



Tamalpais Community Services District

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AGENDA

TAMALPAIS COMMUNITY SERVICES DISTRICT

Work Session

Board of Directors

305 Bell Lane, Mill Valley, California 94941

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Wednesday, March 24, 2010

305 Bell Lane, Mill Valley, CA

8:45 AM

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC EXPRESSION
4. GENERAL BUSINESS:
 - A. DRAFT MEMORANDUM OF AN UNDERSTANDING REGARDING A "GREEN GARDEN PROJECT" BETWEEN TCSD AND THE GREEN GARDEN PROJECT
 - B. DISCUSSION OF THE PROPOSED AMENDMENT TO SANITARY SEWER ORDINANCE NO. 88 REGARDING ABATING NON-CONFORMING AND SUBSTANDARD SANITARY SEWER LINES IN PRIVATE PROPERTY
 - C. FUTURE COMPOSTING OPTIONS
 - D. CONSTRUCTION AND DEMOLITION COLLECTION POLICY
 - E. UPDATE ON SASM FLOW OPTION DISCUSSIONS
5. ADDITIONAL BOARD DISCUSSION AND COMMENTS
6. ADJOURNMENT

Date: March 24, 2010

ITEM # 4A

STAFF REPORT

To: Board of Directors

From: Jon Elam, General Manager

Subject: Draft Memorandum of an Understanding Regarding a "Green Garden Project" between TCSD and the Green Garden Project

The District was approached in 2008 regarding the concept of creating a proposed "Green Garden Project" (formally called the Fire Safe Demonstration Project) across from TCSD's offices on the Bell Lane property.

A project plan was prepared by Ralph J. Alexander & Associates, a landscape architecture firm in Novato. This has been presented at both a public hearing and the Park & Recreation Commission meeting. They approved the design and recommended approval of the project by the TCSD Board of Directors. The TCSD Board has agreed "in concept" with the proposal.

Since then, the "Green Garden Project" team has begun formal development of a fundraising project and their legal counsel Anne C. Harper has drafted the proposed attached Memorandum of Understanding (MOU) that all involved parties would agree to and sign. The purpose of this MOU is to facilitate the creation of an educational community garden.

The garden will seek to demonstrate fire-wise and water-wise use plants and gardening concepts. It will also serve as an aesthetically-pleasing and serene retreat. There are three parties in the MOU: the residents in the Marinview Neighborhood known as the Green Garden Project (GGP), the Friends of Tam Valley (FOTV) a non-profit 501(c)(3) facilitated by the Park and Recreation Commission of TCSD to fund programs and projects in Tam Valley, and TCSD. The MOU outlines the responsibility of each of the three parties. TCSD's role is to grant permission for the project and maintain the project and grounds.

Recommended Action: Motion to authorize the TCSD Board President and General Manager to sign the MOU on behalf of TCSD

Date: March 24, 2010

ITEM # 4B

STAFF REPORT

To: Board of Directors

From: Jon Elam, General Manager

Subject: Discussion of the Proposed Amendment to Sanitary Sewer Ordinance No. 88 Regarding Abating Non-Conforming and Substandard Sanitary Sewer Lines in Private Property

The Board discussed last Fall the approval of the attached draft policy. It was held over due to the efforts put in regarding our rates and Staff is ready to bring this forward again for a public hearing at the May Board Meeting (the April meeting has been cancelled).

Please review and provide direction and comments to Staff.

Recommended Action: Discussion and Provide Direction to Staff to Hold a Public Hearing on this Ordinance at the May 12, 2010.

Date: March 24, 2010

ITEM # 4D

STAFF REPORT

To: Board of Directors

From: Jon Elam, General Manager

Subject: Construction and Demolition (C&D) Collection Policy

The TCSD Board has discussed several times over the past few years the importance and desirability to better monitor the level of construction and material quantities generated in the TCSD area. The Board has reviewed its power and authority in the area with its legal counsel.

This concludes that the District may enact a C&D ordinance, as long as it is consistent with Marin County's C&D ordinance (attached). More specifically, the District may enact an ordinance that is either identical to the County's except with respect to enforcement mechanisms, or more stringent than the County's, as long as it does not interfere with the County ordinance. Such a District ordinance could include regulation of haulers and a disposal permit requirement. State law requires the District to comply with Marin County ordinances on this subject.

In 2003, Marin County enacted a C&D ordinance that applies to all construction, demolition, and renovation projects within County jurisdiction that require County permits. Among other things, the ordinance requires:

- 50% diversion
- Submission of a Waste Management Plan
- Submission of documentation proving compliance
- Approval by community development agency (except in emergency situations)

It also contains an infeasibility exemption. As written, it applies to projects within the District's jurisdiction.

Community Service Districts have broad powers to regulate solid waste (Gov. Code 61100), and in most circumstances, an exercise of District power will prevail over conflicting County regulations. (See *Rodeo Sanitary District v. Board of Supervisors of Contra Costa County* (1999) 71 Cal.App.4th 1443 [holding that a county's attempt to use its general police power to overrule district's authority to provide solid waste service within its boundaries was void].) Thus, if a County ordinance and a District ordinance conflict on a matter that is within the District's power, as a general rule, the District ordinance would prevail.

However, at least in the source reduction, recycling and household hazardous waste arenas, County ordinances are supreme. Public Resources Code section 41821.2, most recently amended after the *Rodeo* case was decided, requires Districts (including community services districts) to "comply with the source reduction and recycling element and the household hazardous waste

Date: March 24, 2010

ITEM # 4E

STAFF REPORT

To: Board of Directors

From: Jon Elam, General Manager

Subject: Update on SASM Flow Option Discussions

Current update regarding transferring TCSD's flow to SASM

Recommended Action: Discussion and Provide Direction to Staff