



CITIZEN OVERSIGHT COMMITTEE AGENDA

Wednesday May 26, 2021

5:30 PM

<https://zoom.us/j/93455535718>

Or Telephone:

669-900-6833

Meeting ID: 934 5553 5718

For those joining by phone use: *9 to “raise your hand” and *6 to mute/unmute

ATTENTION: This will be a virtual meeting of the Citizens' Oversight Committee Meeting of the Marin Wildfire Prevention Authority pursuant to Executive Order N-29-20 issued by the Governor of the State of California. There will not be a public location for participating in this meeting, but any interested member of the public can participate telephonically by utilizing the dial-in information printed on this agenda. If any member of the public has a request for a reasonable modification or accommodation for accessing this meeting due to a disability, she/he/they should contact Mark Brown at mbrown@marinwildfire.org

1. **Call to order.**

2. **Roll Call.**

Kingston Cole
Larry Minikes
Stephen Keese
Lucy Dilworth
Rebecca Suggs
Pat Randolph
Larry Chu
Max Perrey
Carolyn Longstreth

3. **Agenda Adjustments.**

4. Open time for public expression.

*The public is welcome to address the Citizens' Oversight Committee at this time on matters not on the agenda that are within the jurisdiction of the Committee. Please be advised that pursuant to the Government Code Section 54954.2, the Committee is not permitted to discuss or take action on any matter not on the agenda. Comments may be no longer than three minutes and should be respectful to the community. **Please silence your cell phones during the meeting / mute your microphone when not reporting out.***

5. Executive Officer's Report - Verbal Report.

Information Only, such as information about Marin/Statewide Wildfire Status Update, Executive and Finance Committee Updates.

6. Consent Calendar.

The opportunity for public comment on consent agenda items will occur prior to the Committee's discussion of the consent agenda. The Committee may approve the entire consent agenda with one action. In the alternative, items on the consent agenda may be removed by any Committee or staff member, for separate discussion and vote.

- a. Approve minutes from the 4/28/2021 Citizens' Oversight Committee Meeting.
[MWPA COC 4-28-21.pdf](#)

7. Committee Reports.

- a. Monitoring Assignment Reports

Recommendation: receive informational reports from Committee members assigned to monitor MWPA Board and Committees.

- b. ESP/Environmental Groups Ad Hoc Subcommittee Report

Recommendation: receive an update on the development of goals and plans pertaining to the review of ESP and other environmental groups dealings with the MWPA.

- c. Policies and Procedures Ad Hoc Subcommittee Report

Recommendation: receive an update, provide input and approve the draft Citizens' Oversight Committee Policies and Procedures.

[7c1 - Vers.5, MWPA COC Policies and Procedures, & Conduct Code.pdf](#)

8. Action Items

- a. Audit Process and Financial Reports

Recommendation: discuss the process in which the Citizens' Oversight Committee should proceed with the audit process, what type of financial reports will be needed and form an ad hoc subcommittee if needed.

9. Information Items.

10. Committee Members Request Future Agenda Items.

11. Adjourn.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the MWPA at 415-539-MWPA (6972). Notification at least 48 hours prior to the meeting will enable the Agency to make reasonable accommodation to help insure accessibility to this meeting.

*Any writings or documents provided to a majority of the Committee regarding any item on this agenda after the distribution of the original packet will be made available for public inspection at 28 Liberty Ship Way, Suite 2800, Sausalito CA 94965. *Note as of 4/30/20 offices are closed to the public. Therefore, documents will be made available upon request and will be available online at www.marinwildfire.org*

Notice is hereby given that the Committee may discuss and/or take action on any or all of the items listed on this agenda. If any of these matters above are challenged in Court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this agenda, or in written correspondence delivered at, or prior to, this Committee meeting. Judicial review of an administrative decision of the Citizens' Oversight Committee must be filed with the Court not later than the 90th day following the date of the Committee meeting decision (Code of Civil Procedure Section 1094.6)

I certify that this agenda was posted on the Public Notice Bulletin Board on or before (DAY), (MONTH), 2021 at (TIME).



Mark Brown, Executive Officer

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

**Code of Conduct and Policies and Procedures
of the
Marin Wildfire Prevention Authority
Citizens' Oversight Committee**

Code of Conduct

The Citizens' Oversight Committee's (the "COC" or the "Committee") primary purpose is to oversee the Marin Wildfire Prevention Authority's (MWPA) alignment of expenditures and work plans with the founding documents and to report on these matters to the MWPA Board of Directors. In the performance of these duties and to foster professionalism and collegiality, the COC adopts this Code of Conduct.

COC Members will:

1. Treat all individuals with fairness, dignity, and respect.
2. Act with integrity and in an ethical manner.
3. Ensure fair, open, and responsive interactions.
4. Work cooperatively within the MWPA and other related entities.
5. Respect the time of others by being punctual, prepared, concise, and to the point.
6. Share responsibility for work and majority decisions.
7. Challenge only the issue, not the person.

Policies and Procedures

The COC's procedures explain how Members will accomplish the objectives of the Committee.

1. A minimum of three Members will be assigned as observers to each MWPA committee. At least one observer will attend in person or virtually at every meeting. Members who are unable to attend will coordinate in advance with the other assigned observers. If no Member is present at an MWPA meeting, that meeting will proceed without an observer.
2. If a member misses 4 assignments in a 6-month timeframe, the Member may be reassigned, asked to resign from the COC, or removed by a Committee vote.

3. Members will be punctual in attending all meetings. If a Member is consistently more than 10 minutes late for 4 meetings in a 6-month timeframe, the member may be reassigned, asked to resign from the COC, or removed by Committee vote.
4. Members will review all materials that are published in advance of a meeting.
5. Members will silence cell phones in meetings and minimize background noise when not speaking during video conferences.
6. Members will ask questions at MWPA meetings, if necessary, during public expression periods in accordance with Brown Act. If there is a COC Discussion item on the agenda Members will use that period to discuss items of concern to the observer, if any, or to express the previously approved and authorized concerns of the COC.
7. At MWPA meetings where a Member addresses issues relating to work plans or expenditures, concerns should be expressed concisely and in the form of seeking clarification or asking questions.
8. At MWPA meetings, all Members will be speaking in a personal capacity unless previously authorized by the COC. If authorized, the Member will so indicate; if not, the Member will state that he or she is a Member of the COC but that he or she is speaking personally or on behalf of another entity.
9. After seeking clarification of an issue at an MWPA meeting, the Member, if not satisfied that the issue has been addressed or fully understood, can seek further clarification with the Executive Officer or the committee chair. If the Member feels that the matter is still not clear or needs further clarification, the Member will bring the issue back to the COC for consideration and discussion. If the COC agrees that the issue remains a matter of concern the COC may issue a communication to the Board explaining its concerns.
10. The COC will issue a report annually to the MWPA Board of Directors, and communicate as needed, regarding whether expenditures and work plans meet the criteria defined in the MWPA's founding documents. In addition, as needed or requested, the COC may raise an issue and communicate with the Board about any transparency issues of concern to the COC.
11. Members may assist the MWPA Board of Directors in the process of filling vacant seats on the COC as requested by the Board, including recruiting candidates, reviewing applications, and recommending qualified candidates.