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# SOUTHWEST COMMUNITY FINANCING AUTHORITY

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## MINUTES OF SPECIAL MEETING

October 28, 2015

4:00 p.m.

### WILDOMAR CITY COUNCIL CHAMBERS

23873 Clinton Keith Road, Suite 201

Wildomar, CA 92595

#### Members Present:

Brian Tisdale	City of Lake Elsinore
Bridgette Moore	City of Wildomar
Kevin Jeffries	County of Riverside, 1st District Supervisor
Vicki Warren	City of Canyon Lake
Randon Lane	Vice Chairperson, City of Murrieta
Maryann Edwards	City of Temecula

#### Members Absent:

All Board Members were in attendance.

#### Staff and Guests were also present at the meeting

#### 1. CALL TO ORDER:

The special meeting of the Southwest Communities Financing Authority (SCFA) was called to order at 4:00 p.m. by Chairperson Bridgette Moore. The following Board members were in attendance Chairperson Bridgette Moore, Members Brian Tisdale, Vicki Warren, Kevin Jeffries, Randon Lane, and Maryann Edwards.

#### 2. FLAG SALUTE:

Member Jeffries led the group in the flag salute.

#### 3. MEMBER COMMENTS: None at this time.

#### 4. APPROVAL OF MEETING MINUTES OF July 2, 2015:

Member Tisdale made a motion to approve the meeting minutes of July 2, 2015.

Seconded by Member Jeffries

Motion passed unanimously.

**5. PROGRAM ADMINISTRATOR UPDATE:**

Program Administrator Debbie Cournoyer reported that AFV submitted three requests for maintenance and repairs, two HVAC motors and belts were approved for purchase and installation by the Program Administrator as were a relocation of a condensation unit. There was also a request to replace servers that had exceeded their useful life and that was approved by the Executive Management Committee on October 8, 2015. There are sufficient funds in AFV's budget to cover all of those items. In addition, AFV and the Executive Management Committee worked together to initiate a log to track communications received by SCFA. In the event that SCFA receives a communication it will be forwarded to AFV for their response.

**6. OLD BUSINESS:**

- A. APPROVE AMENDED POLICIES A-1 & A-2 AND PROGRAM ADMINISTRATOR SPENDING AUTHORITY (Ref: Discussion Item 6C of July 2, 2015):** Mrs. Cournoyer stated the changes were made that the SCFA Board had requested and she was available to answer any questions.

**Member Lane made a motion to approve the Amended Policies and Program Administrator Spending Authority.**

**Seconded by Member Jeffries.**

**Motion passed unanimously.**

- B. APPROVE AGREEMENT FOR ANNUAL PERFORMANCE REVIEW AND OMBUDSMAN SERVICES (Ref: BOD Agenda Items 8A & 8B of July 2, 2015) (Total Not to Exceed \$19,000):** Mrs. Cournoyer stated per direction from this Board, a Scope of Work was developed with input from the Executive Management Committee, the Contract Review Committee and with the County's Purchasing Department for an RFP which was released on September 18th. It was provided to eight agencies and we received two responses. The EMC is recommending Animal Shelter Services LLC. Ms. Cournoyer stated information from the vendor was received yesterday evening stating that he wanted to have his attorney provide some input on the agreement which will be taken into consideration. The EMC recommends approval of the agreement today and if there are further non-substantive comments, the Program Administrator will approve in an amendment form.

Member Lane posed a few questions, stating when we went through the previous process we basically had a couple of different people come in and do a review of AFV. That was the County and a gentleman who we used prior to this. Is that separate from what we're talking about here as an annual performance review that was being used for the complaints that we were dealing with at the time?

Mrs. Cournoyer responded her understanding is the Operations Agreement was recently amended and it included an annual performance review, which is why we prepared the RFP.

Member Lane asked when will the annual review take place. Mrs. Cournoyer responded it is anticipated that the ombudsman will provide the information by January for availability at the February meeting, so a budget can be developed and reviewed at the same time the AFV budget is reviewed.

Member Lane stated we spent money on a review going through that whole process and now we don't have a choice because it is part of our Agreement that we are going to perform an annual review. So we are expending up to \$19,000 for the performance review and the ombudsman cost. Mrs. Cournoyer responded that is correct, the performance review will cost \$10,000 and the ombudsman on-call services are \$140 an hour; the EMC estimates on-call services would not exceed more than five hours a month, so it could be more or less. If additional demand for services is needed we would come back to the Board for approval.

Member Lane asked are there any criteria set for an ombudsman and was that included in the RFP. Mrs. Cournoyer responded yes that was part of the RFP. It included the scope of work and the ombudsman position was fairly detailed as to what we expected in the communications, what they would be asked to look at and what their timeframe would be to respond back to the Program Administrator, Executive Committee or SCFA.

Member Lane asked is that tied to the same organization or person that is doing the annual performance review. Mrs. Cournoyer replied, in this case it was and when we prepared the RFP we said that bidders could submit proposals on either the ombudsman or the performance review or both services. Member Lane asked the Council, "When we take this up to a vote do we have the ability to take these items separately or can we say we want to take your services for your annual performance review but we do not want to take your services for the ombudsman?"

Ms. Kristine Valdez, Counsel for the JPA, stated at this point the contract is for both so we would have to separate the contract out and have the Board approve the two separate contracts. Member Lane asked would that required us to go back out for bids and Ms. Valdez replied, "She believe it would."

Member Lane asked how many complaints or how have you handled ombudsman services up to this point? Ms. Willa Bagwell replied Mrs. Cournoyer and Mr. Nordquist would contact me to inform me of a complaint. She would provide documentation for AFV's side of the incident and then the complaint would be resolved very quickly. Ms. Bagwell also stated that she does not see an ombudsman being used much.

Member Edwards stated a performance review is based on specific criteria that will allow us to have an idea of what is going to be checked. In the past it has been based on best practices for an animal shelter. When we were forming the JPA we looked at animal shelters and others pieces of documentation from other cities and regions and saw how they operated. AFV already had a really strong reputation for dealing with the animal control segment. We were pretty careful in establishing the criteria for the review. The last review we had was done kind of outside of the knowledge of the general board. She stated she's not sure what it was based on; it

might have been complaint driven or not, but a comprehensive performance review will take into account every different department and all the protocols and procedures. She has never known of AFV to not resolve an issue, and we all know as elected official that sometimes you just have people that just will not be happy no matter what you try to do. She stated she cannot see an ombudsman being used either. It will be a huge expense that will add another layer because AFV will have to explain to the ombudsman what was done and then trust the ombudsman to convert that information into whatever language he or she needs to deal with the public. She has always found AFV to be very good in dealing with the public and AFV has been very successful in resolving issues. Member Edwards stated at this point she does not see how we can go back and separate the contract and be fair about the public interest in bidding.

Member Jefferies asked is it necessary to separate it out or can we just not utilize the ombudsman services in which we are projecting at \$140 dollars per hour; and are they guaranteed a minimum amount. Mrs. Cournoyer replied no, they are not guaranteed a minimum amount. In the operations agreement it is spelled out that the decision can be made by the Program Administrator or the Executive Management Committee to refer an item to the ombudsman. She stated if the EMC and/or the Program Administrator are able to resolve issues, she did not see very many items going to the ombudsman.

Member Jefferies stated unless we need to activate an ombudsman then they will not be used, barring any major crisis that happens that none of us foresee. We will at least have them available should some unplanned event occur. If we can do so, we should just go with the contract we have and we can move forward and save some money.

Member Tisdale stated that last year he had provided several emails to the previous Administrator and the Council. He wanted to know if Ms. Cournoyer had seen or read any of them. Mrs. Cournoyer replied she had not seen all of the emails but knows the issues.

Member Tisdale stated he thinks some of those emails were of a sensitive nature that perhaps AFV should not have been the ones to look at them; because they talked about staffing issues and fairness issues. So if we do not have an ombudsman then how are we going to treat those issues? Mrs. Cournoyer replied Section 8(x)(2)c) of the Operations Agreement states all personnel matters shall be sent to AFV, as SCFA or the Program Administrator cannot weigh in on those issues. Negative communications would be forwarded to AFV because they need to know about that information and forwarded to the ombudsman if it looks like a more sensitive issue or if AFV is not able to resolve the issue.

Member Tisdale stated there were some sensitive emails and wanted to know how we are going to move forward if we do not use an ombudsman on-call. How are we going to deal with those emails because the emails still exist? Some of those emails were on-going things and they were not just personnel issues. He stated he is disappointed that no one has taken the time to go through those emails to see if there were any merits to them.

Member Edwards stated we contracted with AFV, the organization which is governed by a Board of Directors, and if we have an agreement with a third-party, and this is a third-party vendor or provider, and if there are complaints about that vendor or provider, (but a lot of times their individual complaints are about how their dog was handled or how a payment was handled or somebody was rude to them or something like that), those complaints would typically go to that provider before they would rise to the level of the JPAs.

Member Tisdale replied when this all started he asked for this to go in to a closed session so he could share all of this information the Board. We probably would not be here today and we probably would not have some of the questions that we have right now. He stated he would like Counsel to go back and look at the emails to see if they merit going in to a closed session and if they do not, then we can move on. The City of Lake Elsinore pays this organization over \$800,000 and he is not complaining that they are not doing a good job but anytime we give taxpayers' money to people there should be some kind of evaluation process. What is the big deal of having an ombudsman on-call if there is a potential problem or something that the ombudsman could look at?

Member Lane stated he is trying to understand based on what Member Jeffries said, if we are approving the contract now it is up to us whether or not we use the ombudsman. So, the ombudsman will be there if we so choose to utilize his services. If issues cannot be resolved through AFV then what is the criteria to give this to the ombudsman? He agreed that in this case we should have an Ombudsman, however, there is a lack of criteria in determining when an issue would be referred to the ombudsman. His only concern is that we do not spend \$9000 just because we have approved \$9000. He also agreed with Member Jeffries that the ombudsman should be a part of the contract and if we choose to utilize his services then we can. He just wanted to make sure that we have some guidelines.

Member Edwards also agreed with Member Jeffries and Member Lane, and she stated that she wanted to make sure that AFV was not bypassed for those cases that would be corrected by a phone call or better communication. She certainly does not mind having an ombudsman here at times when it would be appropriate for that person to be used. But she did not want to insert that middle person in to every process.

Mrs. Cournoyer stated we can review the terms of the Operations Agreement because it does provide some direction as to where things should go and who would need to review them. If you would like we can come back with some further guidelines as to when the items would be referred to the ombudsman.

Member Lane agreed with Member Tisdale that there were some questions concerning the emails and he would also ask that Counsel take a look at those emails and bring them back, so that some questions could be answered. We can decide if we should go in to a closed session. Ms. Kristine Valdez stated she will obtain those emails from her predecessor and take a look at them.

Chairperson Moore stated she agrees with hiring an ombudsman and she is happy to be heading in that direction.

**Member Lane made a motion for hiring an Ombudsman.**

**Seconded by Member Edwards.**

**Motion passed unanimously.**

**7. NEW BUSINESS:**

**A. RECEIVE AND FILE:**

**Coordinated Marketing Program Update:** Ms. Bagwell stated, she had interviewed a person that was interested in the Marketing Consulting position but she wanted \$50K a year plus benefits. She had worked with San Diego Humane Society and she had done a phenomenal job, but we cannot afford her so we will continue to look. Canyon Lake has started their spay and neuter voucher program. They are microchipping on November 1<sup>st</sup> and AFV is willing to match funds again this year with each city.

Ms. Dailey apologized for missing the Marketing Meeting and she stated that she knew from her conversation with Ms. Cournoyer that the marketing program would benefit all the cities if AFV would consider funding a position and it does not need to be now. She stated she does not think it is an appropriate time to bring a consultant forward and pay separate from the budget. Rather, it should be a part of the budgetary process adding potentially a position for marketing for the organization, because they do not currently have anyone to take on that role. It is a very important role for an organization that is seeking to reach out to several cities. That is an amazing task for one person to do within one organization and perhaps should really come back to all of you at the next budget session to consider hiring for a position if you all agree. Obviously it would potentially increase the contract however another suggestion was made to look at putting the money towards the AFV matching program. That is the conversation that we are at right now in terms of how to move forward because there really is a need for a full-time and at a minimum part-time person to do marketing on behalf of the organization and working with all the cities to get this information out.

Member Tisdale stated he appreciates Nicole for taking this on among her other tasks, and thanked her for all her efforts in trying to coordinate with the other cities. Ms. Daily stated if we do the match, then we need to verify that the cities want to proceed with allocating funding for the spay and neuter vouchers or the microchip vouchers. AFV's marketing person could also handle the vouchers. Lake Elsinore and Wildomar do not have any reserve funding for their vouchers and microchipping. They would fund those programs from their budget. In order to continue these programs data would be requested and evaluated to determine if it made a substantial affect and to see if it is worth adding another 10,000 to the voucher program.

**B. RECEIVE AND FILE:**

**AFV Accomplishments/Updates (See Attachment 7B attached):** Ms. Bagwell distributed a handout and it was discussed. She stated that a new program had started which involved the children reading to the animals and it was having a positive impact.

**8. PUBLIC COMMENT:**

Ms. Sheila Urlaub – stated that she has lived in the valley since 1985 and resided in Wildomar since 1992. The one thing she wanted to bring in front of this Board was something interesting that happened early in October. On social media, she posted quite often in support of AFV. Interestingly enough though she had never been contacted by them, but early in October there was a couple of threads and a couple of Facebook groups that were not necessarily speaking positively of AFV. She received a private message from a Board member questioning her on her public comments. She knew of a couple of other people who had also received communications from AFV regarding their public comments and eventually that person felt uncomfortable enough to delete all their comments based on what they were told from AFV. She finds that odd and inappropriate to be contacted by a Board member because they did not like what she had posted. Ms. Urlaub, stated she thinks it would be a good idea to hire an ombudsman.

**9. ADJOURNMENT:**

The Board adjourned the meeting at 4:49 p.m. to its regular meeting scheduled for FEBRUARY 4, 2016, at 2:00 P.M., at the Murrieta City Council Chambers, 1 Town Square, Murrieta, CA 92562.