

Minutes of the Regular Meeting of TCSD Board of Directors
Held at 305 Bell Lane, Mill Valley
November 10, 2010
7:00pm

1. **CALL TO ORDER.** The Session of the Tamalpais Community Services District Board of Directors was called to order by President Bartschat at 7:07pm on Wednesday, November 10, 2010.

2. **ROLL CALL.**

Board Members Present: The following members were present:

President Steffen Bartschat
Linda Johnson
Jeff Brown

Not Present: Vice President Jim Jacobs, Gretchen Stagg

As three of five of the Board members were present at Roll Call, a quorum was constituted.

Staff Present: General Manager Jon Elam, Finance Director Jerry Taylor, Carol Buchholz, Director of Park & Recreation, and Recording Secretary Claudia Laughter.

Others Present: TCSD Legal Counsel John Bakker, Park & Recreation Commission Member Elise Holland, P&R Commission candidate Elizabeth Collins, Tam Residents Robert McCoy, Kristin Van Til, and 5 other members of the public

Absent: Sewer Facilities Manager Bob Bunce

3. **APPROVE AGENDA WITH CHANGES.**

MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES:

- Request that Item 5K – General Manager Review be moved to the end of the meeting
- Request the change in order of Item 5D and 5E

M/S/C

L. Johnson/J. Brown

AYES: 3

NAYS: 0

1. **PUBLIC EXPRESSION.** President Bartschat invited public expression on non-agenda items, in response to which there was the following: None.

2. COMMISSION REPORTS.

- Revitalization & Safety Commission –October 19th – No representative was present to give an update
- Park & Recreation – October 25th – Chair Sue Hayes reported that the P&R Commission was recommending the appointment of candidate Elizabeth Collins to fill the vacancy originally held by new Board member Jeff Brown. At the last meeting, the Commission discussed the Laurel Canyon Project. They will also be reviewing the changes to the TCSD dog ordinance language as reviewed later in the meeting. Chairperson Hayes also reported that the rainwater catchment project has been successfully installed at the Community Center and that the Haunted House was a great community success.

3. GENERAL BUSINESS. It should be noted that GM Elam (and Staff) provided this work session's reports, financials, and other written materials.

- A. **REQUEST PROPOSED APPOINTMENT OF ELIZABETH COLLINS TO A VACANT POSITION ON THE PARKS & RECREATION ADVISORY COMMISSION – CAROL BUCHHOLZ** – Ms. Buchholz introduced Commission candidate Elizabeth Collins to the Board. President Bartschat asked Ms. Collins to give a brief statement as to her interest in the Commission and what she hoped to achieve by serving on it. Ms. Collins replied that after living in Tam Valley for 12 years that she wanted to give back to the community and utilize a greater pool of volunteers for TCSD events.

MOTION TO ACCEPT ELIZABETH COLLINS AS A PARK & REC COMMISSIONER
M/S/C S. Bartschat/L. Johnson AYES: 3 NAYS: 0

- B. **PROPOSAL TO ADOPT ORDINANCE NO. 90 TO AMEND TCSD ORDINANCE NO. 54 REGULATING DOGS ON TCSD PARKS AND LANDS –JOHN BAKKER & CAROL BUCHHOLZ** – President Bartschat first stated to all present that the order will be for Staff to present the information, then the public hearing will be opened for comment, then it will be closed for discussion by the Board. Ms. Buchholz presented the changes discussed to the ordinance at the P&R Meeting:

- Limiting the number of dogs to 3
- Dogs will be kept out of the playground
- Professional dog walkers will pay a fee for a permit, will limit the number of dogs to 3, will have leashes for all dogs under their care, and must provide waivers of liability and proof of insurance
- Annual fee for dog walking permit would be \$50
- Regulations applied to open space lands will also be included in the ordinance
- TCSD will have the authority to fine and refute permits if the stated rules are not followed

TCSD Counsel John Bakker stated that he felt the changes were fairly straightforward.

BOARD Q&A:

L. Johnson – Question regarding Section 2 – Eastwood is named but would like to change the language to mention all TCSD parks and properties. Also should the annual permit be carried on a person at all times? Are there any provisions or rules regarding responsibilities for waste?

C. Buchholz – These are addressed in the ordinance

President Bartschat then opened the session to public questions.

PUBLIC Q&A:

One member of the public asked what the Jurisdiction is for TCSD park & lands and if it would make sense to have the same three dog limit on the trails. The Board replied that TCSD is folding in the County regulations into the revised ordinance.

Kristin Van Til identified herself to the Board as a dog walker who has been in contact with TCSD regarding issues at Eastwood Park. She stated that while she can understand the three dog limit in the parks, she would suggest expanding it for other TCSD lands. Ms. Buchholz responded that the P&R Commission recommended a three dog limit for all TCSD owned properties.

Another member of the public asked where dog walkers could take more than three dogs. Ms. Buchholz replied that the Mill Valley Dog Park doesn't have a limit. There were again statements by Ms. Van Til that when using trails, it is fairly easy to continue control multiple dogs. There was a question from a member of the public whether private citizens can walk more than 3 dogs. Ms. Buchholz reiterated that there is a three dog per person regulation.

Additional questions were what age constitutes a responsible dog owner and if the permits are limited to TCSD lands. Ms. Buchholz stated that there isn't an age limitation, simply that the dogs be under leash or voice command. A resident of the Eastwood Park neighborhood also stated that she supported the three dog limit and also supports limiting the commercial use of the park due to its size.

MOTION TO CLOSE THE PUBLIC COMMENT SEGMENT

M/S/C S. Bartschat/L. Johnson Ayes: 3 Nays: 0

Board Commentary:

L. Johnson: Ms. Johnson stated that she has had encounters with multiple off-leash dogs on TCSD trails and finds the ordinance to be necessary. She also stated that the ordinance should be open to revisions in the future as unforeseen circumstances arise.

J. Brown: Mr. Brown had concerns with Section 2 that doesn't address land that falls outside of TCSD's jurisdiction. Counsel Bakker replied that the ordinance is intended to apply to all TCSD-owned lands.

S. Bartschat: President Bartschat reminded everyone that the Cabin is technically owned by the County, but that an existing agreement puts it under TCSD's jurisdiction.

Counselor Bakker then reviewed the changes to be made to the ordinance which were:

- Section 2 – Any circumstances in all TCSD parks and lands
- Section 3 – Commercial Dog Walkers (remove the term non-profit)
- Permits will be issued from staff instead of the Park & Rec Commission

**MOTION TO INTRODUCE ORDINANCE NO. 90 AMENDING ORDINANCE NO. 54
SUBJECT TO CHANGES DISCUSSED**

M/S/C S. Bartschat/J. Brown AYES: 3 NAYS: 0

Counselor Bakker restated that in the interim, the General Manager has the authority to designate the policy regarding dog walkers until the ordinance is voted on at the December Board meeting.

C. REQUEST FROM MR. BILL HARGREAVES FOR TCSD TO TAKE OVER MAINTENANCE OF THE LAUREL CANYON TRAIL – JON ELAM & CAROL BUCHHOLZ – GM Elam presented to the Board a letter submitted by Tam Valley resident Bill Hargraves requesting that TCSD take over the maintenance of the Laurel Canyon Trail that he has personally undertaken for many years. President Bartschat inquired as to whether the trail was on GGNRA land but not marked as one of their official trails. GM Elam stated that it was a trail that GGNRA does not maintain. President Bartschat stated he would support TCSD maintaining the trail as long as a letter giving permission was received from GGNRA. He also requested that the item be taken into advisement and continued discussion before the next Board meeting.

D. PROPOSITION TO AMEND ORDINANCE NO. 84 REGARDING SOLID WASTE, GREEN WASTE, AND RECYCLE MATERIALS STORAGE AND REMOVAL STANDARDS AND ASSOCIATED FEES – JON ELAM – This Item was moved up to 5D. GM Elam reported that the Board had asked Staff to look at Ordinance No. 84 and develop options with TCSD's legal counsel to clarify language regarding noise levels. He then presented the two options:

- 1) *Such equipment shall be equipped with cost-effective sound mitigation equipment. The District shall take reasonable steps to limit disruption to District customers caused by noise from collection equipment. Operating noise levels for equipment shall be established by equipment manufacturers' standards and specifications. If additional equipment add-ons for noise*

control are available, the District will consider purchasing and utilizing such add-ons.

- 2) *Such collection equipment shall be equipped with commercially reasonable sound mitigation equipment. The District shall take reasonable steps to limit disruption to District customers caused by noise from collection equipment.*

GM Elam stated that both are effective options and take limited steps.

PUBLIC COMMENT: Mr. Roy McKay reiterated to the Board that to amend the ordinance was to increase the likelihood of having claims filed against them for other rules that do not exist. He also stated that many other residents also suffer from the increased refuse truck noise during collections. He encouraged the Board to renew their commitment to have pickups not happen before 6:00am. President Bartschat thanked him for his comments.

President Bartschat then began the Board's deliberation process. He stated that he preferred Option #2 with the addition of the verbiage "commercially reasonable". L. Johnson commented that the collection equipment does have the current reasonable sound mitigation equipment. President Bartschat suggested using the first sentence from Option #1 as proposed by Counsel Bakker that the District shall take reasonable steps to limit reasonable disruptions to District customers.

MOTION TO INTRODUCE AN AMENDMENT TO ORDINANCE NO. 84 WITH CORRECTIONS THAT TWILL BE FOR FINAL ACTION AT THE DECEMBER BOARD MEETING (ORDINANCE NO. 91)

M/S/C S. Bartschat/L. Johnson AYES: 3 NAYS: 0

- E. **PROPOSED RESOLUTION NO. 2010-02 TO AMEND TCSD PERSONNEL POLICY APPENDIX RELATING TO REQUIREMENTS TCSD FOLLOW IN CONDUCTING CRIMINAL HISTORY INFORMATION BACKGROUND CHECKS FOR EMPLOYMENT WITH TCSD – JON ELAM – (This item was moved from Item 5D) – Ms. Buchholz reported that the Livescan proposal is being re-presented due to amended verbiage and it will need to be reapproved.**

MOTION TO APPROVE REWORDING OF RESOLUTION 2010-02 TO OMIT WORDS CONTRACT & LICENSE

M/S/C L. Johnson/J. Brown AYES: 3 NAYS: 0

- F. **PROPOSED PERSONNEL POLICY AMENDMENTS REGARDING NEW DEPARTMENT OF TRANSPORTATION DRUG TESTING REQUIREMENTS – JON ELAM & BOB BUNCE** – GM Elam presented the amended Department of Transportation drug testing policy.

MOTION TO APPROVE AMENDMENTS TO DRUG TESTING POLICIES

M/S/C L. Johnson/J. Brown AYES: 3 NAYS: 0

- G. **DISCUSSION AND UPDATE ON STATUS OF DISTRICT'S EMERGENCY PREPAREDNESS KITS – JON ELAM** – GM Elam stated that there was originally interest in setting up to-go emergency kits to be provided at reduced rates to residents, and is the Board still interested in providing that service. President Bartschat stated that the Board was interested still in providing this service to residents. L. Johnson suggested adding it to the January 2011 newsletter. GM Elam stated the District would purchase one of each type of kit for residents to inspect before purchasing.

- H. **2010 PAY FOR PERFORMANCE PROGRAM REPORT WITH RECOMMENDATIONS THE BOARD APPROVE A 3.3% PERFORMANCE PAYMENT – JON ELAM** – GM Elam stated that each year, performance reviews for employees are given and an amount is set aside in the budget for cost of living increases as well as special performance payouts/bonuses. President Bartschat requested greater justification for distribution. GM Elam explained that these are onetime, pre-budgeted payments.

MOTION TO ADOPT PAY RECOMMENDATIONS

M/S/C S. Bartschat/L. Johnson AYES: 3 NAYS: 0

GM Elam then stated that the payments will be distributed around December 15th.

- I. **REVIEW OF BIDS FOR BELL LANE PUMP STATION – JON ELAM** – GM Elam reported that he had received a letter for the Bell Lane Pump Station Project from the winning bidder Pacific Infrastructure. President Bartschat asked if there were funds in the budget to begin this work. GM Elam stated that it is part of the EPA Project budget from 2010. J. Brown noted that their proof of workman's compensation that has expired will need to be renewed.

MOTION TO ACCEPT PACIFIC INFRASTRUCTURE BID FOR BELL LANE PUMP STATION REPLACEMENT

M/S/C S. Bartschat/L. Johnson AYES: 3 NAYS: 0

- J. **COLLECTION SYSTEM SERVICE QUESTIONNAIRE FROM SASM – JON ELAM** – GM Elam presented the Board a questionnaire to complete from SASM along with sample answers. The Board discussed alternative answers than the ones suggested by GM Elam. Once the answers were finalized, the questionnaire will be sent back to SASM.

K. CLOSED SESSION TO CONDUCT PERFORMANCE REVIEW FOR DISTRICT GENERAL MANAGER

MOTION TO MOVE CLOSED SESSION AFTER ITEM #9

M/S/C S. Bartschat/L. Johnson AYES: 3 NAYS: 0

STAFF REPORTS

- **Carol Buchholz – Park & Recreation** – Ms. Buchholz reported that the Halloween Haunted House was an enormous success with over 1,000 customers. Many thanks to Jeff Brown for all his construction and design work. Spaghetti Bingo had 120 in attendance and the next one is scheduled for 1/14/11. Upcoming events are the Arts & Crafts Fair, Winter Program including Breakfast w/Santa with the final location of the snow being in the back part of the parking lot, and Tam Jam on 12/18. The new light for the Community Center parking lot will be demonstrated at the next P&R Meeting on 11/30/10. Programs being developed for 2011 include the opera returning in February, Chamber Music Group on 1/30/11, and a program to work with Mill Valley Rec to expand the Senior programs available.
- **Bob Bunce – Sanitation** – Mr. Bunce is currently on vacation.
- **Jerry Taylor – Finance** – Mr. Taylor reported that cashflow projections are coming along nicely concluding in mid-December. Also total expenses are low in Sanitation due to deferred payments. President Bartschat asked why payments were being deferred. Mr. Taylor responded that it was due to cashflow occurring in December from the County.
- **Jon Elam – Refuse** – GM Elam reported that two and a half months into the food composting program that there were not significant changes in the tonnage numbers. He also reported that some food composting bins had been returned to the office. L. Johnson inquired as to why they had been returned. Ms. Laughter reported that despite a few being returned, the program overall has been a great success and is greatly appreciated by the residents. GM Elam also reported that at some point in the future, TCSD may need to look into a smaller size refuse can due to the increase in residents recycling and using the food composting programs.

BOARD REPORTS

- A. Linda Johnson – Gateway Meeting – 10/18/10 – Ms. Johnson reported that the next scheduled meeting will occur in January 2011 and the proposed start date for the Coyote Creek construction may overlap with the Creekside Friday Program.
- B. Jim Jacobs – SASM Meeting – 10/19/10 – Mr. Jacob's notes reported that pension and medical costs have been requested to be reported on at the November SASM

meeting, the RMC materials have been submitted to the EPA, and a special planning session is scheduled for 10/28/10.

- C. Jim Jacobs – SASM Meeting – 10/28/10 – At the special session meeting, there was discussion of consolidation of collection services with questionnaires being sent to other agencies (including TCSD).
- D. Linda Johnson – SMCS D Meeting – 11/1/10 – GM Elam had presented a comprehensive presentation outlining the negotiation points for the new contract between SMCS D and TCSD.

OTHER ISSUES

- None

CONSENT CALENDAR –MOTION TO APPROVE MINUTES

M/S/C L. Johnson/G. Stagg AYES: 5 NAYS: 0

NEXT MEETING AGENDA ITEMS

- Cancellation of November Work Session due to proximity to Thanksgiving holiday
- Move December 8th meeting to December 15th

Board Member Jim Jacobs arrived.

CLOSED SESSION FOR GENERAL MANAGER REVIEW – 9:17PM

BACK IN SESSION

MOTION TO APPROVE PERFORMANCE PAYMENT TO GENERAL MANAGER JON ELAM IN THE AMOUNT OF \$5,000

M/S/C S. Bartschat/L. Johnson AYES: 4 NAYS: 0

MOTION TO ADJOURN:

M/S/C L. Johnson/J. Jacobs AYES: 4 NAYS: 0

ADJOURNED: 9:45p.m.

President

Secretary

Next Regular Board Meeting:

Meeting: TCSD Regular Meeting
Date: December 15, 2010
Time: 7:00p.m.
Location: Tam Valley Community Center
203 Marin Avenue, Mill Valley