



Tamalpais Community Services District

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**TCSD BOARD OF DIRECTORS MEETING AND CLOSED SESSION – 6:00 P.M.
PROP 218 PUBLIC HEARING - 7:00 P.M.
MINUTES
WEDNESDAY, MAY 12, 2021**

1. CALL TO ORDER

The Tamalpais Community Services District Board of Directors Meeting was called to order by President McMahon at 6:01 pm on Wednesday, May 12, 2021.

2. ROLL CALL

President Matt McMahon

Vice President Jeff Brown, Directors Steffen Bartschat, Jim Jacobs and Steve Levine

Staff Present: General Manager Heather Abrams; Mike Quecke, Wastewater and Facilities Superintendent; Recording Secretary Cyndie Martel

Others Present: Gale Connor, Miller Star Regalia

3. APPROVE AGENDA

MOTION TO APPROVE THE AGENDA

M/S/C: M. MCMAHON/S. LEVINE AYES: 5 NAYS: 0 ABSENT: 0

MOTION TO CONVENE TO CLOSED SESSION

M/S/C: M. MCMAHON/J. BROWN AYES: 5 NAYS: 0 ABSENT: 0

4. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9

Name of Case: Jimmy Greene, et al. vs. Steve Kenyon, et al. (CIV1801100)

ADJOURN TO OPEN SESSION

MOTION TO ADJOURN TO OPEN SESSION – PRESENT ANY REPORTABLE ACTIONS

M/S/C: M. MCMAHON/S. LEVINE AYES: 5 NAYS: 0 ABSENT: 0

The Board called a recess.

The regular Board meeting reconvened at 7:00 p.m.

Staff Present: Sarah Mehtar, Interim Finance Manager/Analyst

Others Present: Jordyn Bishop, Meyers Nave; Bob Reed, The Reed Group; Pippin Cavagnaro, Nute Engineering; Garth Schultz, R3 Consulting Group; Bill Ring, Board Director, SMCSO; Lara Zegart, Park and Recreation Coordinator; Residents: Ted Barone, NRG; Ken Chris (joined at 7:45pm)

REPORTABLE ACTIONS FROM CLOSED SESSION REPORTED BY THE PRESIDENT

There were no reportable actions.

5. PUBLIC EXPRESSION

President McMahon invited public expression on non-agenda items, in response to which there was the following:

- Mr. Barone gave the Board an update on the NRG and the Sea Level Rise Task Force.

6. REGULAR BUSINESS

A. Discussion of the Rules and Processes Governing the Public Hearing
Pres McMahon discussed the process for the Prop 218 Public Hearing.

B. Presentation of Background Material

As no members of the public were in attendance Pres McMahon requested guidance from Ms. Bishop on bypassing Item 6B. After Ms. Bishop confirmed the Board had already received the presentation from Mr. Reed and the recording of the meeting was available to the public for a specified time period, she concluded that following the required Prop 218 actions of holding a hearing 45 days after notice and conducting a majority protest count, the Board could consider Resolution 2021-02.

C. Open the Public Hearing - All comments will be received by the Board. In order to allow all who wish to speak in a timely manner, responses will be provided at the conclusion of the comments received

Pres McMahon asked for questions, comments or protests from the public to which there were none.

D. Close Public Hearing

Pres McMahon closed the public hearing. (7:14pm)

E. Return to TCSO Board for Responses and Discussion

Pres McMahon asked for comments from the Board and staff to which there was the following:

- Dir Levine commented that over the last 4 years the District's staff and consultants had done an excellent job putting the District in a stable position.
- VP Brown commented MMWD was offering an 80% discount on Flooms which could monitor water usage from your cell phone.
- Dir Jacobs commented Mr. Reed and staff did an excellent job and he was glad that the District was planning out long term projects.
- Dir Bartschat thanked Mr. Reed on his continued great work and felt the absence of the public showed confidence that the District was on the right path.
- Pres McMahon commented on the professionalism of staff and consultants in improving and maintaining the day-to-day operations of the District.

The Board took a short break to have staff check the mailbox for written protests. Staff stated there were no additional protests. Four protests were previously received.

F. Staff Report to Board on the Number of Protests Received

GM Abrams reported there were 4 letter protests in total from mailings, hand delivered, and those submitted during the meeting. The number of protests needed to prevent the Board from approving was approximately 1250.

G. Board Consideration of Protests Presented and Determination of Whether the Protests Constitute a Majority; Deliberation on What Actions To Be Taken

The Board concluded, and Legal Counsel agreed, the number of protests did not constitute a majority and Board could proceed to consider adoption of Resolution 2021-02.

H. Formal Adoption of Resolution No. 2021-02 Establishing Sewer Rates for FY 2021/2022 – FY 2025/2026

MOTION TO APPROVE RESOLUTION 2021-02 TO ADOPT AND ESTABLISH REVISED SEWER CAPACITY CHARGES AND CONNECTION FEES IN EFFECT FROM JULY 1, 2021 THROUGH JUNE 30, 2026

M/S: S. LEVINE/J. BROWN

There was no public comment.

M/S/C: AYES: 5 NAYS: 0 ABSENT: 0

I. Conclusion of Action on Item 6

7. REGULAR BUSINESS: Information Items

A. Presentation on Marin Zero Waste Plan – Garth Schultz, R3 Consulting

Mr. Schultz gave the Board his background with the District and presented them with a draft of the updated Zero Waste Marin feasibility study which included an organizational assessment and contained a number of draft objectives that would involve solid waste haulers like TCSO. The Board asked and number of clarifying questions. GM Abrams stated TCSO would need to address county and state changes to diversion goals.

There was no public comment.

B. General Manager's update

i. Operations update – oral report only

GM Abrams reported on drought impacts on the District, the upcoming fencing project, and the scheduled repaving of the main portion of the community center parking lot.

ii. COVID-19 status update

GM Abrams outlined the current COVID-19 operations for the District and stated that TCSO, like the rest of Marin County, were awaiting new guidelines from the Governor's office for a June 15 "all clear" if 2 criteria were met 1) enough vaccinations were available for all who wanted one, and 2) hospitalization and death rates were stable and low.

The Board encouraged staff to plan for the office to reopen. Once the June 15 "all clear" guidelines were out, the Board and staff would discuss in person Board meetings and how to proceed with District events.

iii. Facility/park rentals

GM Abrams stated the District was opening park rentals and the grassy area behind the Cabin. COVID-19 protocols would be followed by renters including completing a COVID specific release of liability and a Safety Protocol Plan (SPP). She also updated the Board on new rental rates based on the previously approved annual Consumer Price Index increase.

iv. Financial reports

GM Abrams highlighted a few items in the budget and reminded the board that the work session on May 26 would be a deep dive into the proposed budget for 2021/2022 which would be approved at the June 9 Board meeting and put in place as of July 1, 2021.

GM Abrams pointed out the large difference in the expense line item for events from 2018/2019 (\$89,000) and 2019/2020 (nearly \$0) because of the cancellation of events due to COVID-19. The District planned to ramp up expenses in this line item to \$37,000 in the upcoming year and increase from that, as needed.

The Board asked for a comparison of planned to actual reserves, the budget in general, as well as a staffing plan, for the budget work session.

There was no public comment.

C. Sewer treatment plants updates

SASM – Dir Jacobs reported that a closed session was held to discuss anticipated litigation. Worker turnover and increases to compensation was also discussed as vital staffing shortages needed to be avoided. He would be attending the next meeting on May 20.

SMCSD – Dir Levine previously reported on the April 5 Board meeting. With regard to the May 3 meeting, he reported on existing litigation with Flatiron West, the release of a third party treatment plant performance survey, site access and security project completion, progress on the Coloma pump station project and adoption of the 2021/2022 budget scheduled for the June 7 meeting.

There was no public comment.

8. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered to be routine and will be enacted by a single action of the Board. There will be no separate discussion unless specific items are removed from the Consent Calendar during adoption of the Agenda for separate discussion and action.

- A. Approve Minutes of April 14, 2021 Board Meeting
- B. Approve Minutes of April 28, 2021 Board Work Session
- C. Authorize regular budgeted payment of \$71,550.50 to SASM for biannual member agency assessment
- D. Authorize regular planned payment of \$320,698.09 to US Bank National Association for June 24, 2021 wastewater debt service payment
- E. Authorize payment of up to \$50,000 to ECAST Engineering for sewer spot repairs

As the project in Item 8E, in the amount of \$50,000, had not been previously discussed by the Board, Pres McMahon asked that it be removed from the Consent Calendar for discussion.

MOTION TO APPROVE THE CONSENT CALENDAR 8A-8D

M/S/C: M. MCMAHON/J. BROWN AYES: 5 NAYS: 0 ABSENT: 0

GM Abrams took the Board through the planned spot repairs with ECAST Engineering, which was the lowest bidder in the District's first CIP project. The Board expressed support for continued transparency in bidding, possibly including all bids in the packet for Board review.

MOTION TO APPROVE PAYMENT OF UP TO \$50,000 TO ECAST ENGINEERING FOR SEWER SPOT REPAIRS

M/S/C: J. JACOBS/J. BROWN AYES: 5 NAYS: 0 ABSENT: 0

9. FUTURE AGENDA ITEMS

GM Abrams reviewed upcoming meeting and work session topics and asked the Board if there were any other topics of interest for future meetings.

- A. Reminder of May 26 Board work session at 8:30am – Draft Budget Review
Pres McMahon was not able to attend the May 26 work session.
- B. Board input for June 9, 2021 Board Meeting Agenda
The FY 2021/2022 budget would be on the agenda for adoption.
- C. Reminder of June 23, 2021 Board Work Session – Parks and Recreation Five Year Plan Deep Dive
- D. Reminder of July 28, 2021 Board Work Session – Parks and Recreation Possible Commission Design
- E. Reminder of August 25, 2021 Board Work Session – Solid Waste, Recycling, Organics Compliance Preparation

Dir Bartschat stated he met with a battalion chief from SMFD and suggested asking him to offer his safety ideas for the District at a future meeting. Dir Bartschat also suggested doing a quick meeting review at the end of each meeting.

The Board discussed whether 1 hour was time enough to tackle work session topics. GM Abrams would come to the work sessions prepared with information from the Board and recommendations for discussion.

10. ADJOURNMENT

MOTION TO ADJOURN THE MEETING

M/S/C: S. BARTSCHAT/S. LEVINE AYES: 5 NAYS: 0 ABSENT: 0

MEETING ADJOURNED AT 9:31 P.M.



President



Secretary

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NEXT TCSD BOARD WORK SESSION
May 26, 2021 – 8:30 AM
VIA ZOOM