



# Tamalpais Community Services District

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**Minutes of the Special Meeting of TCS D Board of Directors  
PROP 218 PUBLIC HEARING - REFUSE  
Wednesday – June 15, 2016  
7:00pm  
Tam Valley Community Center - 203 Marin Avenue, Mill Valley**

## **I. CALL TO ORDER**

The Tamalpais Community Services District Board of Directors Meeting was called to order by President Brown at 7:00 pm on Wednesday, June 15, 2016.

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

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

Staff Present: General Manager Jon Elam, Finance Manager Jerry Taylor, Recording Secretary Claudia Laughter, Refuse Crew Members Mark Mencarelli and Zach Mencarelli

Others Present: Jim Kasper, Sue Hayes, Marjorie & Steve Shank, Bob Bowen, Anne Voegelcing, Mike Kavanaugh, Clayton Smith, and several unidentified members of the public

## **3. APPROVE AGENDA**

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

**M/S/C: S. LEVINE/J. JACOBS                      AYES: 4                      NAYS: 0                      ABSENT: 1 (McMAHON)**

## **4. GENERAL BUSINESS**

- A. Discussion of the Rules and Processes Governing the Public Hearing – President Brown discussed the rules that would be governing the Prop 218 Public Hearing and the overall structure of the meeting.
- B. Presentation of Background Material – GM Elam reviewed the Powerpoint presentation that was part of the agenda packet and reviewed the cost changes that are responsible for the rate increase. These changes

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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.

include budget figures for transition staffing of the General Manager (\$30,000), retiree medical reserve contribution (\$90,000), transition staffing benefits (\$15,000). Non-personnel costs include truck depreciation fund (\$80,000) and an increase in disposal fees as well as increased costs in fleet vehicle maintenance. The proposed rate increase will be for two years. GM Elam accepted questions from the public on the presentation:

- Clayton Smith (?) – Mr. Smith asked if employees would be applying for Medicare once they qualify. GM Elam stated they do and Director Bartschat stated that an employee has to have served 20 years to qualify for the retirement health benefit.
- Steve Shank – Mr. Shank asked about the deprecation schedule and the retirement age for employees.
- Marjorie Shank – Mrs. Shank asked if employees make contributions to their retiree medical costs. GM Elam stated that for a majority of employees, TCSO pays the employee portion. Mrs. Shank discussed changing employees to a 401(k). GM Elam stated the law doesn't allow it and employees must be in the County system MCERA.
- Bob Bowman – Mr. Bowman asked about the depreciation schedule. GM Elam stated that one of the challenges is the District may need to look into leasing vehicles in the future, but that the District tries to replace the smaller collection trucks every few years. Mr. Bowman asked about the possibility of employees changing to a 401(k). Director Bartschat stated that he has asked these questions and looked at the potential savings for the retirement budgets. A previous Board had agreed to pay the employee share of the contribution in lieu of salary increases and most government units did it the same way. Changes cannot be made for existing employees but have been for newer and future hires. He stated a large portion of these costs is pension liability.

District Legal Counsel John Bakker arrived.

- Mike Kavanaugh – Mr. Kavanaugh suggested combining or signing a contract with other vendors to take over refuse collection. Director Bartschat stated that having a private company take over refuse services would only increase rates, bring in unions, and lose most of the services currently provided.
- Sue Hayes – Ms. Hayes thanked staff for the services and asked about wages for union refuser workers in Marin County. Refuse Crew Member Mark Mencarelli stated that the District was in line with union workers but union drivers wouldn't be willing to work holidays or overtime. He added that the extra services such as drop offs don't occur elsewhere and rates are going up in other areas.
- Jim Kasper – Mr. Kasper discussed the privatization ideas and asked for customers to keep in mind that salary figures include portions for supporting staff.
- Mrs. Shank asked about the replacement GM salary and discussed the fees for their property and private road pickup. She stated she doesn't use the extra services offered and staff contingency planning.
- Mr. Bowman asked for further clarity on the depreciation schedule on the refuse fleet.
- Mr. Shank discussed Mill Valley and Almonte rates being lower. GM Elam stated he had spoken to Mill Valley and due to a clerical error on their part, they will be raising rates in Almonte to be in line with Mill Valley and TCSO.

C. Open the Public Hearing –

**MOTION TO OPEN THE PUBLIC HEARING**

**M/S/C S. BARTSCHAT/S. LEVINE**

**AYES: 4**

**NAYS: 0**

**ABSENT: 1 (McMAHON)**

PUBLIC COMMENT:

- Mr. Shank stated that he found the increase outrageous and felt the District was being excessively generous with employees. He suggested controlling medical costs, employee contributions, and that if employees didn't like the changes, they could leave like employees do in the private sector. He did not see a justification for a Finance Manager and felt it could be included in the new GM's function. He also suggested a 50% reduction for property owners 65 and older.

Counsel Bakker stated that there are State laws that prevent the District from offering such discounted rates.

- Mrs. Shank stated she felt the private and hill rates were discriminatory.

President Brown asked for additional Public Comment and there was none.

D. Close Public Hearing

**MOTION TO CLOSE THE PUBLIC HEARING**

**M/S/C J. JACOBS/S. LEVINE AYES: 4 NAYS: 0 ABSENT: 1 (McMAHON)**

President Brown asked for a 5-minute recess to tally the protests received.

The meeting was reconvened at 8:45pm.

E. Return to TCSB Board for Responses and Discussion – President Brown asked for the Board's comments.

- Director Bartschat asked for additional information on vehicle repair budget figures and disposal fees.
- Director Jacobs commented on how hard the Staff works and emphasized again that the District picks up many things that are abandoned within Tam Valley. He stated there was also strong community support for the service and the refuse crew.
- President Brown commented on farming out the service to a private company and that he is proud of the work the crew does.
- Vice Levine responded that the Board members are also members of the community and are making decisions to make a better living environment for the community.

F. Staff Report to Board on the Number of Protests Received – Ms. Laughter reported that 20 protests in total from mailings, hand delivered, and those submitted at this meeting.

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

The Board agreed the number of protests do not constitute a majority.

H. If Accepted, Formal Adoption of Resolution No. 2016-02 Establishing Refuse Rates for FY 2016/2017

**MOTION TO ADOPT RESOLUTION NO. 2016-02 ESTABLISHING REFUSE RATES FOR FY 2016/17 AND FY 2017/18**

**M/S/C S. BARTSCHAT/J. JACOBS AYES: 4 NAYS: 0 ABSENT: 1 (McMAHON)**

I. Conclusion of Action on Item 5

**5. PUBLIC EXPRESSION**

- Mrs. Shank expressed that a proposition could be created to cover those over 65 and her displeasure with the current system.

**6. ADJOURNMENT**

**MOTION TO ADJOURN**

**M/S/C S. BARTSCHAT/S. LEVINE**

**AYES: 4**

**NAYS: 0**

**ABSENT: 1 (McMAHON)**

**MEETING ADJOURNED AT 8:55PM**

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President

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Secretary