

PARK ACQUISITION CORPORATION (PAC) BOARD
Marin Valley Mobile Country Club Estates
100 Marin Valley Drive, Novato, CA

SPECIAL MEETING
Thursday, July 9, 2020
6:00 pm

NOTE: PAC Board monthly meetings are currently held online through Zoom phone/video conferencing.

ATTENDEES:

- BOARD MEMBERS: John Hansen, Carol Joy Harris, Steve Plocher, Jay Shelfer.
(One seat unfilled due to recent resignation of a Board member.)
- PARK GENERAL MANAGER: Matt Greenberg
- RECORDING SECRETARY: Susan Windman
- ZOOM MANAGERS FOR MEETING: Terry Patten, David Tetta
- OTHER: 37 residents

Before the start of the PAC Board meeting, Board President Jay Shelfer introduced and thanked residents Terry Patten and David Tetta, who are taking on roles during the meeting specific to the Zoom conferencing application -- Terry Patten as meeting moderator, David Tetta as technical wizard.

CALL TO ORDER: 6:00 PM

Jay Shelfer, PAC Board President, called the special meeting to order.

Background --

A special meeting was held on July 2 to discuss and address irregularities encountered during the currently-halted, annual election process for PAC Board open seats. Covid-19 virus pandemic actions at the Park appear to have created major challenges to normal election functions.

During the July 2 meeting, the newly-vacated Election Committee chair position was also discussed, and Matt Greenberg's name introduced and voted on for that position (motion passed). (Note: PAC Board member, Steve Plocher, oversees the Election Committee for PAC.) The PAC Board asked the newly-elected Election Committee chair to present an election plan at the next -- July 9 -- PAC Board meeting.

The July 9 special meeting is held to continue discussions from the July 2 special meeting, and receive an election plan report from the Election Committee so a re-balloting process can start and a corrected election can move forward for the open seats.

NOTE: A PAC Board member resigned from the Board just before the July 2 meeting. At the July 2 meeting, members discussed this newly-opened seat (a seat too recent to have been included in the election) and voted unanimously to let the new PAC Board, post election, determine the process for filling the open seat.

A. APPROVAL OF FINAL AGENDA

Motion made and seconded for approval of the agenda. Board members had no changes. Members voted on the motion. Motion passed 4-0.

B. PUBLIC COMMENTS (for issues not on the agenda)

Following are public comments:

- Peggy had a comment regarding the July 2 special meeting and, specifically, the previous two sudden emergency meetings. She commented she would love to hear the PAC Board apologize for not following the Brown Act, and for creating so much angst and rumors regarding the election.
- David King provided comments that mirror Peggy's. Additionally, David mentioned that besides the Brown Act, the Election Handbook also needs to be followed, especially regarding providing timely notice and an agenda of an upcoming meeting. He would like the PAC Board actions to be "lessons learned" and hear PAC Board members acknowledge they made a mistake and it won't happen again. He also wants to encourage the PAC Board to modify/update the Election Handbook and he provided specifics. David lastly questioned the involvement of Veronica Nebb (Novato's City Attorney) by the PAC Board.

- Anila Manning spoke about the Minutes and Agenda email list. Currently, 104 residents have signed up. Residents should contact her to join the list. She voiced that it's wonderful to have such great community participation. Anila separately suggested it would be good to offer a Zoom instruction session for residents unfamiliar with the application.

Jay responded to public comments. He acknowledged the sudden speed of the PAC Board operations when election irregularities were observed. The Board felt conditions warranted it at the time. Procedures weren't being followed. The Board was concerned about the validity of going forward with the election, especially in the midst of challenges due to the pandemic. Actions were taken and then rescinded, and lessons learned.

Jay stated he would like to apologize to anyone who feels offended or who was disadvantaged by not being able to participate in the meeting(s).

John Hansen commented that he, too, "would like to apologize to the community. In that situation, it really felt warranted that we did what we did and it's only in retrospect that it turned out to be not warranted. Yes, I would like to apologize to the community for the way it turned out."

Carol Joy commented that she "would also like to apologize and to say that I learned a lot." "We were well intentioned. I do want to apologize. We now know there are lessons learned. The new PAC Board, going forward, will have these lessons as well, about Brown Act notification and the election process."

Carol Joy mentioned that the PAC Board did not seek the advice of Veronica Nebb (Novato City Attorney) but that the City Liaison to the Park, Kate Whan (Novato Public Works), indicated to the Board that "you need some advice here." Carol Joy added that Veronica Nebb has expertise in "conflict of interest" and the Brown Act. She gives workshops on both topics.

Carol Joy also mentioned that when the emergency meetings were held (on June 28 and 29), which the PAC Board now recognizes they didn't need to hold, the Board thought they were following Brown Act policies on emergency meetings and noticing requirements. The Board looked at the Brown Act and thought what they were doing was legal. They were trying to prevent angst and rumors. But what actually happened is that what the Board was doing made the situation worse.

Jay added: The PAC Board "has a limited budget. Veronica Nebb is the one who worked with the Board in 2008 to revise the Election Handbook. Her advice was basically asked for simply to see if we were conforming to how to conduct an election."

“Because of limited funds, we thought we could rely on Veronica because of her unique knowledge of the Election Handbook and Brown Act.”

C. CONSENT CALENDAR

None.

D. REPORTS

None.

E. OLD BUSINESS

None.

F. NEW BUSINESS

1. Receive a report from the Election Committee and approve the process for re-balloting the 2020 PAC Board election.

NOTE: Due to COVID-19, it is necessary to approve a substitute process from the Election Handbook for the 2020 election only.

Jay called on Steve Plocher and Matt Greenberg to present an Election Committee report on the revised PAC Board annual election. Steve is the PAC Board member who oversees the Committee. Matt was appointed Committee Chair at the July 2 PAC Board special meeting. Matt presented the report.

Matt previously sent PAC Board members work he has done for the Committee, which includes the following:

- A new ballot has been created.
- A new set of instructions has been developed.
- A timeline for the election has been prepared.

Also, Matt has already located and contracted with a bonded mailing service, which now has the official Park mailing list with 399 registered voters. Matt indicated he has meticulously gone through election instructions with the mailing service.

Matt added the Election Committee currently has 18 volunteers and that there will be a practice session for the vote count, noted on the timeline.

Matt will be sending out a robocall that alerts residents that it is a new PAC Board election.

Matt summarized ballot box processes:

- Ballots will be mailed on July 16 or 17. The first week of voting will be July 20-24 (Monday-Friday). The official ballot box will be on a table in the front lobby of the Clubhouse. The front door will be open. “Caution” will be displayed on both sides of the ballot box. An official sign will be posted on the Clubhouse door that states a person entering needs to wear a mask. Only one person can enter and walk in to cast a ballot, and then they must leave.
- At the end of the first week, the voting will be closed on Saturday (July 25) and Sunday (July 26). Voting will resume on July 27 and 28 (Monday and Tuesday). The voting period will end at 4 PM on Tuesday, July 28.
- The Election Handbook says to bring the ballot box downstairs to count the ballots. Matt is making a decision to count the ballots in the Ballroom instead of downstairs. The reason is that tables will be set up against the Ballroom window so any resident can watch the count, if they desire. A security camera feed will monitor the count.
- Matt feels there should be extra precautions implemented for virus-safety reasons. Specifically, he would like the distance between people involved with the ballot count to be greater than six feet.

PAC Board members had the following ballot questions and/or requests:

- Carol Joy wondered about the balloting procedure when an address has more than one registered voter. Matt responded that when an address has multiple registered voters, each voter will get their individual ballot and instructions, with a #9 blank envelope. The voters at an address can either put their #9 individual envelopes (holding their completed ballots) in the larger #10 envelope provided for that address, or can individually submit the ballot via mail or to the Clubhouse ballot box.
- Carol Joy requested an addition to the text appearing on the #10 envelope. The envelope currently says “Do Not Discard.” Carol Joy asks that the text be expanded to say: “Do Not Discard This Envelope.”
- Carol Joy later suggested that the following words be added above or below the “Do Not Discard This Envelope” text: “New Ballot Enclosed”
- Matt was asked the cost for the bonded mail service. Matt indicated the mailing itself is \$200. Matt is waiting to hear what the labor costs will be.
- Jay asked for a change/correction to text on the PAC Board Election packet balloting instructions. The instructions currently indicate there are “XXX seats open.” Jay requests that the “XXX” be replaced with the number “3” to indicate there are 3 seats open.

- John would like to see the names of the incumbent candidates followed by the word “incumbent.” Matt mentioned he has been following the Election Handbook, which doesn’t address this request, but that he will add the text.
- Jay requested an addition to the words on the ballot itself. Where the ballot text indicates the title of the ballot, the text should also indicate the date/year. The text should now say: “PAC Board Director Election Official Ballot July 2020”

Steve spoke about the cost of the bonded mail service. The Election Handbook (under “Mailing”) requires that a bonded mail service is used for ballot printing and mailing (stated in bold). Matt will present the mail service costs at the next meeting.

Residents had questions about the election timeline. A resident asked Matt if the election timeline can be emailed to everyone. Matt responded the timeline is included in the ballot instructions, which will be mailed July 16 or 17. Anila asked if the timeline can be put on the website. Board members had no objections to Anila’s request.

Matt asked Board members how and when they would like the election results announced. Board members, residents and Matt discussed the topic further.

Steve’s motion (not yet seconded) on the floor is for the PAC Board “to receive a report from the Election Committee and to approve the process for re-balloting the 2020 PAC Board election.”

Carol Joy amended the motion, which was then seconded by Steve Plocher. The motion now reads:

“To receive a report from the Election Committee and approve the process for re-balloting the 2020 PAC Board election according to the report given tonight by the Election Committee, including posting on the Clubhouse door the number of votes that each of the four candidates received and in the robocall that announces the winners those totals are not divulged, including moving the count from the Clubhouse downstairs up to the Ballroom, including the atypical voting schedule due to the coronavirus limitations.”

Matt summarized tasks asked of him:

1. Add: “New Ballot Enclosed” and “Do Not Discard this Envelope” in the lower left-hand corner of the number 10 envelope.
2. On the envelope, substitute the three X’s with “3 seats”.
3. On the ballot, use the word “incumbent” for the three incumbents on the ballot (in smaller print under each of their names).
4. On the official ballot, add the date “July 2020” at the top of the ballot.

5. Send the timeline to Anila for the website
6. Regarding the robocall, it should state who the winners are and mention there is a posted flyer at the Clubhouse with the details. On that flyer, the total votes cast at the top and the total votes cast per person (next to their names).

Jay called for approval of the motion. Board members voted. Motion passed 4-0.

G. Determination of next PAC Board meeting date

The next meeting -- the annual PAC Board meeting -- will be held on Saturday, August 1, 2020, at 11:00 AM.

H. ADJOURNMENT: 7:16 PM

Just before Adjournment, Carol Joy indicated there is a possibility that Channel 26 will broadcast live and also record the meeting.

Note: These minutes were corrected, as approved by the PAC Board, by Carol-Joy Harris, PAC Board Secretary.