

# Tamalpais Community Services District

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## Minutes of the Work Session Meeting

TCSD Board of Directors

WEDNESDAY, MAY 25, 2016

8:45AM

TAM VALLEY COMMUNITY CENTER-203 MARIN AVENUE, MILL VALLEY

### **I. CALL TO ORDER**

The Tamalpais Community Services District Board of Directors Work Session Meeting was called to order by President Brown at 8:47 a.m. on Wednesday, May 25, 2016.

### **2. ROLL CALL** President Jeff Brown; Vice President Steven Levine; Directors Steffen Bartschat, Jim Jacobs, and Matt McMahon

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

Staff Present: GM Elam, Finance Manager Jerry Taylor, Park & Rec Director Carol Buchholz, Sanitary Supervisory Bob Bunce, and Recording Secretary Claudia Laughter

Others Present: Bret Andrews, Danny McDonald, Andy Allen

### **3. APPROVE AGENDA**

#### **MOTION TO APPROVE THE AGENDA**

**M/S/C: S. LEVINE/J. JACOBS                      AYES: 5                      NAYS: 0**

### **4. PUBLIC EXPRESSION**

- Andy Allen – Mr. Allen made suggestions for reductions in spending and for the District to offer small parcels to adjacent homeowners to buy.
- Bret Andrews – Mr. Andrews read a prepared statement (see attachment).
- Danny McDonald – Mr. McDonald handed staff a written request for information.

Special Needs: In compliance with the Americans with Disabilities Act (28 C.F.R. 35.102-35.104, ADA Title II) if you need special assistance to participate in this meeting, please contact the TCSD at (415)-388-6393, x10. Notification 48 hours prior to meeting enables TCSD to make reasonable arrangements to ensure accessibility. In compliance with Senate Bill 343 the law requires writings subject to the Public Records Act to be available for public inspection at the time the writing is distributed to the member of the legislative body  
In compliance with Senate Bill 343 materials or writings subject to the Public Records Act is available for public inspection at 305 Bell Lane, Mill Valley, California between the hours of 8:00 a.m. through 4:30 p.m. Monday through Friday.

**5. GENERAL BUSINESS**

**A. REVIEW DRAFT TCSB FY 2016-17 BUDGET FOR FINAL REVIEW AT THE JUNE 8, 2016 REGULAR BOARD MEETING** – Finance Manager Jerry Taylor reviewed the draft budget worksheets.

**EMPLOYEE SALARIES** – President Brown asked when the last time the percentage allocation was reviewed. Mr. Taylor responded it had been changed recently for the Sanitation workers but that shifts can be made throughout the year.

**MEDICAL/DENTAL** – Director Bartschat asked if paying benefits for employees if they are on a spouse's insurance was standard practice. Mr. Taylor stated it was. Vice Levine asked if there were limitations on covering dependents. Mr. Taylor said that some regulations are driven by Federal laws. Director Bartschat requests a review of Marin County policies and the Board to consider changes in the near future. Mr. Taylor stated that changing the current medical plan to a "cafeteria" style plan would increase complexity for staff to manage.

**DENTAL** – Mr. Taylor reported that there was a 10% decrease from the previous year.

**VACATION HOURS PAID** – Mr. Taylor reported that the District's policy was to pay out any excess of 200 hours to avoid large payoffs when employees leave.

**POTENTIAL PERFORMANCE AWARDS** – Mr. Taylor stated that COLI and potential performance awards have been given on a calendar basis in December with a typical pool of 5% less COLI.

Director McMahon asked if the anticipated increase for a new GM was included. Mr. Taylor stated that the budget figures are based on current status quo. Director McMahon asked for more detail on the employer retirement share. Mr. Taylor explained that there are two segments, a core cost and the payoff of the deficiency. Director McMahon asked for a footnote to be added and for the Board to review over the next few years and that the medical contributions will be a prime issue for the new GM to review.

Mr. Taylor then reviewed the year-to-date budget sheets.

**SANITATION** – Director McMahon asked for a separate line for SMCSB treatment, improvements, and costs from SASM.

**REFUSE** – Mr. Taylor reported that the vehicle repair budget has already been exceeded for the year, as well as maintenance and supply. He stated that the \$80,000 depreciation fund will go away if the Prop 218 increase is not passed. Director Bartschat requested further information on the retiree benefits and the real depreciation on an annual basis.

**PARK & RECREATION** – Director Bartschat suggested tabling the P&R budget until the June 8, 2016 Regular Board Meeting due to time constraints. He also requested more information on retiree medical reserve and the truck depreciation fund.

PUBLIC COMMENT

- Mr. Allen suggested clear explanation of payroll incentives and suggested getting rid of all social events which he felt were serving a small portion of the community.
- Mr. McDonald asked why performance pays were given if the Health Department and Board of Equalization was contacted.
- Mr. Andrews encouraged the Board to review District jobs from a private sector mentality.

Director Bartschat expressed his support for the Park and Rec programs and events and that employee benefits when compared, were usually in the lowest tier. He stated he was not looking to reduce benefits, just bring them in line.


Director Buchholz made a statement that the Park & Rec events bring in revenue to cover them and pay for part-time staff.

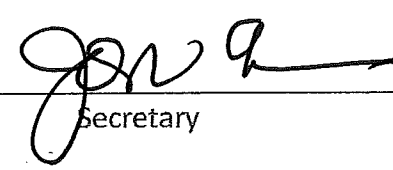
5. ADJOURNMENT

MOTION TO ADJOURN

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

MEETING ADJOURNED AT 10:10AM

  
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President

  
\_\_\_\_\_  
Secretary



## Claudia Laughter

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**From:** Bret Andrews <bretandrews@pacbell.net>  
**Sent:** Wednesday, May 25, 2016 8:54 AM  
**To:** Claudia Laughter  
**Subject:** soft copy for minutes

Your honor, members of the jury, in closing I would like to summarize what you have heard over the past few days.

This defendant has undertaken 4 sewer rate studies in as many years wasting ratepayer money.

This defendant states that no sewer rate structure will ever be 100% fair and therefore the rate structure in question conforms to California law namely Prop. 218. I ask the jury to consider that defendant's own witnesses agreed that the TCSD fixed sewer costs to provide the service are all attributable only to each parcel and have no relation to the number of living units. Can you imagine the water department charging fixed fees based on number of living units rather than water meter?

I continue on that the TCSD board rejected its third sewer rate study after the consultant produced the study with exactly the methodology requested of him. They went instead with a fixed rate methodology with huge subsidies between various users.

TCSD has paid this plaintiff, Bret Andrews, hush money since July 1, 2008 in order to keep this matter out of the courts rather than create fair and legally conforming sewer rates. In fact TCSD has already paid hush money to keep this exact sewer rate structure in question from being validated by the courts in July, 2015. If the board thought the rate structure was not legal then, what do they think magically makes it legal now?

This defendant states that a finding in plaintiff's favor will bring financial ruin to the district and cause more harm on those that this finding is supposed to help. I ask you, should Volkswagen be allowed to continue falsifying its pollution records in the name of averting layoffs?

We are not here today for this court to legislate or state what sort of sewer rate structure conforms to California law. The jury is here today to make one Boolean decision – has the defendant proved with a preponderance of the evidence that this TCSD sewer rate structure conforms to California law – YES OR NO? Namely, is the defendant imposing sewer fees that exceed the proportional cost of the service attributable to the PARCEL. Let's remember that per California law the burden of proof is on the agency, NOT the plaintiff.

I ask the jury to consider the evidence carefully and stop this board in its tracks -- stop the years of negligence in policy making. Members of the jury, your honor, thank you for your time and consideration.

