

## ROSS VALLEY FIRE DEPARTMENT

Minutes of the Ross Valley Fire Workshop and Board Meeting of June 14, 2023

*Note: These are summary action minutes only. The zoom recording can be accessed by clicking [here](#)*

### RVFD BOARD MEETING MINUTES

#### 1. 6:30 pm Call to order.

**Board Present:** Cutrano, Brekhus, Kuhl, Burdo, Hellman, Shortall, Finn, Colbert

**Board absents:**

**Staff present:** Weber, Mahoney, Zuba, Lim

**Town Managers Present:** Donery, Johnson, Abrams

#### Agenda – June 14, 2023

2. **Open time for Public Expression: The public is welcome to address the Board on matters not on the agenda. Please be advised that pursuant to Government Code Section 54954.2, the Board is not permitted to take action on any matter not on the agenda unless it determines that an emergency exists and that the need to take action arose following the posting of the agenda.**

**M/S Cutrano/Burdo to move item four to item two– roll call vote, eight ayes. Brekhus, Kuhl, Colbert, Burdo, Finn, Shortall, Cutrano, Hellman.**

San Anselmo resident Mann received a letter from San Anselmo Public Works & Building Director Sean Condry regarding proposed red curves for emergency vehicles to pass through safely. Mr. Mann expressed that him and his neighbors agree with the proposition, but they are all concerned with the highly trafficked area and vehicles going extremely fast when there are many children under ten years old. Therefore, they are requesting that if the Town is adding red curves, perhaps, the Town can also add speed bumps or stop signs to prevent speeding.

San Anselmo Town Manager Dave Donery thanked Mr. Mann for his report, and explained that the red curves project was a Town function, and this meeting was a Fire Board meeting, but Donery would relay the message to Director Condry

#### 3. 6:35 pm Announce adjournment to Closed Session

No public comment concerning this item.

#### 4. 7:00 p.m. Call to order. Announce action in closed session, if any.

Hellman announced that the Board provided direction to Staff related to the appointment of an Interim Fire Chief, and subsequently other positions.

Burdo asked that open time for public expression be re-opened since there were new attendees in the room that were not in at the beginning of the meeting when item four was moved to item two

before the closed session. Hellman asked attendees if they had any public comment and there was none.

**5. Board requests for future agenda items, questions, and comments to Staff, staff miscellaneous items.**

None. No public comment concerning this item.

**6. Chief Report – Verbal Update by Chief Mahoney**

**Open Positions & Recruitment Update:** Chief Mahoney reported that the Department held promotional exams for Battalion Chief and Captain last month, and on June 14, 2023, opened the recruitment for the vacant Firefighter positions. Chief Mahoney expressed that he was proud of the candidates' hard work, preparation, and performance throughout the exam process, and reported that Engineer Benjamin Herbertson was promoted to Captain.

Chief Mahoney recognized Chief Weber since this meeting was the last meeting Chief Weber would be attending as the RVFD Fire Chief.

**MWPA Update:** Chief Mahoney reported that the Defensible Space program was up and running, the Dspace Inspector completed 500 inspections in the Cascade Canyon area in Fairfax, and they will be moving on to the Bald Hills area.

**Shared Services Update:** Chief Mahoney talked about the ongoing conversations with Central Marin Fire Department, joint agency meetings with Battalion Chiefs and management. Chief Mahoney reported that the Management team from both agencies are discussing costing options and agreed on a conceptual organizational chart, and mentioned that it was recommended to hire a consultant to assist with key deliverables and cost analysis. Burdo congratulated Chief Mahoney for the process.

**RVFD July Meeting:** Chief Mahoney explained that The Town of Fairfax had to rescheduled their regular Council meeting, and the meeting is on July 12, 2023, which is the same date for the RVFD Board meeting. Chief Mahoney recommend to cancel the July 12, 2023, Board meeting and if needed, a special meeting can be scheduled in July since the Board does not typically have an August meeting.

Shortall commented that not having a Board meeting in a two-month period without providing an update regarding the Shared Services agreement seemed like a long time, and perhaps there could be other options to provide an update. Donery suggested to skip the July meeting skipped and instead have an August meeting.

The Board discussed the date change, and agreed to held the Board meeting on August 9, 2023.

No public comment concerning this item.

**7. Consent Agenda: Items on the consent agenda may be removed and discussed separately. Discussion may take place at the end of the agenda. Otherwise, all items may be approved with one action.**

Cutrano asked to pull and amend Item 7d – Minutes of the May 10, 2023, Board meeting from the consent agenda.

**M/S Brekhus/Burdo to approve consent agenda without item 7d– roll call vote, eight ayes. Brekhus, Kuhl, Colbert, Burdo, Finn, Shortall, Cutrano, Hellman.**

Item 7d: **Amendment:** Cutrano and other Board members also supported the creation of a reserve funding policy, and the use of reserve funds to provide for additional improvements to the remaining fire stations (sta19, sta20, and sta21) given that these reserve funds were generated by Out of County deployments of RVFD personnel.

No public comment concerning this item.

**M/S Burdo/ Cutrano to approve item 7d as amended– roll call vote, eight ayes. Brekhus, Kuhl, Colbert, Burdo, Finn, Shortall, Cutrano, Hellman.**

#### **8. Authorize Use of Undesignated Reserves in Consideration of Capital Outlay Projects – Interim Deputy Chief Mahoney**

Chief Mahoney summarized the staff report, outlined the different needs for each station such as the need of gender-neutral areas, bathrooms, dorms, provided the cost associated with each station. Chief Mahoney also talked about the legal technicalities to approve the use of reserve funds and station maintenance, as outlined in the Joint Powers Agreement (JPA), specifically Sections, 9.1, 9.2a, 2.3d.i.

Hellman asked for Chief Mahoney to explain how the Out of County reimbursement works so that the public can understand where the reimbursement is coming from. Chief Mahoney explained that when RVFD Firefighters get deployed to assist with Out of Count fires, it is what can be called a “friendly neighborhood agreement” which means if another Fire Agency needs help fighting fires, RVFD will assist. Chief Mahoney added that the reimbursement is based on the time our Firefighters spend on the fire line, and in some instances, the Department also gets vehicle use reimbursements. In the last five years, RVFD Firefighters have been deployed at least 20 times with a total of two, or three months out of County for each Fire season.

Chief Mahoney also explained the options under this item: (1) **Option 1:** Approve the one-time use of \$800,000 from undesignated reserves to partially fund San Anselmo Station 19, San Anselmo Station 20, and Fairfax Station 21 remodel projects. Onetime proposed funding amounts of \$200,000 for Station 19, \$300,000 for Station 20 and \$300,000 for Station 21 (totaling \$800,000) shall be considered for approval; and (2) **Option 2:** Approve the one-time use of \$800,000 from undesignated reserves to be placed back into the FY 23/24 budget. Each member's “percentage shares” would be deducted from the \$800,000 thus reducing the overall cost per year for that member in FY 23/24.

Burdo summarized the two options: option 1 – lets pay for it ourselves and fix what is needed; option 2- let us take the same amount and divide it with the member agencies, and they can use the funds as needed. Burdo asked that since Ross (sta18) is closing, if option 2 was used, would Ross not invest the money into the Fire Department’s facilities. Burdo asked Donery if the funds

provided by San Anselmo and Sleepy Hollow would be enough to cover the repairs for sta19 and Sta20. Donery explained that the \$800k is not enough to cover any of the full cost of the projects. Burdo then asked what would happen if the Board only approved \$324k. Donery responded that the projects renovation would have to be re-scoped around that budget.

Brekhus asked if the Department had a reserve fund policy. Chief Mahoney responded that the policy was just passed during consent agenda- item 7f. Hellman also mentioned that it was approved on item 7f. Brekhus asked if the already approved policy was based on an analysis or study that was done. Chief Mahoney responded that the staff report associated with item 7f outlined how the policy was determined.

Chief Mahoney also talked about the fiscal impacts for each option. Option one would leave a fund balance of \$1.8M, which is about 13.6% of the 23-24 budget, and over 10% of what the fund policy requires. Option 2 has the same fiscal impact, but would reduce the member agencies annual contributions for 22-23 and 23-24 fiscal years. Zuba explained how the reserve fund policy was determined. Brekhus asked if this was the first time the Department had a reserve fund policy and Zuba responded yes. Hellman asked Brekhus that if she was wanting to explore more since the reserve policy was passed during consent. Brekhus responded that she just wanted to understand if the use of funds was tied to the reserve policy in any way, but was not trying to re-open the item. Chief Weber added that when the creation of a reserve policy was recommended at the last board meeting, Staff and Zuba had a discussion and some research was done, and explained how the policy was determined. Brekhus then asked if the goal was to reduce the reserve funds by reducing the member agencies contribution. Chief Weber responded that it would be at the Board's discretion, and suggested to review the reserve fund policy annually by resolution.

RVFD Captain Arenas, who also serves as the Firefighters Association President and Union representative provided a historical background about Fire Departments as well as how the current Fire Department system works when Fire Engines are dispatched to cardiac arrest calls, wildland and structural fire suppression and prevention, advanced life support, medical response, technical rescue capabilities, hazardous materials, response, and training for active shooting events. Captain Arenas also mentioned that while the Board members are elected officials with a responsibility to represent their respective constitutes, as RVFD Board members, their responsibility is to govern the Department to ensure the Department has the personnel and resources to provide the vital services previously mentioned. Captain Arenas also talked about the Out of County assistance and mentioned that the benefit and purpose of RVFD participating in the California Fire Assistance agreement and assisting out of County agencies is that so other agencies and resources assist the Marin County when and if we have a significant fire. Captain Arenas also talked about the inherited risk of death and illness associated with the amount of some Firefighters breath, and added that the reserve funs are directly correlated to the increase of Out of County Assignments which is about \$1M, and the Department would not have this unique opportunity to utilize the funds to remodel the Fire stations without the RVFD Firefighter's hard work and dedication to protect lives. Captain Arenas strongly encouraged the Bord to unanimously approve the use of \$800k from the reserve fund for stat19, 20, and 21 remodel.

No additional public comment.

Burdo talked about the reasons why he believes option one is the best options, and pointed out that option two would not work because the JPA Members are not shared holders, and the Fire Department is a public Joint Powers Agreement. Burdo also added that as it has been previously mentioned the reserve funds came from mutual aid deployments, and there is a need to make renovation because when facilities are neglected, they are doomed to close. Burdo also talked about the previous discussions associated with sta18 closure, and Burdo believed that approving option 1 keeps in line with the good faith partnership the Department has as a JPA, and added that it was all about supporting the people who do the job of keeping our community safe. Hellman agreed with Burdo, and stated she did not understand option two, and felt that the Towns were not necessarily entitled to the money, but were responsible for taking care of the stations. Hellman also expressed that RVFD Firefighters deserved dignity and respect, and the deferred maintenance on the stations was shameful.

**M/S Burdo/Shortall – roll call vote, six ayes: Colbert, Burdo, Finn, Shortall, Cutrano, Hellman; two noes: Brekhus, Kuhl.**

Hellman asked Brekhus and Kuhl, if Ross saved \$14M when they decided to close sta18, and if for about two decades RVFD Fire personnel had been staying in a double wide. Brekhus responded that they did not see it as savings, rather as a decision to lose Fire services in Ross based on the believe that a bond to rebuild the station would not pass. Brekhus also added that the very first hard decision Ross made was to terminate the Fire apprentice program because they could not afford it. Brekhus and Hellman discussed sta18 and trailer condition. Hellman asked why Brekhus voted no. Kuhl responded that they did not know how they could explain to a Ross resident that the Town was spending \$20M to redo the facilities, and now the Town was asked to spend \$200k on another Town's Fire station improvements.

Burdo commented that it seemed that the discussion was focused in dollars and cents rather than services, and that the Firefighters at sta19, sta20, and sta21, would respond the same to Ross. Burdo also expressed that this was a good opportunity for truly be a JPA and not to look at individual interests, and allocate some funds to the stations' repairs, and that part of the repairs were due to having to accommodate personnel due to sta18 closure. Burdo also talked about how both San Anselmo and Sleepy Hollow were partnering and committing to contribute funds for the renovations.

Kuhl commented again that he still did not know how Ross could explain to a resident the renovation spending. Brekhus added that she was reluctant to say it, but that some people felt that Ross paid too much in the JPA. Hellman responded that she was also reluctant to say it, but perhaps Ross should investigate a fee for service model to see if Ross could do better somewhere else because it did not feel Ross was part of the collective. Hellman felt that Brekhus was only thinking about Ross. Brekhus responded that she disagreed and was still not changing her opinion and added that she was still not happy with the closure of sta18 in part because it made Ross to reliant on a JPA. Brekhus also talked about the contractual agreement the other three JPA members agreed to in which they would cover the cost of their stations and now Ross would have to spend nearly \$200k for the renovations, and pointed out that it was true that the reserve fund was bolstered by the Out of County work, but it was not like Firefighters went on their weekends to do the work, and it was free money. The out of County money that we received was

because we had the equipment that was being used out of the area, or personnel that was being used out of the area, and she did not think it could be suggested that it was free money. Hellman responded that she did not hear anyone suggest it was free money.

Shortall expressed his disappointment on the position Ross was taking, and that a good argument had been made about the operation of the JPA and the need for repairs. Shortall also added that San Anselmo and Fairfax were making significant financial contributions for the station's repairs. Shortall did not agree with Ross' perspective regarding the \$800k that were part of the Out of County deployments, it is because we have a well-functioning JPA, and all members benefit from it, it is like Burdo said, we are not shareholders and the Out of County is our dividend. Shortall commented that while each JPA member had a responsibility with their constituents, as JPA members they also had to put that aside to ensure the JPA worked efficiently, and Shortall's biggest concern was that this was just one item and the Board has bigger decisions coming up, and it seemed that Ross was putting themselves in the position to say we will dominate and we will make the decisions of what is going to be allowed, and that raises the question whether this JPA as currently constructed could continue, if JPA members were not going to be responsible members, and it had been a problem for a while now.

Brekhus responded, you better like the agreement you signed, it is a contractual agreement and we all went into it, knowing and agreeing to the term, and said that the JPA could had said, each of us will share the cost of the Fire stations, and Ross would have loved that. Ross would like to repair their station ad rebuild by the JPA, but it was never part of the agreement, that Ross made the decision to close the station, to go to three people in an engine which was the reason why everybody else agreed that it was such a great benefit, and Ross did it with the assumption of how they were going to share the cost. Brekhus also asked that if the use of reserve funds was such a popular option, why was not it discussed before Ross decided to close their Fire station, or why did they not discuss the Fire personnel's living condition, and pulling resources was never on the table. Brekhus felt that this was a very divisive and unreasonable item given the contractual agreement, and that she felt that this was setting a bad precedent to continue pulling money when we like it and when there was a benefit, and when we did not, then we were going to say, everyone relies on the JPA terms.

Colbert commented that a lot had been said and that looking forward, a serious question about the JPA's operation, and if it was workable enough in the future. Colbert recognized the numbers and what the JPA says, but felt it was hard not to recognize the humanity of the Firefighters, the challenges, and sacrifices they make on our behalf, and when Colbert looks at it, he sees actual real lives at stake that have worked to benefit our communities, and he understands the power of the agreement, and that decisions were made in the past, and at this point the question was whether or not the JPA was truly sustainable moving forward for all members of our community.

Finn commented that when Sleepy Hollow joined the JPA in 2010, a recital was added that said, "it is the organizing principle of this JPA to decide everything by consensus whenever and whatever possible," and that in his 13 years on the Board, he could not recall a single no vote by anyone or by two members from a single agency because everything was consensus driven, and the aspiration was to keep it that way. Finn would like to know why Ross voted no, Kuhl framed the argument in political terms, you cannot justify to a constituent, specially with the public

safety election coming up, Brekhus framed it in legal terms, she says the contract says what it says. Finn would like some clarity and to know which one it was, or was it both. Is Ross saying that for Ross to contribute would violate the contract, are you saying it is a gift of public funds to other Towns.

Brekhus responded that it was all the things discussed. Brekhus agreed that the JPA said that they had the authority, but did not think it was appropriate for Ross Council members to violate the JPA terms they agreed to, and Brekhus and Kuhl to just decide to give almost \$200k that Ross was not obligated to. Brekhus believed that the repairs were needed, and that it was incumbent of the three entities that were contractually obligated to maintain them, to repair them. When looking at the humanity of it, Brekhus absolutely thinks that the repairs are needed, but when the three additional bodies come on board. Brekhus was just taking the position consistent with the JPA which is a contract, and Ross is not obligated to pay for the repairs, and if the reserve fund should be at 10%, and we are going to be at 13%, then the Towns should spend less, and Brekhus did not agree with the dividend comment. The Towns should reduce the amount they contribute if there are sufficient reserves, and there was no point in Ross having money sitting in a Fire account when we do not need it there. Brekhus had some concerns with the use of reserves and option 2, but would be okay with option 2, if it is within appropriate reserves, but Brekhus is not okay with option 1 and contributing.

Finn asked if Brekhus was vetoing option 1, which she could do so. Brekhus responded that she was voting against it, so it would not be unanimous. Finn and Brekhus discussed how many times the Board had had a non-unanimous decision. Finn commented if Ross was not happy with the JPA, perhaps the Board should consider changing the JPA, disband it and invite anyone who would like to join, and preserve the tradition of consensus, and if not, Ross could withdraw if they were not happy, and see if they could do better somewhere else.

Cutrano asked for clarification as he was confused as to why the sta18 closure was brought up. Cutrano provided a chain of events, (1) deferred maintenance on sta18 kept going on; (2) it was too expensive to repair, (3) Ross did not want to run a measure to raise money to repair it; (4) this Board decided that it was too expensive and was not meeting the needs, and the station should be closed; and (5) due to the closure, staff would have to go elsewhere, and now the other JPA members have to restructure their facilities to absorb the staff. Cutrano asked if that is how the Board got to tonight's discussion. Brekhus responded that Cutrano was missing a key point which was that the Board has been trying to figure out a way to get three-person engine, and when Ross began discussions, the other JPA members were very excited and encouraging of that option because they wanted to get to a three people engine. Brekhus added that it was never discussed that at some point the other JPA members would be asking for contributions and that it should be a JPA expense. Cutrano appreciated the language staff put on the report regarding the 3% requirements, and asked if at 3% or under would require a vote from the full Board. Chief Mahoney said no.

Burdo commented that Brekhus made a reasonable point when she asked why the other JPA members did not help Ross with the closure of sta18. Burdo added that as described by Cutrano, the reason why the other stations needed changes was due to the impacts from the closure of sta18, and that to Burdo's knowledge, based on discussions with Town Manager, former

Executive Officer, Fire personnel, and colleagues, for years, Ross deferred station maintenance which led to the station closure discussion. Burdo added that the other Towns were also trying to figure out their own station repairs just like Ross was, but the other Towns were making the repairs, and Ross was not, and to say that by closing station we would get to three-person engines, we were going to get there anyway. So Burdo did not see it as they closed station to get to a three-person engine. Burdo did not like option 2, and asked what would it look like if the funds were under 3%, and take a series of votes over a period, was it possible. Hellman said that she was also going to ask Staff to explore that option. Brekhuis responded that it would run around the terms in the contract, and she would have to bring it to Ross to see if it was appropriate, if they have terms in the contract that they agreed to, and then the Board did not like them, and they run in increments. Brekhuis believed that doing the 3% increments would be illegal and would violate the spirit of the agreement.

Hellman asked Ross' Council members if their constituents and Council knew about tonight's discussion topic, and if they knew how Brekhuis and Kuhl intended to vote tonight. Brekhuis responded that at their last meeting they brought it up and that they wanted to agenda it at some point in time, but they had not had any type of vote on it.

Kuhl said that although he did not know if he can live up to it, but to reach some compromise, and the 3% might be a compromise, if the Ross had an understanding that that the other JPA members would not do this every month until they get to 10%. Shortall commented that the 3% would not close to the amount needed, and that everyone would agree that moving 3% was not a problem and it was not a contract violation, the Board could decide to allocate 3% this fiscal year, and immediately in the next fiscal year move another 3% and it was not a contract violation. Brekhuis responded that she would strongly disagree with it because the contract provided that each agency will pay for its own station, and did not believe the Board could just say 3% but we are going to put it towards the station repairs. Hellman responded that she did not agree that Ross was entitled to \$186k.

RVFD Board General Counsel Davin Lim explained that they had not done any research regarding the 3% funds allocation, but that based on the fact that Lim looked at the matter in preparation for this meeting, the only requirement was that anything going over certain percentage of the budget would require unanimous approval, so if Staff or the Board wanted to lower the amount, Lim could not think of anything that would violate the contract, but would like to do more research on the matter. Lim also provided some procedural matters regarding the reconsideration of item 8 that had already been voted on and heard comments. Hellman and Burdo asked for clarification about the motion to reconsider the item, and Lim provided the process.

Johnson asked for clarification regarding the renovations as she was confused because the Board was saying the renovations were to accommodate the three-person, but Staff told her something else. Chief Weber explained that because one area was being worked on, to be cost effective, all the needed repairs and renovations were being considered and he also added that each agency was still committed to funding the remodels, and the funds being requested today, were secondary to the architects looking at drawings and developing plans. Chief Weber wanted to make it clear that that the facilities and the commitment to station 19 project were not included and



should not be included in these discussions, as this item was really do add some additional funding to enhance the projects that were planned.

Cutrano added that at the last Board meeting it was very compelling for him that if the JPA member agencies were bringing money to do some of the repairs, and then the Fire personnel was also saying, in addition to the work that you are doing, we have been out there fighting these fires, and we have some extra money in the reserves, why do not we invest it in our department and add a little bit more money. Cutrano did not understand why the additional contribution of money from the reserves was such a problem, or was it not sellable for Ross. Kuhl responded that it was not how people in Ross would see it when it was explained to them, but believed the Board had to work in some sort of compromise. Finn agreed that the Board needed to continue working on it, and retracted his comments that might have been perceived as a threat, as he was all about continuing to work on it. Finn asked if anyone would consider a subcommittee to work on this.

Shortall added that before a subcommittee is discuss, he did not hear that there was room for compromise, Ross position was that it was a violation of the contract, and would have trouble selling the 3%. Shortall still believed it was a concern because he did not think this will be the last issue where it would be difficult sledding with Ross, so it was a good time to think about whether the JPA really worked for Ross. Brekhus mentioned again why she did not agree with it, and corrected Hellman and said that Ross had put money into their properties to maintain them. Hellman responded that in her opinion, sta18 did not reflect that it was in the 4th wealthiest community in the Nation. Brekhus responded that Hellman's comments were unhelpful and it was getting to the point where Ross' City Attorney said this vote had already occurred and we had a couple of options, and did not know what was being helped with the discussion. Hellman responded that she did not understand Brekhus's reluctance to take care of the men and women who save the lives of our community on the daily basis.

Cutrano asked if he could make a motion to reconsidered and Burdo second it.

**M/S Cutrano/Burdo – roll call vote, seven ayes: Colbert, Burdo, Finn, Shortall, Cutrano, Kuhl, Hellman; one no: Brekhus.**

Cutrano asked how distributing the 3% over multiple fiscal years would affect the construction or development. Chief Mahoney responded that it would depend on the project, but that the Department was hoping to start with sta21 in January 1, 2024, and it was important to know the available budget for any changes needed based on the funds. Cutrano and Hellman asked about sta19 and sta21, and Chief Mahoney and Fairfax and San Anselmo Town Manager provided an update.

Colbert asked if the Board should give direction to Staff and if so, what it would be. Chief Weber provided the different questions raised today. The Board discuss what the direction to Staff would be, and how to possibly distribute the 3% if approved. Chief Weber also recommended to perhaps remove Ross' \$186k contribution, and only moving \$614k to move forward with sta20, and sta21. Brekhus asked if the \$186k did not go to Ross, did it stay on the reserves, and Chief Weber said yes, that is what is being proposed. Brekhus said that it was a no for her, and option 2

was fair and reasonable. Finn provided some other options such as explore the 3% options, and to work with Counsel regarding the unanimity requirement. Brekhus did not support Finn's recommendation and provided the reasons why.

Burdo asked Brekhus if Counsel came back and said the 3% was doable, would she still vote no, or would she change her vote. Brekhus said that she would still vote no, and added that although she was not the Counsel for the RVFD Board, she was an attorney and represented special districts, and she had reviewed the JPA and thought it would be subject to legal challenge, and would be a violation of the spirit of agreement. The Board discussed options to move forward, and asked for Lim to provide clarification. Lim explained the tasks they were asked to cover. Lim also added that he did not represent individual Board members or individual agencies, he represents all member agencies working collectively as a JPA, and he was embarrassed and uncomfortable, but he has heard within the last five minutes a Board member say that if this board is going to consider taking action to do a runaround under the 3% rule that it could potentially open this Board to litigation. Lim explained that normally when the Board gets a threat of litigation, Counsel's advise is to take any advice in closed session to weight the risks of potential litigation, the Board did not have to, but they had the right to.

Johnson asked about option 2 and the option to have the \$186k be used as future credit for the 27% Ross must cover for sta19 renovation. Johnson believes Ross' Council would put it in their savings for their new projects, and idea would be for consideration that Ross takes the money and makes a commitment to give it to San Anselmo as a credit for Ross' obligation. The Board and Town Managers discussed Johnson's suggestion. Hellman would not support this option.

Lim commented that the Board had again a threat of litigation, and reminded the Board of their right to discuss it in closed session. Hellman asked how the closed session would look like since the threat is coming from two Board members. Lim explained that the closed session would only include the Board members who have not made the threat of litigation. Brekhus commented that saying something is not legal is not the same as saying something is a threat of litigation. Finn suggested again the creation of a subcommittee. The Board again discussed Ross' position.

Chief Weber summarized the direction to Staff: (1) develop and work with our legal Counsel on a 2.99% in one fiscal year, 2.99% in a subsequent fiscal year; and (2) call for a special meeting of this board before the end of the month, so action could be taken.

## 9. Adjourn

The next meeting is scheduled for August 9, 2023, at San Anselmo Town Council Chambers, at 525 San Anselmo Ave. San Anselmo, CA 94960, and via Zoom.

Respectfully submitted,

s/Mariana Gonzalez

Temporary Administrative Assistant