



FRESNO COUNTY ZOO AUTHORITY

MEETING

9:00 am, Wednesday, June 25, 2014

Fresno County Employees' Retirement Association

1111 H Street, Fresno, CA 93721

(559) 457-0681

ACTION SUMMARY MINUTES

1. Call to Order

CHAIRMAN HERZOG CALLED THE MEETING TO ORDER AT 9:02 AM. A QUORUM OF MEMBERS JOHN GRAY, GERALD LYLES, OLIVER BAINES; KENT STRATFORD, PAUL TOSTE, RALPH WATERHOUSE, AND THE CHAIRMAN WERE PRESENT.

COORDINATOR CATHY CROSBY INFORMED THE MEMBERS THAT WHILE MEMBERS AND THE MEETING LOCATION DID RECEIVE THE CORRECT AGENDA, DUE TO AN ERROR IN POSTING THE AGENDA TO THE WEBSITE, ITEM 7 WAS NOT INCLUDED, BUT WOULD BE HEARD AT A SPECIAL MEETING TO BE HELD AT 10:30 AM, FOLLOWING THIS MEETING.

2. Public Comments

This time is made available to receive comments from the public on matters within the Board's jurisdiction that are not on the Agenda. Attention is called to the fact that the Board is prohibited from taking any action on matters that are not on the Agenda. Members of the public are limited to three minutes to speak during Public Comments as well as for each item on the agenda. In order to accurately record the minutes, members of the public are asked to speak only from the podium. Before beginning comments, please state for the record your name and affiliation, if any.

PUBLIC COMMENTS WERE RECEIVED FROM CITIZEN LISA FLORES AND ATTORNEY RICHARD HARRIMAN.

IN RESPONSE TO MR. HARRIMAN, MR. LYLES STATED HE WAS NOT ON THE CAMPAIGN COMMITTEE.

3. Consent Agenda

These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to remove any item from the Consent Calendar. Items removed from the Consent Calendar may be heard immediately following approval of the Consent Calendar.

- a. Review and approve minutes of April 30, 2014
- b. Review and approve payment of County of Fresno invoice for Professional and Specialized Services in the amount of \$31,985.54 for April and May 2014
- c. Receive Treasurer's Reports for April and May 2014

APPROVED -- PT/JG

4. Receive Fresno Chaffee Zoo audit report from Moore, Grider & Co.

KELLI STEEL, AUDIT MANAGER OF MOORE, GRIDER & CO REPORTED AN UNQUALIFIED OPINION HAD BEEN ISSUED, THERE WERE NO FINDINGS, MEASURE Z CLAIM FORMS WERE REVIEWED, FUNDS ARE BEING TRACKED SEPARATELY, AND NO DEFICIENCIES WERE FOUND.

5. Receive Fresno Chaffee Zoo Director's Report

DIRECTOR SCOTT BARTON STATED THAT HE WAS ON THE CAMPAIGN COMMITTEE AND COULD REPORT THAT MEMBER LYLES WAS NOT ON IT. HE REPORTED ON DREAM NIGHT, A FREE NIGHT FOR SPECIAL NEEDS CHILDREN AND FAMILIES; THREE RED WOLF PUPS, NOW EXTINCT IN THE WILD IN THE SOUTH-EASTERN US, WERE BORN MAY 18 AND ON VIEW; THE TIGER CUBS WILL BE KEPT ONE TO TWO YEARS BEFORE SENDING TO OTHER ZOOS AND THE PLAN IS TO KEEP ONE OR TWO HERE TO CONTINUE THE BREEDING PROGRAM.

DR. GRAY ASKED ABOUT THE CAMPAIGN BUDGET. MR BARTON STATED THAT THOSE FUNDS WOULD REMAIN IN THE BUDGET AND ON ATTORNEY'S ADVICE, BE USED TO PROMOTE THE ZOO, NOT THE RENEWAL CAMPAIGN. HE STATED THAT THE CAMPAIGN COMMITTEE HAS AN ENTIRELY SEPARATE STAFF AND BUDGET FROM THE ZOOCORP, AND ZOOCORP FUNDS ARE NOT NEEDED. CHAIRMAN HERZOG URGED MONTHLY REPORTING IN AN EFFORT TO BE TRANSPARENT. MEMBER TOSTE URGED CHANGING THE BUDGET TO ELIMINATE THE DISTRACTION.

MEMBER WATERHOUSE ASKED FOR THE NAME AND ADDRESS FOR DONATIONS. MR. BARTON PROVIDED: KEEP OUR ZOO, 6084 N. FIGARDEN DR. #214 FRESNO, CA 93722.

MR LYLES COMMENTED ON THE CHANGE IN BOS POLICY THAT HAS CAUSED THE "SCRAMBLE BACKWARDS" OVER THINGS THAT WERE ALLOWABLE AS PER THE 2004 ORDINANCE, AND THAT TIME SHOULD BE ALLOWED TO MAKE NEEDED CHANGES TO DOCUMENTS WITHOUT UNNECESSARY SUSPICION. COUNSEL WILLE POINTED OUT THAT THE ZOOCORP CONTRACT WITH THE AUTHORITY ALREADY PROVIDES THAT ANY AMENDMENTS TO THEIR BUDGET BE BROUGHT BACK TO THE AUTHORITY.

PUBLIC COMMENTS WERE RECEIVED FROM MR HARRIMAN.

6. Receive Fresno Chaffee Zoo Finance Director's report
BRIAN GOLDMAN REPORTED THAT AS OF JUNE 24, 2014, OVERALL INCOME WAS 2% GREATER THAN LAST YEAR. SELF-GENERATED REVENUE AND ATTENDANCE INCOME WERE 4% AND 9% AHEAD OF LAST YEAR, RESPECTIVELY, AND THAT PERSONNEL AND OPERATING EXPENSES WERE 8% AND 10%, UNDER THE YEAR-TO-DATE BUDGET. HE STATED THAT BUDGETS ARE TYPICALLY NOT AMENDED, RATHER FUNDS ARE RE-ALLOCATED, BASED ON FORECASTS, AND STARTING NEXT MONTH HE WILL ADD A COLUMN FOR FORECASTS. MEMBER TOSTE URGED AN AMENDMENT, EVEN IF UNUSUAL. MR. GOLDMAN STATED HE WOULD BRING THE MATTER TO THE ZOOCORP BOARD.

CHAIRMAN HERZOG STATED THAT DUE TO ITS OMISSION TO THE POSTED AGENDA ON THE ZOO AUTHORITY WEBSITE, ITEM 7 WOULD BE HEARD DURING A SPECIAL MEETING TO BE HELD AT 10:30, OR AS SOON THEREAFTER AS POSSIBLE.

7. ~~Discuss current status and possible options for management of subcontractor's retention funds for Africa Adventure and for future projects' retention and payments; and,~~
- a. ~~Direct staff to pay retention funds withheld to date for African Adventure and for each future African Adventure claim, and/or,~~
 - b. ~~Direct staff to return with additions for possible adoption that address retention to the Authority's Procedures for Approving and Administering Measure Z Funds.~~
8. Receive verbal report from Zoo Authority Coordinator regarding:
- c. Board of Supervisor's adoption of resolution placing Zoo Authority Ordinance 2014-01 on November 2014 ballot; and
 - d. Board of Supervisors' request that Zoo Authority and Zoo Corporation consider certain amendments to Agreement Regarding Procedures For Distribution of Tax Revenue to the Chaffee Zoo; and
 - e. Board of Supervisors' request that Zoo Authority consider change in policy to require presentation of proposed amendments to agreements with Zoo Corporation and amendments to Zoo Authority bylaws to Board of Supervisors prior to approval.

COORDINATOR CATHY CROSBY REPORTED ON THE JUNE 17, 2014 PRESENTATION OF THE MEASURE Z ORDINANCE TO THE BOARD OF SUPERVISORS (BOS); THEIR CONCERNS REGARDING CONFLICT OF INTEREST REPORTING BY THE ZOO AUTHORITY; AND FIRST APPROVING AN AMENDED ZOO AUTHORITY/ZOOCORP AGREEMENT OR CHANGES TO ZOO AUTHORITY BYLAWS.

CHAIRMAN HERZOG, WHO HAD PRESENTED THE MEASURE Z EXTENSION ITEM TO THE BOS, ENQUIRED ABOUT A HIGHER LEVEL OF REPORTING FOR THE AUTHORITY. COUNSEL WILLE SAID STAFF WOULD REPORT ON IT AT THE NEXT MEETING AND ALSO STATED THAT REVISING THE 2005 AGREEMENT WITH THE ZOOCORP WAS NOT NECESSARY, BUT LANGUAGE COULD BE ADDED IF MEMBERS DETERMINED IT WAS APPROPRIATE. CHAIRMAN HERZOG DIRECTED COUNSEL WILLE TO WORK WITH THE ZOOCORP ON AMENDING THE AGREEMENT.

CHAIRMAN HERZOG INFORMED THE MEMBERS THAT HE HAD AGREED TO BRING THE SUPERVISOR'S REQUESTS TO THE AUTHORITY FOR CONSIDERATION, INCLUDING THE REQUEST TO INCLUDE IN THE AUTHORITY'S BYLAWS THE REQUIREMENT THAT ANY CONTRACT CHANGES WITH THE ZOOCORP WOULD NEED TO BE FIRST

APPROVED BY THE BOS. THE IDEA WAS NOT FAVORABLY RECEIVED BY MEMBERS. CHAIRMAN HERZOG STATED THAT THE MATTER HAD RESULTED FROM PEOPLE THAT MADE ILL-FOUNDED AND ILL-MOTIVATED ACCUSATIONS TO THE BOS TO CREATE FEAR. WITH THE CHAIR'S DIRECTION, COUNSEL WILLE IS TO PROVIDE AN OPINION BEFORE THE NEXT MEETING AND INCLUDE THE MATTER ON THE AGENDA FOR DISCUSSION.

PUBLIC COMMENTS WERE RECEIVED FROM MR. HARRIMAN.

9. Receive staff reports
 - a. Biennial review of Conflict of Interest Code
AS DISCUSSED DURING ITEM 8, MS. CROSBY STATED THE ITEM WOULD BE REVIEWED BY STAFF AND ADDRESSED AT THE NEXT MEETING.
 - b. Direction for Annual report development
MS. CROSBY REPORTED ON THE ESTIMATED COST AND RECEIVED DIRECTION TO PROCEED WITH DEVELOPMENT OF THE ANNUAL REPORT.
10. Adopt revised meeting calendar, or set next meeting date(s)
Adopted meeting dates include: July 30, 2014
August 27, 2014
September 24, 2014
October 29, 2014

MEMBERS APPROVED ELIMINATING THE JULY 30TH DATE AND HOLDING THE NEXT MEETING ON AUGUST 27, 2014. -- PT/JG

11. Chair's comments
CHAIRMAN HERZOG THANKED FELLOW BOARD MEMBERS FOR SHARING THEIR COMMENTS DURING THE EARLIER ITEMS.

12. Board Member comments
HELD; NONE RECEIVED.

13. Adjourn
THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 10:17 AM.

All supporting documentation is available for public review in the office of the Fresno County Zoo Authority, 2220 Tulare Street, 6th Floor, Fresno, 93721, during regular business hours.

For further information, please contact Catherine Crosby, Zoo Authority Coordinator, at 600-4305, email zooauthority@co.fresno.ca.us, or visit www.zooauthority.org.

Requests for disability-related modification or accommodation needed in order to participate in the meeting must be made to the Zoo Authority Coordinator no later than 9:00 a.m. on the day prior to the meeting.