

THE MARIN WILDFIRE PREVENTION AUTHORITY
CITIZENS' OVERSIGHT COMMITTEE MEETING
5:30 p.m. Wednesday, April 28, 2021
Via teleconference due to Coronavirus (COVID-19)
MINUTES

1. Call to Order- Chair Minikes called the meeting to order at 5:33 p.m.

2. Roll Call

Committee members – In Attendance: Kingston Cole, Larry Minikes, Stephen Keese, Lucy Dilworth, Rebecca Suggs, Pat Randolph, Larry Chu, Max Perrey, Carolyn Longstreth
Staff in Attendance: Executive Officer Mark Brown, Legal Counsel Emily Longfellow

3. Agenda Adjustments

There were no adjustments.

4. Open Time for public expression

There were no comments.

5. Executive Officer's Report

Executive Officer Brown presented a report that included the following: 1) The Board of Directors and Executive Committee received the Predictive Services presentation and he gave a summary of the bullet points; 2) The Board of Directors meeting had to be postponed due to a posting glitch; 3) Ms. Ann Krelock, the newly hired Planning and Program Manager, will start on May 17th; 4) The MWPA was approved to bring on two fellows from GrizzlyCorp- one fellow will be working on defensible space, FIRESmart landscaping, etc. and assisting the smaller agencies for local mitigation projects, and the other fellow will be working on forecasting for the future; 5) The Board discussed the Communications Strategy and, along with the public, gave some input- he is working with the subcommittee to incorporate those suggestion; 6) The Executive Committee will be meeting next week and will discuss correspondence to low-income applicants, legislative support and agency policy guidelines, and a recommendation to not impose the Consumer Price Index (CPI) adjustment on next year's tax levy; 7) The Advisory Technical Committee (ATC) meeting included a discussion of proposed projects with a refinement of the process.

Committee member Dilworth referred to the Predictive Services presentation and asked if a county-wide declared emergency would change what the MWPA could do or how it would behave. Executive Officer Brown responded it would depend on how the emergency was proclaimed.

Committee member Longstreth and Perry arrived at the meeting.

Committee member Dilworth asked if payments to the GrizzlyCorp fellows would be reimbursed by the small fire districts. Executive Officer Brown stated these positions would be funded out of the MWPA Core Budget.

Committee member Suggs asked if the projects discussed at the Advisory Technical Committee meeting were local or Core. Executive Officer Brown stated most of what they discussing were Core Projects. Committee member Suggs asked if the discussion about local or defensible space projects included sharing and consolidation. Executive Officer Brown stated local mitigation projects would stay separate but they would move forward in a consistent fashion. Committee member Suggs asked if the approval process for a Core Projects vs. local and d-space projects was different. Executive Officer Brown stated the only difference is that the MWPA will be the Lead Agency for Core Projects.

Committee member Cole referred to the Advisory Technical Committee's review of projects and asked about shaded fuel breaks.

Committee member Keese stated the use of the term "landscaping" in relation to open space or wildland can be confusing to the general public. He asked if the ATC "approves" Core Projects prior to submittal to the Operations (OPS) Committee. Executive Officer Brown stated "no".

Committee member Suggs asked if the projects recently reviewed by the ATC would be included in the upcoming budget year starting July 1st. Executive Officer Brown stated "yes".

Committee member Randolph stated she is concerned that the project forms that are used for local projects do not specify that these projects are new and not intended to replace the local City's financial responsibility. Executive Officer Brown stated he would look into this.

Committee member Keese had a question about Core Projects that might require CEQA review. Executive Officer Brown stated funding would be allocated for environmental review and once completed funding for the project would be approved and implemented.

Committee member Dilworth asked if anyone has an idea how long an audit might take. Executive Officer Brown stated about three months.

Chair Minikes asked Executive Officer Brown to post Planning and Program Manager Krelock's biography on the Website.

6. Consent Calendar
 - a. Approve minutes from the March 24, 2021 COC Meeting

M/s, Cole/Perrey, motion to approve the March 24, 2021 minutes as corrected.
Ayes: All

7. Committee Reports
 - a. Monitoring Assignment Reports

Committee member Suggs reported on the recent Advisory/Technical Committee meetings that focused on early vetting and transparency with respect to project review. She asked about the amount of anticipated feedback staff will receive from ESP and FERN. Executive Officer Brown acknowledged the FERN representative had some valid comments.

Committee member Randolph stated she attended the Executive Committee meeting and reported that no tax money will be used for lobbying. The Executive Committee was comfortable with the COC Bylaws.

Chair Minikes reported on the recent Board of Directors meeting and his testimony about the Marin Municipal Water District's (MMWD) Ten-Year Planning Process. He stated he has a copy of the district's recent workshops.

b. ESP/Environmental Groups Ad Hoc Subcommittee Report

Committee member Cole stated he received an email from Ms. Belle Cole saying her group would respond to the letter he sent last month as soon as possible. He will keep the COC updated.

Committee member Keese asked Executive Officer Brown to inform the COC about the dates of the Executive Committee and Finance Committee meetings. Executive Officer Brown stated the Executive Committee meets the first Thursday of the month at 10:00 a.m. and the Finance Committee will be meeting on May 14th at 10:00 a.m.

c. Policies and Procedures Ad Hoc Subcommittee Report

Chair Martin stated they had a thoughtful and deliberative meeting. They are trying to keep the document tight yet allow for some wiggle-room.

Committee member Cole stated he had a problem with item #8 which refers to "members speaking in a personal capacity unless previously authorized by the full COC". The next sentence says the "member may state that he or she is a member of the COC but that he or she is speaking personally". Maybe the word "ought to be changed to "shall".

Chair Minikes stated he did not think a COC member should be required to say they are not speaking on behalf of the COC every time they give testimony. Instead the member should specify that they are speaking on behalf of the COC.

Committee member Chu supported the use of the word "shall". He referred to the first set of principles, #2, and stated there should be a conflict of interest (actual or perceived) clause as well as strict adherence to the Brown Act. He referred to #8, regarding criticizing only ideas and not people, and suggested using the word "challenge" instead of "criticize".

Committee member Randolph stated there are times when a member is asking questions in his or her role as a member of the COC but at the same time not speaking for the COC. She is not sure how that distinction would be clarified.

Committee member Perrey stated he agreed with all the suggestions.

Committee member Chu asked if there is a need to make a statement about the interaction between community members and staff. Executive Officer Brown stated he did not think so.

Executive Officer Brown noted Committee member Dilworth was making changes during the meeting. Committee member Dilworth summarized her edits.

Executive Officer Brown asked committee members to send suggested edits to him and he will distribute them to the ad hoc committee.

Committee member Dilworth stated she would prefer to approve the document as edited tonight.

M/s, Chu/Perrey, motion to continue this item to the next COC meeting.

Ayes: Chu, Cole, Keese, Longstreth, Perrey, Randolph, Chair Minikes

Noes: Suggs, Dilworth

8. Informational Items

a. Brown Act Training

Executive Officer Brown introduced Legal Counsel Longfellow from the law firm of Epstein and Holtzapple who gave a PowerPoint presentation that included the following: 1) The Ralph M. Brown Act; 2) Basic Requirements; 3) All "Legislative Bodies" must follow the Brown Act; 4) What is NOT a Legislative Body; 5) What are "meetings" of the Legislative Body?; 6) What is NOT a meeting; 7) Serial Meetings Prohibited; 8) Hub and Spoke; 9) Daisy Chain; 10) Use of Technology to "Meet"; 11) Social Media; 12) Public Records Act; 13) Best practices with E-mail and texts; 14) Agenda Requirements; 15) What if an item is not on the agenda?; 16) Public Participation; 17) Closed Sessions; 18) Closed Session Procedure; 19) Brown Act Remedies: Enforcement; 20) Violations- Civil; 21) Violations- Criminal; 22) Local News Headlines.

Committee member Dilworth asked about the recent court case that found that the public is not required to "sign in" or identify themselves at a public meeting. She asked how that affects Zoom meetings. Legal Counsel Longfellow stated under the Brown Act an entity cannot require a member of the public to identify his or herself.

Committee member Suggs asked if a Brown Act violation needs to be identified during a meeting by the members. Legal Counsel Longfellow stated there was no legal obligation to state alleged violations but it would also depend on the facts.

Committee member Keese stated if a member of the public has talked to a majority of the committee members and then talks to him about what the others said then he is obligated to

halt the conversation. Legal Counsel Longfellow agreed although it could feel unnatural and awkward. Committee member Keese asked if a committee member can listen to conversations at a social gathering that might be discussed at a COC meeting. Legal Counsel Longfellow stated "yes".

Committee member Perrey asked if there were limitations with respect to a committee member sending information to ad hoc committee members. Legal Counsel Longfellow stated sending information via Executive Officer Brown is the preferred method.

Committee member Chu asked if the use of a laptop during a meeting is allowed. Legal Counsel Longfellow stated she was not aware of any formal ruling but members are barred from looking at outside information that the public does not have.

The COC thanked Legal Counsel Longfellow for the informative presentation.

9. Committee members Request Future Agenda Items

Committee member Chu stated he wanted to discuss the audit process at a future meeting, no later than June. He asked if the other members if the current Financial Statements were sufficient.

Committee member Keese stated he would like to discuss the details of the financial reports at an upcoming meeting. There was a fair amount of jargon that might not be understood by the general public. He also would like to discuss the software being used to keep track of all the budget items and expenditures.

Committee member Suggs stated she would like to discuss how the Work Plans are going to look. She asked if they can be separated by Core, defensible space, and local and how the COC should be looking at each category.

Committee member Randolph stated a field trip would allow them to actually see what is being done, such as a shaded fuel break, etc. Committee member Perrey suggested a slide show.

10. Adjourn- Chair Minikes adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary