

Minutes of the Regular Meeting of TCSD Board of Directors
Held at 205 Marin Drive, Mill Valley
February 10, 2010
7:00pm

1. **CALL TO ORDER.** The Work Session of the Tamalpais Community Services District Board of Directors was called to order by President Steffen Bartschat at 7:03 p.m. on Wednesday, February 10, 2010.

2. **ROLL CALL.**

Board Members Present: The following members were present:

President Bartschat
Linda Johnson (L. Johnson)
Jim Jacobs
Gretchen Stagg
Rick Johnson (R. Johnson)

As five 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, Park and Recreation Director Carol Buchholz, and Recording Secretary Claudia Laughter.

Others Present: Approximately 10 members of the public were in attendance.

3. **APPROVE AGENDA.**

MOTION TO APPROVE THE AGENDA

M/S/C Jim Jacobs/L. Johnson Ayes: 5 Nays: 0

4. **PUBLIC EXPRESSION.** President Bartschat invited public expression on non-agenda items, in response to which there was the following:

Clayton Smith presented a spreadsheet to the Board which is an example of possible financial options that could be presented to SMCSD regarding the contract payments. He stated that customers should have a right to a voice in how these funds are being spent. President Bartschat thanked him for his work on these options and assured him that the Board is continuing to try and negotiate an amended contract. Clayton asked if SMCSD budgeted on a 3-year basis and GM Elam stated that every year SMCSD gives TCSD a correct and amended bill based on actual use but when TCSD receives that bill is never a set date.

Another resident, who declined to be named but stated that she was a landlord in the area, asked if the increase in rates to \$1,013 would be for every unit in an apartment complex. President Bartschat restated that yes, it would be for each residence and that the Board was embarking on a usage-based pricing model that would be based off of winter use rates.

Myra Drotman told the Board that she had been actively engaged in an email campaign and presented 20 email responses protesting the decision at the Public Hearing on December 9, 2009. She stated that she wants to help be part of the solution to this issue and thanked the

Board for working hard on this issue but asked that the Board consider having another community meeting due to lack of disclosure. Is there any way to get the Board to influence or pressure to make a change to the contract or the rates? President Bartschat thanked her for her statement and again stated he would be happy to answer any questions one on one that anyone in the community and that the vote in December wasn't to raise the rates, but have the authority to raise them.

Mary Jo Barnett stated that she did not agree that those who live here on a fixed income in a small house should pay the same as a large newly constructed house. A key goal should be equality for residents. President Bartschat thanked her and again stated that the Board is looking into a usage-based system.

Jeannie Survera spoke concurring that she too did not want to pay the increases but asked others in attendance to be more realistic. Having been formerly an Assistant Regional Counsel with the E.P.A. she went on to explain that the regulations that are imposed on SMCSO must be followed or heavy fines which would radically increase fees would have to be paid by the customers.

President Bartschat thanked everyone for participating in the Public Expression session and reminded those present that there was a Q&A Document available that he and VP J. Jacobs compiled addressing the most frequent questions since the December Hearing. R. Johnson stated that last year TCSD was sued by an environmental advocacy group because of some of the spills that occurred. President Bartschat also reminded the public that later in the meeting there would be discussion about the E.P.A. work to be completed this year as well as an update on the meeting with the Marin Association of Realtors.

Myra Drotman again stated that she felt this was a situation about constitutional rights and that by raising rates on Tam Valley's 2,500 residents, it will affect property values.

Reported that Jarred Huffman asked about consolidation with other agencies. President Bartschat restated that TCSD is not part of the LAFCO consolidation plan of Marin agencies.

5. COMMISSION REPORTS.

Revitalization & Safety Commission – There was no representative present

Park & Recreation Commission – There was no meeting held in January 2010

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

A. Nute Engineering Report Presentation on Sewer Line Alignments to Shift Wastewater to SASM. GM Elam introduced Ed Nute of Nute Engineering who is currently working on the proposal to shift wastewater flows from SMCSO to SASM. Mr. Nute presented detailed maps of the District and reviewed some preliminary options for transference including an option through Kay Park to the Rosemont Pump Station and down Shoreline. This option would have the potential to pick up 1,400-1,800 residences from the hill to divert to SASM. President Bartschat restated that TCSD is in the process of discussing EDU purchases and transferring as much of the stream over to SASM and that a deadline of March has been set for approval. Clayton Smith asked how long would the process take

to pick up the 1,400-1,800 residences. Mr. Nute responded approximately 3 years. Mr. Smith pointed out that would already be the end of the contract with SMCSO. L. Johnson restated 3 years was the current timeframe for the project.

- B. Phase III E.P.A. Work with SASM & SMCSO – GM Elam introduced Gisa Jue with RMC Engineering firm to give a brief PowerPoint presentation on the Phase II E.P.A. Work that is to be completed by October 15, 2010.

MOTION TO ACCEPT RMC PROPOSAL FOR PHASE II E.P.A WORK NOT TO EXCEED \$96,000 WITH INCREMENTAL UPDATES ON EXPENDITURES OVER 2009/2010 AND 2010/2011

M/S/C L.Johnson/S. Bartschat Ayes: 5 Nays: 0

- C. Report and Update on Discussion of Assembly Bill 1232, which Authorizes LAFCO to Initiate Proceedings to Consolidate the SASM Agencies, at LAFCO's February 5th Meeting – President Bartschat reported that at LAFCO's annual planning retreat, the agency beginning in 2011 has the power to impose a merger of districts even if members of the public are firmly against it. TCSO and Mill Valley are out of the scope of the AB1232 Consolidation Order but it could forcibly merge Almonte and Homestead but it will keep the joint powers active and TCSO could choose to join as well. Mill Valley stated at the meeting that they were not opposed to consolidation.
- D. County Ordinance No. 3531 Regarding the Use of Polystyrene Foam Disposable Food Packaging and Requiring Alternative Use by and at TCSO Facilities – GM Elam restated that the Marin County Board in November 2009 passed an ordinance related to having county facilities no longer provide poly foam containers. TCSO adopted a rule a year ago to not allow them for any of our rentals, but we have not made a decision on the polystyrene issue. GM Elam would like to fold the ordinance into the garbage ordinances and would like the option of broadening it to include local restaurants. President Bartschat suggested sending the issue to the Park & Recreation Commission to discuss. L. Johnson asked if there was a current policy in place. GM Elam stated there was not and he was looking to have it formally adopted.

MOTION TO SUPPORT EFFORTS AS STEWARDS OF THE ENVIRONMENT TO AMEND CURRENT ORDINANCE

M/S/C J. Jacobs/G. Stagg Ayes: 5 Nays: 0

- E. Proposal to Adopt 2010 Board Work Goals for TCSO Board – President Bartschat read through the 2010 Board Goals.

MOTION TO ADOPT WORK GOALS FOR 2010

M/S/C S. Bartschat/L. Johnson Ayes: 5 Nays: 0

7. STAFF REPORTS.

- Carol Buchholz – Park & Recreation. Ms. Buchholz updated the Board on the current P&R programs including the successful Murder Mystery Dinner. She also reported on upcoming activities including Spaghetti Bingo and the opera *La Traviata*. She reported that the deadline for articles for the upcoming newsletter is March 12th with delivery occurring after April 19th. President Bartschat suggested that GM Elam submit his recent article on volunteerism for the April Newsletter. Ms. Buchholz wanted to bring volunteer Jim Kasper to the Board's attention and praised him for his work not only on TCSD's website, but in spearheading the firesafe garden project. Friends of Tam Valley and Sue Hayes will also be participating in fundraising for the project which has an estimated cost of \$200,000. They will also present a proposal to the Board when completed outline TCSD's involvement in the project. Ms. Buchholz reported that the Creekside Friday event has sponsors coming in for this year including Amy Glazer, Kathy Lumly, and Jeff Brown. The Boomerize program has been an enormous success. The Farmer's Market is set to start again in May.
- Bob Bunce – Sanitation – Mr. Bunce was not present. GM Elam gave a brief update including pump work being completed on one of the pumps, grease kits were being requested from the letter sent to residents on Carrera, and there were no spills in January.
- Jerry Taylor – Finance – Mr. Taylor reviewed the expenditures for the month. He also reported that he had recently spoken to SMCSO and they have not completed their annual report but it should arrive within a few days then another month to complete the reconciliations. L. Johnson asked if there were any fiduciary duty to make them more accountable. GM Elam stated that the Department of Finance requires that TCSD receive a copy of the financial statement by December 31st of the prior fiscal year. Mr. Taylor also reported prices for refuse and recyclables have increased. President Bartschat asked that a goal for the next Board meeting would be to project cash flow through the end of 2010.
- Jon Elam – Refuse – GM Elam reported that there were no new developments.

8. BOARD REPORTS & COMMENTS.

- A. SMCSO Meeting Report January 28, 2010 – J. Jacobs – President Bartschat reported that himself, GM Elam, and J. Jacobs attended this meeting. He reported that SMCSO is going to discuss the financing option at their upcoming retreat and hopefully will present TCSD with a financial plan.

- B. SASM Meeting Report January 22, 2010 – J. Jacobs – President Bartschat and Vice President Jacobs were in attendance. They noted that Bob Simmons, General Manager of SMCS D was also in attendance.
- C. SMCS D Meeting Report February 1, 2010 – J. Jacobs – GM Elam, President Bartschat and Vice President Jacobs were in attendance. President Bartschat reported to the SMCS D Board about TCSD’s options, plans and general schedule for obtaining EDUs and the transition for 2014. The Board thanked him for his statement.

9. CONSENT CALENDAR

- Monthly List of Checks and Disbursements Issued Approve
MOTION TO APPROVE THE CONSENT CALENDAR
M/S/C **L. Johnson/G. Stagg** **Ayes: 5** **Nays: 0**

- Approve Minutes:
 - January 13, 2010 Regular Meeting Approve
 - January 27, 2010 Work Session Approve
 - January 30, 2010 Work Session Approve


10. MEETING REVIEW – ITEMS FOR NEXT AGENDA

President Bartschat and Vice President Jacobs have committed to meeting with the Marin Association of Realtors to discuss their involvement in the Prop 218 decision. GM Elam reminded the Board that a delegation from Sierra Gorda an environmental reserve in Mexico would be at TCSD and showing a presentation about their projects on February 11th at 7:00pm. G. Stagg requested cancelling the April 14th Regular Board Meeting due to scheduling conflicts and to only have the April 28th Work Session.


MOTION TO CANCEL APRIL 14TH REGULAR BOARD MEETING
M/S/C **L. Johnson/J. Jacobs** **Ayes: 5** **Nays: 0**

11. ADJOURNMENT:

MOTION MOVE TO AJOURN
M/S/C **L. Johnson/G. Stagg** **Ayes: 5** **Nays: 0**
AJOURNED 9:35 p.m.



President



Secretary

Next Regular Board Meeting

Meeting: TCSD Board Work Session
Date: February 24, 2010
Time: 8:45AM
Location: TCSD Main Offices