

**Minutes of the Regular Meeting of the Board of Directors  
Tamalpais Community Services District  
305 Bell Lane  
Mill Valley, California  
Tuesday  
August 11, 2009**

The regular meeting of the Board of Directors of and for the Tamalpais Community Services District ("District") was convened to "Public Session" and called to order by President Steffen Bartschat at 7:05 PM on Tuesday, August 11, 2009 in the District Office located at: 305 Bell Lane.

**1. ROLL CALL**

**PRESENT:**

Board President Steffen Bartschat, Board Members Linda Johnson ("L. Johnson"), Richard Johnson ("R. Johnson"), and Gretchen Stagg; member Jim Jacobs was delayed and arrive until 8:20 PM; as four (4) of the five (5) Board Members were present at the commencement of the meeting, a quorum was constituted.

**STAFF PRESENT**

Jon Elam, General Manager ("GM"), Carol Buchholz, Parks and Recreation Director, Jerry Taylor, Finance Manager, Bob Bunce, Public Works Supervisor, and recording Secretary, Jack Schwartz.

**ALSO PRESENT**

Sue Hayes, Park and Recreation (P&R) and Revitalization and Safety (R&S) Commissions, Malcolm Harvey, Tim Rose, Jim Burns, and Ralph Alexander.

**2. APPROVE AGENDA.** President Bartschat asked the Members to approve the Agenda, in response to which the following motion was made and passed:

**MOTION:**

**MOVE TO APPROVE AGENDA AS SUBMITTED**

**M/S/C**

**STAGG/ R. JOHNSON**

**Vote – 4 Ayes**

**3. PUBLIC EXPRESSION.** President Bartschat invited non-agenda public expression, noting that the expression should be brief and that no action may be taken on any such expression.

A. Linda Johnson, speaking as a member of the public reported that Goodman's Hardware was selling a bio-diesel processing system; Ms. Johnson also briefly reported on the latest East Bay brouhaha regarding recycling wastewater.

B. Malcolm Harvey, a long time Tam Valley resident and community volunteer, presented his paper on "Red Light on Going Green by Consumption Reduction": a considered study on environmental reduction: requiring honesty and fairness relating to consumer use and excessive use of wastewater and sewer treatment. Mr. Harvey encouraged the implementation of sewer rates based on individual customer use-volume; 70% water reduction through: soft conservation education; increased use of filtered grey water systems and increased use of catchment for irrigation. Mr. Harvey concluded by encouraging: "Really Go Green".

President Bartschat thanked Mr. Harvey and reminded that the District was already considering assessing sewer rates by water intake volume.

- C. President Bartschat then congratulated Board members R. Johnson and Jacobs for again running for office (and being unopposed – thus saving the District election costs.) – this was recognized as maintaining a coherent and vital Board.

4. COMMISSION REPORTS

General Manager Elam stated that neither the R&S nor P&R Commissions met in July; thereafter, the following brief report was rendered:

- A. **Revitalization and Safety Commission Report.** P&R Commissioner and Chairperson Sue Hayes reported on the P&R Public Hearing at which the Marinview Demonstration Garden was recommended; the Kay Park amended Master Plan was also recommended, except for the permanent restroom component, which the neighboring residents universally and resound declared to be unwanted (fear of increased Park use and otherwise not needed for a small neighborhood “pocket park”).

Ms. Hayes continued by reporting briefly on the P&R Advisory Commission’s park inspection tour of June 29, during which many maintenance issues were discovered (also the Commission especially thanked Commissioners DeWalt and Brown for their volunteer efforts to rectify electrical issues at the Community Center!)

5. GENERAL BUSINESS.

- A. **Conflict Waiver between Wastewater Collection, Treatment and Disposal Agreement and SMCSB Agreement/TCSB.** GM Elam referred the Board to the written materials included with the Board’s agenda packet and then orally reported on the materials. Following this report, President Bartschat stated that he believed that the law firm would be establishing “fire-walls” to safeguard against the possibility of any conflict (information/strategy sharing).

**MOTION MOVE TO APPROVE CONFLICT-WAIVER LETTER WITH  
MAYER’S – NAVE REGARDING DEALING WITH SMCSB  
AGREEMENT.**

M/S/C L. JOHNSON/STAGG Vote – 4 Ayes

**Marinview Demonstration Garden.** (This item was added to the agenda to accommodate the residents of Marinview and the promoters of the Demonstration Garden). GM Elam reported that the P&R Advisory Commission had recommended this project, subject to cost containments and assurances and subject to plan submissions and Staff/Board approvals. In response to Board Member inquiries, GM Elam stated that the Marinview residents would pay for the entire capital project, the property would remain the District’s property, with an approximate \$2,000 annual cost for water and utilities.

**MOTION MOVE TO ENDORSE THE MARINVIEW DEMONSTRATION  
GARDEN PROJECT**

M/S/C BARTSCHAT/R. JOHNSON Vote – 4 Ayes

(It was acknowledged that the Marinview residents had been honored by the “Fire-wise Community Award!”)

- B. SMCSD Equalization (Wet Weather Storage) Report.** GM Elam referred the Board to the written materials included with the Board’s agenda packet and then orally reported on the materials. Following this report, GM Elam warned that continued cost participation with SMCSD will adversely affect the District. The Board then focused on future environmental studies and pondered whether or not the District should continue to participate and contribute to these studies; the Board inquired as to the value of these studies, particularly if the District really intends on relocating resources to SASM.

GM Elam thanked the Board for its insight and direction and he pledged to further investigate all issues relating to the SMCSD environmental impact report (EIR).

This matter shall be continued – there was no action taken by the Board.

- C. Used Paint Collection Day Concept.** GM Elam referred the Board to the written materials included with the Board’s agenda packet and then orally reported on the materials. Following this report, GM Elam recommended a special “Paint Day” to be held with other Debris Day events. The Board unanimously agreed (without vote) to this new “green” community benefit.
- D. Proposed Draft Sewer Lateral Ordinance.** GM Elam referred the Board to the written materials included with the Board’s agenda packet and then orally reported on the materials. (*Board Member Jacobs arrived during this report*). Following this report, the Board briefly reviewed the draft Ordinance and offered the following editing suggestions: (a) at Chapter 2, Sewer Lateral Connections. A. “may require” should be substituted for “are required”; (b) at paragraph 2, “10 years” should be substituted for “20 years”; also a “discount” should be offered for all participating lateral residents and “Inspection at Sale” should be voluntary (with incentives), NOT required.

Following this discussion, GM Elam offered to further review and consider the language of this draft Ordinance.

- E. Update status report on EPA Orders.** GM Elam referred the Board to the written materials included with the Board’s agenda packet and then orally reported on the materials. Following discussion, including EPA approval of the District’s sewer/root Roto-Rooter control program and the EPA approval of the pump station, the Board took NO ACTION.
- F. Resolution of the Board of Directors of the Tamalpais Community Services District establishing procedures for the submission and tabulations of protests in connection with water and refuse collection rate setting procedures pursuant to Article XIII-D of the California Constitution.** GM Elam referred the Board to the written materials included with the Board’s agenda packet and then orally reported on the materials.
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**MOTION                    MOVE TO ADOPT RESOLUTION 2009-4 REGARDING THE  
SUBMISSION AND TABULATION OF PROTEST IN  
CONNECTION WITH TCSD WATER AND REFUSE RATES**

**M/S/C                    L. JOHNSON/BARTSCHAT                    Vote – 5 Ayes**

- G. Discussion of TCSD Property Encroachment Issues.** President Bartschat reported that during his now-daily dog walks, he is increasingly becoming aware of apparent homeowner “encroachments” on District properties; Mr. Bartschat suggests (a) doing nothing; (b) writing a letter of notice; (c) demanding property use rental fees. The Board and GM Elam then discussed the intricacies of this problem, including the costs of clearly defining (surveying) property lines and issues of liability. In the end, the Board referred this matter to Staff for further study and for an article to be included in the next Newsletter.
- H. Discussion of Community Survey.** GM Elam referred the Board to the written materials included with the Board’s agenda packet and then orally reported on the materials. The Board all agreed with this concept, for inclusion in the next Newsletter.
- I. CSDA Board Election.** GM Elam referred the Board to the written materials included with the Board’s agenda packet and then orally reported on the materials. Following Board discussion, the following was the Board’s decision:

**MOTION                    MOVE TO CAST THE DISTRICT VOTE FOR KATHRYN  
SLATER-CARTER FOR THE CSDA BOARD**

**M/S/C                    L. JOHNSON/STAGG                    Vote – 5 Ayes**

- J. Letter from Bay Cities Refuse.** GM Elam referred the Board to the written materials included with the Board’s agenda packet and then orally reported on the materials. Following this report and GM recommendation, the Board unanimously (without vote) agreed to a non-exclusive debris box agreement with BCRS.

**6. STAFF REPORTS.**

- A. Parks and Recreation.** Director Buchholz reported on the following P&R event issues: (a) the “Art Connection” has provided the District office with several new painting (all now on display); (b) the Newsletter is ready in “blue-line” for the Board’s review; (c) a beautifully prepared Events Calendar was distributed; (d) the Thanksgiving Turkey Trot run/walk with pancakes was announced; (e) produce from the District’s new vegetable garden was distributed; (f) 8/28 will be Larry’s retirement luncheon; (g) financials regarding the 2009 Creekside were distributed and discussed, showing a great increase in income and a slight decrease in expenses (a \$23,000 gross to date!!)

The Board joined in thanking Ms. Buchholz for her incredible contributions to the District and to the community!

- B. Sanitation and Refuse.** Supervisor Bunce reported that many of the staff workers were or had been on vacation, so only the “basics” had been “covered” – however, after hours and hours of interviews, a new refuse worker had be provisionally hired. In the meantime, fully 1/3<sup>rd</sup> of the sewer system had been cleaned-out; manhole “smart covers” are being investigated. Mr. Bunce had been honored by his participation in the SASM interview process; and the final tax role had been accomplished.
- C. Finance.** Manager Jerry Taylor distributed a “Cash-Flow” Report, which the Board discussed and approved and asked for a three-year financial projection.
- D. General Manager.** GM Elam handed out a separate sheath of written memorandums, including scores of District-related topics with which the GM has been involved. GM Elam then quickly addressed each of the following 16 issues/topics: (a) SMCSD Memo re District payment postponement; (b) Truck Air Board Admission Requirement issues with possible grant funding; (c) Park Playground safety requirement adherence; (d) CASA memo on State Budget issues; (e) Sewer system hydraulic mapping; (f) Recycling trash District trends; (g) District Retirement Programs (versus other county programs); (h) LAFCO letter re Grand Jury Reports; (i) Flow data updates; (j) Mercury News Article on Palo Alto Sewer Lines; (k) Tam Valley Elementary School modernization costs; (l) Proposed energy Pilot Program; (m) Eastwood Tennis Court resurfacing bid at \$53,200; (n) property/lateral sign-up report; (o) Eastwood Park fence installation at a bid cost of \$8,776.00 for a much larger area; and (p) a memo on treatment plant flow in Marin County.

**7. BOARD REPORTS AND COMMENT.**

- A. LAFCO Meeting Report of July 9, 2009.** L. Johnson referred the Board to her written report.
- B. SASM Meeting Report of July 16, 2009.** Jim Jacobs referred the Board to his written report.
- C. SMCSD Meeting Report of July 16, 2009.** Mr. Jacobs reports that he gets more out of smaller meetings.
- D. Gateway Meeting Report of July 21, 2009.** Mr. Jacobs reports that he gets more out of smaller meetings.
- E. SMCSD Meeting Report of August 3, 2009.** President Bartschat referred the Board to his written report and reported that the next meeting was scheduled for September 2.

- 8. COUNTY ISSUES OF CONCERN.** President Bartschat reported on his productive meeting with Supervisor McGlashan (a meeting at which President Bartschat did note the District’s unhappiness with the County’s disposition of the road/sewer/curb project in “Bird Land.” Supervisor McGlashan did express his concern and overall agreement with the County’s behavior and also discussed issued relating to retirement and employee benefits.

9. **CONSENT CALENDAR.**

**MOTION**                    **MOVE TO APPROVE THE CONSENT CALENDAR AS  
SUNMITTED.**

**M/S/C**                    **L. JOHNSON/JACOBS**                    **Vote --- 5 Ayes**

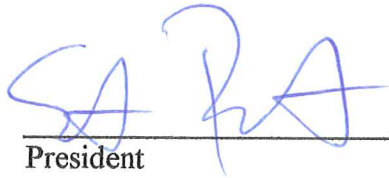
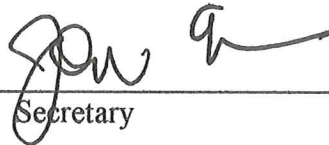
10. **MEETING REVIEW. None.**

11. **ADJOURNMENT.**

**MOTION**                    **MOVE TO ADJOURN**

**M/S/C**                    **L. JOHNSON/STAGG**                    **Vote – 5 Ayes**

**(The August Board Meeting adjourned at 9:51 PM)**

  
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President  
\_\_\_\_\_  
Secretary

**NEXT MEETING(S)**

*Work Session*

**Date:**                    **August 28, 2009 (Friday)**  
**Time:**                    **8:30AM**  
**Place:**                    **Community Center**

*Board Meeting*

**Date:**                    **September 9, 2009**  
**Time:**                    **7:00 PM**  
**Place:**                    **Community Center**