

Red Hill Community Park Joint Powers Authority

Staff Report

June 28, 2010

For the meeting of June 30, 2010

TO: RHCP JPA Board of Directors
FROM: David Doney, Executive Director
SUBJECT: Dissolution of Red Hill JPA - Potential Issues

BACKGROUND

The Red Hill Joint Powers Authority was created with the purposes of developing, maintaining and operating athletic and recreational facilities at Red Hill Community Park. The JPA has achieved these main purposes. Red Hill Community Park was opened to the public in April of 2009.

DISCUSSION

Several "Phase 2" projects remain in the planning stage, including the terraced spectator seating on the eastern side of the park. The athletic fields at the park will continue to be managed by the TUHSD, and these projects may be addressed when funding becomes available.

The Town of San Anselmo continues to raise funds for the further development of the Red Hill Dog Park, and has created a Dog Park Steering Committee which is charged with ongoing oversight of the dog park.

ISSUES

The JPA received a letter from Sharon Sagar, President of the Ross Valley School District Board of Trustees, addressing school district's concerns over the potential dissolution of the JPA.

These issues include:

- Potential impact on RVSD agreements related to Red Hill Community Park
- Uncompleted projects within the park
- Future governance of the park
- Ensuring that the greater community have a voice in future discussions regarding the park

The primary issue related to keeping the JPA intact is related the ongoing audit costs, which amount to \$9,000

Attached is the letter from Sharon Sagar along with a response from the Red Hill JPA Board Chair and Executive Director.

Respectfully submitted,

David Doney
Executive Director



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Interim Superintendent: Catalina Moon Board of Trustees: Chris Carucci, M.D., Conn. Hickey - Rick McCallum - Sharon Sagar - Heidi Kriescher Weiler

June 21, 2010

David P. Doney
Community Services Director
Town of San Anselmo
1000 Sir Francis Drake Boulevard
San Anselmo, California 94960

Re: Red Hill - Dissolution of JPA discussions

Dear David,

It has recently come to our attention that the Red Hill Park JPA is under consideration to be disbanded. The Ross Valley School Board would like to request that this not take place until we are able to discuss and consider the ramifications of this change. We need to have an opportunity to explore with our legal council how this change might affect some of the agreements that we have entered into. We understood that this JPA was going to be in place throughout the life of this community park.

We are also concerned that an entire phase of the work on the park will not be pursued, and that the project seems to be considered "complete" by the JPA, even though many pieces of the Phase 2 work have not been realized.

We respectfully request that any actions to dissolve the JPA be postponed until the fall for several reasons. First, we will be able to have this conversation and also have an opportunity to invite members of the JPA to attend a RVSD meeting where we can discuss this topic. Second, this will give us time to review all of our agreements with our attorney to ensure that the original purposes of this JPA will continue to be served should a change take place. Lastly, the interests of the Ross Valley School District and greater community can be thoroughly taken into consideration before making this change.

We look forward to your speedy response.

Sincerely,

Sharon Sagar
President, Ross Valley School District Board of Trustees

cc: RVSD Board of Trustees (via email)
Superintendent, Eileen Rohan
John Wright, Tam Union High School District
Tom McInerney, San Anselmo Council Member
Debra Stutsman, Town Manager San Anselmo

June 28, 2010

To: RVSD Board of Trustees
From: John Wright, Chair
Dave Donery, Executive Director
Red Hill Community Park JPA
Re: Termination of Red Hill Community Park JPA

Some questions have arisen from your board regarding the reasons for the interest on the part of the TUHSD and the Town of San Anselmo in the termination of the Red Hill Community Park Joint Powers Authority. We understand there are also some questions regarding Park use and completion of Phase 2 projects.

JPA Termination

Termination of the JPA was discussed by the JPA board at its meetings of July 27, 2009 and May 19, 2010. A copy of the minutes of these meetings (and the intervening meeting of October 19, 2009) are attached for your information. As you know, the RVSD is not a party to the JPA Agreement, though the JPA agreement provides for an RVSD trustee to be a JPA board member. Accordingly, the decision to terminate the JPA requires action only by the TUHSD and the Town.

As discussed at these JPA meetings, the main purposes of the JPA have been achieved. Apart from certain "Phase 2" work discussed below, the Park is largely complete. To the extent that further work can be funded, this can be done through existing TUHSD or Town mechanisms. There are no current plans to do more work through the JPA. The TUHSD and the Town plan to enter into a Use Agreement to provide for their continued cooperation.

The JPA is a public agency, and its continued existence requires compliance with certain formalities, which incur hard dollar costs and staff time of the Town. The cost of the annual audit is around \$9000. The Town and the TUHSD are seeking to minimize or eliminate further audit costs by termination of the JPA as soon as possible. Because of the need to have a Use Agreement in place and to accommodate the RVSD's request for further discussions, we have elected not to try to accomplish a termination prior to the end of the JPA's current fiscal year.

Park Oversight

We appreciate that the JPA also served an oversight/governance purpose related to the operation of the Park, and that there is provision in the Red Hill Purchase Agreement between the RVSD and TUHSD that calls for JPA oversight of TUHSD fee increases relating to Park use (with no provision for what happens if the JPA is dissolved). Thus, the RVSD clearly has some interest in the JPA. However, we believe that its interests can be served through other means that won't require incurring the cost of the JPA.

We note that even without the JPA, there are several venues for public and RVSD input into Park oversight. The property is of course owned by the TUHSD, and its board meeting or meetings of its Facilities and Finance Committee (on which two board members sit, currently Bob Walter and John Wright) could be used for discussions of Red Hill issues. Secondly, the San Anselmo Park and Recreation Commission has had a standing Red Hill Park report on its agenda for several years. In

addition, the Commission set up a Red Hill dog park advisory group some months ago to discuss specific issues related to maintenance of the dog park area. Maintenance of that area is the responsibility of the Town under the JPA agreement and would remain so under the Use Agreement that the Town and the TUHSD propose to enter into.

If the RVSD feels that a formal advisory body is needed for regular RVSD input into Park issues, we are certainly willing to consider that. This could be achieved by a provision in the Town-TUHSD Use Agreement. RVSD could join as a party to that agreement if necessary. Please let us know if you would like to proceed in that direction.

Regarding the provision in the Purchase Agreement for JPA approval of facilities fee increases by the TUHSD that would be applicable to Red Hill, we are willing to discuss another mechanism to achieve the objective of community oversight of any such increases. One possibility would be that any such increases be approved by the San Anselmo Park and Recreation Commission, which in the absence of the JPA would be the public body with the most direct community oversight function. We would note that in practice most organized community use of the Park occurs under the auspices of the Town of San Anselmo, which is not charged a use fee. We appreciate that there have been some concerns in the past about Red Hill fees on the part of other nonprofit users, such as the San Anselmo Baseball Association. While these concerns have subsided to a considerable degree, we believe that future fee issues can successfully be discussed and resolved through other public forums.

Additional Red Hill Work

As indicated above, there are no plans at present to do additional work at Red Hill through the JPA. While the overall project included various "Phase 2" projects that were not completed (e.g., terraced seating next to the baseball field), to the extent that the funding of this work was expected from the TUHSD, the TUHSD has pulled that funding back because of certain other TUHSD bond projects of higher priority. While some funding for these projects could be released in the future, any necessary work could be done by the TUHSD itself since the Park is its property. Furthermore, to the extent that donations are still coming from community sources, these have all been for the purpose of improving the dog park area; these funds will continue to be collected by the Town, and the Town will work with the TUHSD to perform any improvements in that area.

Please do not hesitate to contact either of us if you have any questions. The JPA has scheduled a meeting this week on Wednesday, June 30 at 7:15 p.m.; we hope that an RVSD representative will be able to attend.

Dave Donery (258-4661 weekdays, 456-6361 evenings/weekends)

John Wright (396-4226 weekdays, 454-8347 evenings/weekends)

Cc: Barbara Thornton

Tom McInerney

Bob Walter

Laurie Kimbrel

Debbie Stutsman

RVSD Superintendent's Office