$30/resident for basic cable) but Comcast wants a seven-year contract for this. Matt is not ready to agree to this. (the current rate is around \$49.) Matt's concern is that if residents continue to opt out now or opt out after the Park renews, there would be a deficit that would remain in effect for seven years. Currently, the Park is losing around \$69,000/year on Comcast. If the majority of residents stay with Comcast at the reduced rate, it would be a good price. There currently are also a number of residents using Comcast who are not paying. Matt will try to get Comcast to come to the Park and directly answer resident questions.

Tom asked Matt that if he were able to obtain a decent contract from Comcast, would he (Matt) first come before the residents and PAC before he signs the contract. Matt said yes.

A resident asked about the timeline for the Comcast contract. Matt indicated the contract expires December 1, 2015. Matt needs to give Comcast 90-day notice before that date else the contract automatically renews.

A resident commented that seven years is a long period of time, especially with the speed of technology change.

A resident asked Matt for an update on autopay for rent. Matt responded he hasn't heard anything yet about it.

4. City of Novato (Jay Shelfer), and request from Tom for agenda of 2x2 meeting

Jay mentioned that the City of Novato has scheduled a City Council meeting at the Park at the end of the month (March 31, 2015). PAC does not yet have the agenda and no 2x2 has been scheduled. Jay and Larry are hoping a 2x2 meeting can be scheduled before the City Council meeting occurs and Jay reminds residents to bring any issues to him they would like presented at the 2x2 meeting. Jay will make a listing of the issues to be presented and will post them on the PAC board before a meeting occurs.

Cathy Capriola (Novato City Manager's office) spoke with Matt. Cathy indicated the City is working on the agenda and will provide it to PAC before the meeting.

5. Tree and Shrub Committee: What to plant after removing juniper (Mike)

Mike Hagerty summarized Tree and Shrub Committee's current activities:

- The Tree and Shrub Committee has compiled suggestions for replacement plants for the removed juniper. The 40 plants in the compilation can be viewed on the library computer. Mike thanked Mike Krupp and Anila Manning for their work in putting it together.
- The Committee is putting together a demo garden (located to the right of the Clubhouse, as you enter) to demonstrate drought and fire-resistant plants and also illustrate the creatures attracted by such a garden (butterflies, hummingbirds, etc.). Matt will be installing low-water irrigation.
- The Committee may now have some volunteers that can help remove juniper for residents unable to do it themselves. Interested residents should contact Mike.

A resident asked if residents will have an opportunity to provide comments about the updated Tree/Shrub Policy before it is voted on. Jay said yes.

HOL will discuss and vote on the policy in two weeks. That is the first opportunity for residents to provide comments. What HOL decides will be brought to the PAC Board. That is the second opportunity for residents to provide comments. PAC will then discuss and vote on the policy. What PAC decides will then be brought to the City (Novato).

E. OLD BUSINESS

1. Events Policy Vote

(The updated Events Policy approved by MarVal and HOL is attached to the meeting agenda.)

Jay commented that the Events Policy has been worked on by the City and the three Park boards over the past 1-1/2 years. The policy was approved by MarVal with the proviso that they won't be restricted by the numbers mentioned in the policy for private affairs. Mike and Nancy added this for MVSCC-sponsored events so that the only restrictions would be those imposed by the fire marshall.

Tom had the following comment about the policy. Regarding requirements for resident-sponsored events, Tom was wondering if it were possible to specify the type of insurance required. Nancy responded that the type of required insurance is addressed in the contract form. Insurance can be obtained in several ways, including through the City of Novato.

Matt mentioned that if alcohol is to be served during an event, he would need a copy of proof of insurance. If alcohol is not being served, insurance is not required for an event but a \$300 refundable cleaning deposit must be posted.

In response to a question by Tom, Matt indicated that if insurance is required the amount required would be \$1 million. The type of insurance is general (liability) insurance.

Ray Schneider wondered about insurance and deposit requirements for private events. Nancy responded by pointing out that a completed reservation application (a very thorough application) would be required and would be reviewed by Matt.

A motion was made and seconded to approve the Clubhouse Events policy. The motion was voted on and passed 4-0.

2. Review of the budget approval, selection procedure, purchase and installation of the security surveillance system for MVMCC (Matt Greenberg)

Jay mentioned that last year there was a \$3500 budget item to provide video surveillance. Matt worked with the City on a Park security plan. Jay asked Matt to provide an update about this.

Matt mentioned that the initial concern was that the existing Park security system wasn't functioning. Resident input seemed to focus on a camera at the front gate to capture vehicles coming and going. Al Frei was asked by Matt and Cathy Capriola about other Parks with such security cameras installed at the front gate. Al Frei knew of several Parks but that over time the cameras didn't have the positive, intended impact. The City of Novato responded that they have a different technology they

would like for the front gate. It's not a camera but it reads the license plates that go by.

Matt found and purchased a security system to replace the current, inexpensive, 8-camera system that hasn't been working for quite some time. The new system is the best he could get for the amount designated in the budget. It uses a clear, facial recognition camera, with 3 terabytes of memory, and offers a continuous recording feed for a month before it needs backing up. There is enough cable to extend it out to the swimming pool to monitor for pool safety.

The front and rear entrances to the exercise and changing rooms will be monitored, and, additionally, the Clubhouse front entrance rooms, and Matt intends to capture the stop sign in front of the Clubhouse. The cameras are sensitive enough to capture video under minimal ambient lighting conditions. Matt intends to download footage each month and if an incident occurs he would then review the footage.

The other system looked at for installation at the front gate would have cost thousands of dollars to buy and thousands to install (it would have required protection from the weather and theft).

Tom wondered if it might be good to continue the Park security service in addition to the new security system, and he asked Matt about the budget for doing so. Matt will investigate budget issues further. Tom asked if Matt could outline what the cameras in the new system do and what the security service does, and present it in a report at the next PAC meeting.

PAC Board members and residents discussed various security concerns and gave examples of current security episodes, including theft, intrusion into a home, intrusion into the pool area, etc.

The topic will be put on next month's agenda for further discussion.

F. NEW BUSINESS

1. Shall PAC post audio recordings of PAC meetings, while allowing residents to opt out from being recorded when they comment? (Mike, Desiree)

Jay spoke earlier with Desiree (Desiree is absent from the PAC Board meeting). Desiree feels that residents should have the opportunity to decide if they want to provide their names (or not).

Mike mentioned that many residents have indicated they would like the audio files posted on the website in case they are unable to attend the PAC meeting. The City Council does the same thing.

Nancy commented that the HOL meetings are recorded. They are not posted on the website.

Tom mentioned that any public meeting can be recorded without the permission of those present. A resident indicated that under the Brown Act, you cannot require someone (a meeting attendee) to state their name.

Jay asked if anyone has objections to posting the file on the website. No one indicated they object so Jay stated the Board would move forward with it.

2. Shall PAC post opposing amendments and attach them to the agenda? (Mike)

Mike Hagerty mentioned that a situation occurred last month in which 60 residents signed a petition with an amendment indicating opposition to one of the policies being discussed by PAC. Current policies say that such an amendment can't be posted on the PAC bulletin board.

Mike is seeking guidance as to how opposing amendments can be disseminated and considered.

Mike is suggesting that to make processes more transparent and, for example, to allow the community to see what the 60 residents are proposing, that such amendments be allowed to be posted.

Larry responded that the problem with a petition is that there is no way to know if someone signed the petition without actually reading and understanding the petition.

Tom asked Mike about his proposal and if an opposing petition would then become a discussion item at the next PAC meeting. Mike assumed so. Tom continued that if the item is discussed during a PAC meeting, it would be covered in the minutes. Mike agreed but indicated it wouldn't be on the agenda and he would like it to be. That is the reason for his current agenda item proposal. He would like a policy regarding opposing amendments, agendas listings and bulletin board postings.

Jay commented that by posting an opposing petition on the PAC bulletin board without labeling it clearly as being there solely for discussion purposes, it would give the implication that it has been approved by the PAC. Jay feels petitions like that are worthwhile but that they should be posted instead on the community bulletin board. If it becomes an action item for PAC, then it should be included on the agenda so that PAC Boards members can review it before a PAC meeting.

A resident reviewed what the Brown Act states and pointed out that the description used in agendas to identify a discussion topic should be brief and general. It doesn't say the entire motion should be written out on the agenda. Jay responded that Mike wanted to publicize the intention of so many people who wanted to attract the attention of the PAC Board. The resident responded that according to the Brown Act the agenda isn't the place to do it. The views of the people should be brought forward during the PAC meeting.

Mike mentioned that the Brown Act specifies minimum requirements and he is asking to go further than what the Brown Act specifies, in the interest of telling the community about what some opposing views are.

Tom asked if the current opposing amendments concern motions made at a previous PAC meeting. Mike responded that in the current case there are opposing amendments for policies up for a vote at the PAC meeting. Tom added that at the last PAC meeting there were motions made that were ultimately amended and the amendments (which were not opposing amendments) were voted on.

Nancy mentioned that by the time policies make it to PAC, the issues should already have been discussed and settled. Another resident added that residents can come to an HOL meeting and present opposing views.

Jay summarized that if there is discussion at an HOL meeting about an issue or policy and HOL passes the proposal, HOL then forwards it to PAC. If there is further need for discussion, it will be carried forward at the PAC level and input by residents would occur during the PAC meeting when the topic is discussed. The PAC agenda would indicate if there will be a discussion and/or vote of the issue or policy. Residents who oppose or want to add to a proposal would state their views at the PAC meeting.

Jay continued that what Mike appears to be doing is to have opposing input or petitions agendized and distributed to PAC Board members before the topic is brought up at the meeting. Mike agreed.

Tom wondered if resident input was only presented to PAC (bypassed HOL review) and PAC voted on it, would the input then need to be brought to HOL after PAC. Jay indicated that it would need to be brought back to HOL.

Jay reiterated that the community bulletin board is the place to post alterative amendments and opinions for all residents to see. Residents and board members discussed other avenues for disseminating opinions about issues or policies, including compiling them in a binder on the front desk, printing them in the Echo, etc.

Mike made the following motion, which was seconded:

Any material information, whether opposing, supporting or otherwise, may be labeled and posted on the PAC bulletin board with the following label: "Material information related to items on the agenda for the posted month."

Larry indicated he would vote no. A resident commented she is in favor of as much transparency as possible. The more time residents have to consider issues the better it is.

The motion was voted on: 3 in favor, 1 against (Larry). Larry indicated he feels the PAC bulletin board should only be for PAC official business and that the materials should be posted on the community bulletin board.

3. Determination of next meeting date

The next meeting will be: **Wednesday, April 1, 2015, 7 pm.**

G. REPORTS FROM OTHER BOARDS

1. HOL

Nancy mentioned that everyone is invited to come to the next HOL meeting. She thanked Matt for setting up the Park robocall system, which is replacing the phone tree. She also thanked John and Erma for providing the names for the system. The system is currently being tested and should be up and running within two weeks.

2. MAR VAL

No report.

3. MVSC

Jay mentioned that MVSC has requested that Pat help with an election for the MVSC.

Tom mentioned that according to MVSC bylaws, PAC is supposed to hold an election for directors for the MVSC Board (nonprofit) once every twelve months. Tom added that if PAC fails to hold the election to select resident directors of the MVSC, the resident directors of MVSC already seated can appoint their own directors. Tom commented that it's good to have an election.

H. ADJOURNMENT

Jay reminded residents to contact him with any issues for discussion at the 2x2 meeting with the City and also for items to be added to the annual budget wish list.

Motion was made and seconded to adjourn the meeting. Motion was voted on and passed 4-0.

Meeting adjourned at 8:33 PM.