

**TOMALES VILLAGE COMMUNITY SERVICES DISTRICT
BOARD MEETING**

Minutes of Meeting held October 14, 2009

Board Members Present: Nicole Vigeant, Bill Tucker, Kat Marando, Walter Earle and Patty Oku
Board Members Absent: None

Also Present: Karl Drexel, Administrator
Andy Rogers, ECON

Paul Duffey	Hope Sturges
Terry Duffey	Wayne Conroy
Donna Clavaud	Peter McLaird
Bonnie McLaird	Eric Knudsen
Venta Leon	Bruce Bramson
John Williams	

Board Vice President Bill Tucker called the meeting to order at 6:03p.m.

Open Communication:

Nicole Vigeant thanked Terry Duffey and the Advisory Committee for their work in putting together the Candidate's Night forum. Donna Clavaud passed out flyers with the candidates' statements. It was noted that Paul Vink has stepped down from the election. Further discussion was moved to Committee Reports on the Agenda.

The Administrator introduced Andy Rogers from ECON, an environmental engineering firm that was asked to develop a proposal for a Groundwater Study to address some of the concerns some community members have with regard to the water quantity in the Wilson Grove and Franciscan Complex. Andy addressed the Board to explain his company and the direction they might take for a proposal. He noted that they would propose that a collaborative effort be initiated to get as many of the stakeholders involved as possible in order to determine what the majority would want from a Groundwater Study and possibly a Groundwater Management Plan. He said, "The science of a groundwater study is no good unless everybody understands and trusts what is being done, who's doing it and why it is being done." For that reason, he suggests that the proposal that he would make would be to involve the Center for Collaborative Policy out of Sac State in order to get the stakeholders on board and to determine the direction a study would take. He noted that grantors love to hear that the community is involved and behind the project and this collaborative process does that. He said he would have a formal proposal for the Board if they wanted to pursue it by the next Board meeting. Bruce Bramson said that all conversations around groundwater in recent years and related issues with development relies on data from studies done in 1959 and recent studies have been site specific rather than an update on what the Franciscan Complex and Wilson Grove look like currently. He said he hoped that a Groundwater Management Plan would come out of a full total data base analysis of exactly what is here before a study is done with insufficient data. Andy responded that their proposal will provide a complete gathering of data and compile it in one place, with overlays of the groundwater structure with site specific data. The Administrator interjected that he approached ECON and Todd Engineering for proposals on a groundwater study and a groundwater management plan, but that the groundwater study obviously would have to come first. He also reiterated that ECON's process, as well as Todd's, would be to get all of these questions and concerns addressed and out on the table, before going forward with any kind of study.

Venta Leon asked if this concern for a groundwater study was being driven by the tertiary feasibility study or the Sass development. The Administrator noted that looking into a groundwater study is not being driven by anything. It came about when members of the

community cited the Tomales Community Plan regarding the need for such a study and the Board asked him to investigate what would be involved in such a study, what it would cost, what it would look like and what it would include, so he said he is getting information and gathering data for that reason. Hope Sturges asked if this study was being discussed for the possibility of having a public water system at some future date. The Administrator said that the discussion has never come up, although the Sass project proposed two small “public water companies”. He said that the State and Regional Boards are moving toward the requirement of Groundwater Management Plans for larger treatment facilities, but that hopefully they won’t require that of small systems like Tomales. He emphasized that there is no underlying agenda for conducting a groundwater study other than the fact that some members of the community have asked for it.

Wayne Conroy asked if there are other communities doing similar groundwater studies. Andy said that many communities are faced with trying to figure out what to do about their groundwater, how much they have, are they taking it too fast, etc. and the communities that get prepared are the ones that get the money first for grant funding and stimulus funding.

Bonnie McLaird presented a check from the Swap Meet to the Community Park. The auction netted \$1500 to go toward the Park Improvement Project. She also presented a check from Julie Martinoni who gave a donation of \$25 to the Park. The Administrator thanked her for the donation and asked if it was specifically for a gate as was discussed previously. She said that it was going to be for the gate, but that they did not get the plans developed and approved by everybody so they will continue to discuss options with David Judd.

Nicole Vigeant said she wanted to clarify the groundwater discussion for those that hadn’t been to the meetings a few months ago. She said the board meeting held discussions regarding the Sass property and the Sphere of Influence Study and it was at that time that a few people in the community said they thought there should be a groundwater study done, so she asked the Administrator to look in to it, get some numbers, and get some people in to discuss it. She said the District is not taking it any further than that until more information is collected and a consensus is reached.

Kat Marando presented a letter to the Board and the community regarding her service on the Board and noted that she will be moving to Petaluma and will no longer be able to serve on the Board. She thanked the community for the opportunity and thanked the Administrator for his dedication over the years. The letter is attached and made a part of these minutes.

Approval of Minutes:

The Chair entertained a motion to approve the September 9, 2009 board meeting minutes and asked for any corrections and additions to the minutes. Being none:

Nicole Vigeant made a motion to approve the minutes of the September 9, 2009 Regular Board Meeting. Seconded by Patty Oku. M/S/U.

Financial Report:

A. & B. The Administrator noted that there was nothing to add to the financials in the Board packets. The exceptional expenditures included a payment to PGE due to increased aeration at the ponds, the Founders’ Day expenses, and adjustments to the property insurance which took into consideration the park improvements, the pond improvements and the solar project. The Administrator noted that the insurance audit reduced the value of the irrigation field so there is actually a net refund of \$1500. Additionally, there were exceptional expenses in the restricted accounts to Zaninovich Engineering, American Solar, Piazza Const and Karl Drexel.

Patty Oku made a motion to accept bank statements and financial statements and approve expenditures including Phillips and Associates O&M, PGE facility costs, Karl

Drexel, AT&T, Capital One, SDRMA, American Solar, Piazza Const, and miscellaneous office supplies and copies. Seconded by Nicole Vigeant. M/S/U.

- C. The Administrator submitted the Shoreline Unified School District annual billing. He noted that there was an exceptional increase in capital expenses for this last year because we completed a lot of the capital project in that fiscal year. He also reported that the operating expenses for the next year were off in their benefit because he counted the school's share of the SRF loan twice. He explained that he met with Superintendent Rosenthal and Susan Skip regarding the billing and explained the problems.

Phillips & Associates Report:

The Administrator reported that because the new ponds have not built up the proper levels of bacteria the BOD and COD levels are elevated. He noted that they have increased aeration and added probiotics to try and jump start the pond environment and he is investigating other options to improve the test results in the ponds. Walter Earle asked about the protocol of who is responsible to figure out what to do in situations like this. The Administrator noted that Phillips & Assoc is ultimately responsible for the operations of the treatment system, but because this system is so new, both he and Phillips are working together to try and resolve the issue. He mentioned that he had worked with other consultants and the CRWA in designing the pond system and they are available to help with the technical aspects so he is the one in communication with them.

Committee Reports:

A. Newsletter Committee

Terry Duffey said the Newsletter will be coming out in November after the election with the results of the election, articles on the Park, the ponds, the solar the feasibility study, and the results of the Swap Meet and Founders' Day. She mentioned that Karl had already submitted the articles and the financials, and that she would be editing them for space.

B. Fundraising Committee

The Administrator reported that the District earned a net profit of \$1,127 with the wine sales, shirt sales and Madame Zublatsky. The gross sales amounted to \$1,037 in wine sales, \$120 in shirt sales and \$105 donation from Roberta. The expenses totaled \$135, which included ice, water, ABC license, table cloths and misc. The Swap Meet netted \$176 in book sales plus the donations from the silent auction and the donation from Julie. He noted that in the past the book sale at Founders' Day earned around \$500, but at the Swap Meet, a lot of people were selling books, which could have cut into sales and book donations this year. Venta Leon suggested that the book sale could have easily been at both Founders' Day and the Swap Meet if you had the books to sell. Walter Earle thanked Beth Koelker, Patty, Nicole and David and Kat for their help before, during, and after the book sale. Nicole also reported that the last print at the Deli was sold and she will get the money to the Administrator.

C. Community Advisory Committee

Donna Clavaud reported that the Candidates Night is being held tomorrow night the 15th at 7:00. She handed out candidates bios and noted that Bert Crews will be moderating the event. She said they will hold the event upstairs in the Town Hall and there will be refreshments for after the event. She explained the format would be for each candidate to have five minutes to introduce themselves and discuss their candidacy. Then there will be questions and answers after that. There was some discussion as to the order of the candidates and it was decided that it would be in the same order as the bios on the flyer.

Venta Leon said she thought it might be helpful for the new Board members and the community in general to understand where things stand with regard to the other Board members and how long they anticipate being on the Board; and what the expirations are for the contracts of Phillips and Associates and Karl's job specifically. She said that one of the reasons this came up over the last month or so, is that there are several people interested in the operator position and the Administrators position and they questioned how they go about

applying for those positions or make a bid, since we are in an era of change. The Administrator noted that he is an “at-will” contract employee of the Board and serves at the discretion of the Board with a 30 day notice requirement by the Board. He said that Phillips & Associates are currently on a month to month contract extension of their five year contract with a notification requirement of 180 days. Venta asked if someone wanted to submit a proposal for either job would they submit a proposal to the Board. The Administrator said that would probably be the best way to do it. Walter Earle noted that it is up to the Board as to whether or not they wanted to make a change in either position. The Administrator mentioned that anybody can make a proposal to the Board, but that it is entirely up to the Board as to whether or not they want to open that position to applications at that time. Discussion was also held about the situation with Bill Tucker’s seat since it was determined during the formation that the SUSD would have one representative on the Board. It was determined that there are several people within the District that could be a SUSD representative to the Board. The Administrator clarified that three seats are up for election this November and the other two will be up in 2011.

Bruce Bramson said he was still unclear about the Operator and Administrator positions. He said since everybody is very specific with regard to the terms of each Board member, it seems that if several people wanted to bid for one of the contracts for the position of Administrator or for Operator that there should be a time slot for that to occur. Patty Oku noted that anybody could submit a bid or a resume, and it would be up to the Board to decide if that position would be open for applications or new bids. Walter also said that the Board could decide if it wanted to it could send out Requests for Proposal for new operators or a new Administrator, but that if that were to happen the rates would probably go up. Bruce commented that as a rate payer he felt that there should be an avenue to re-bid contracts. Walter reminded the Chair that this was beyond the scope of discussion for this agenda and it should be brought up at a future date.

Donna continued that she was going to ask the Board what types of questions should be asked at the Candidates Night and then realized that this is the first contested election in the District’s history, so there is no previous format to follow. She concluded that they will do the best they can to get to know the candidates so people can make an informed decision.

Pending Business:

A. Grant Writing

1. The Administrator reported that the CDBG is the only new grant and that it is underway for the tertiary treatment feasibility study. He mentioned that Nick Zaninovich is working on the study and is in communication with the school district, filter manufacturers and suppliers and will have the first phase done in about a month. He noted that he is also having to look at a pre-treatment system because of the high TSS currently in Pond #3 due to the algae. The first part of the report is to determine the capital costs and increased operating costs to determine if the SUSD is willing to share in those costs and if it is feasible to continue with the planning study and to research funding opportunities. The Administrator noted that Nick had contacted the Department of Health Services with some questions and the Department responded with a letter saying that they would review the proposal and bill the District for their time. The Administrator mentioned that he responded in writing to the DHS and that it will be in next month’s Board packet. Nicole mentioned to the Board candidates that the District has a grant to cover the cost of the study, along with the Administrator’s time spent on the project.
2. The Administrator noted that he submitted a request for funding for the Small Communities Grant from Piazza’s last billing.
3. The Administrator noted that he had submitted a quarterly progress report for the RZH grant.

4. The Administrator noted that he had submitted a quarterly progress report for the LWCF grant.

B. Capital Improvement Projects

The Administrator reported that the Pond Project is close to done, but that it was discovered during the rain that the top of the levies slope into the pond and there is runoff of about 40 gallons per minute into the three ponds. He said he will be talking to Lee Erickson and James Piazza regarding this and see what can be done about it. He also noted that the Selvage tank needs to be emptied about once a quarter, which was not anticipated, but at \$350 a pumping it is considerably less than what it would cost to clean a pond every 10 years. He said he was going to meet with Lee Erickson and Piazza to discuss the installation and if there need to be any changes.

C. Sass Property and LAFCO Sphere of Influence Study

The Administrator noted that he had nothing new to report on the Sass Project or Sphere of Influence.

D. Tomales Farm and Dairy and LAFCO Sphere of Influence

The Administrator noted that he did not have anything new to report on the Tomales Farm and Dairy.

E. LAFCO Sphere of Influence Study

The Administrator reported that LAFCO had opened up the Sphere of Influence public hearing at their September 10, 2009 meeting and will keep it open for comments until their November meeting. He noted that the LAFCO SOI Update and Service Review initially included the Sass parcels zoned for one acre or smaller and the Tomales Farm and Dairy 7-acre parcel on Highway One zoned for one acre parcels. However, because the 7-acre parcel is designated C-NC in the Countywide plan, the County says that it could have up to 145 units on it per that zoning. Therefore, LAFCO staff removed that parcel for consideration as mitigation for the overall Negative Declaration. One of the Commissioners of LAFCO noted that because of the terrain and the creek running through it, that parcel certainly could not accommodate more than 3 or 4 units, but the consultant said the County was adamant that it could still be developed per the C-NC zoning. The Administrator said that he talked to Peter Banning, John Williams, and Scott Davidson (the LAFCO consultant) about including it in the SOI if development were deed restricted to 3 or 4 units eliminating the County's concern of the 145 unit potential. John Williams said he was willing to do that, so LAFCO, the County and the consultant have to look at it further after Peter gets back. John Williams indicated that he would leave it to the TVCSD, the Design Review Board and the Community to dictate what goes in there if and when something moves forward and that he felt it would be in the best interest of the community to have it in the sewer district if something were built there. However, he noted that there were no current plans for the property. The Administrator noted to the Board that the Tomales Community Plan Policy Recommendations include that parcel as appropriate for sewer district expansion

Bruce Bramson reported that he and Karl were the only two members of the public at the LAFCO public meeting. He noted that they both spoke to the Commission and the Commission requested written comments prior to the November meeting. He said it appeared to him that the Commission was going to vote at the November meeting whether to accept or reject the SOI expansion as presented by staff. The Administrator reported that when Peter returns from vacation that they will sit down and discuss what is required to get that parcel back into the SOI without jeopardizing the Negative Declaration. He said what ever goes on that property, if it is not in the SOI it could be built with septic systems, which he said he felt would not be appropriate so close to the creek. He also reiterated that the SOI study is going on now and if that property is to be included in the sewer district expansion it should be included now.

Bruce suggested that the Board reiterate its position which it came to in June that the Board wanted to comply with the Town Plan which covers the annexation of the 7-acre parcel with

a reaffirmation that the Town Plan determines the boundaries of the District. He also said that if that parcel is not in the SOI then the only properties in discussion are the Sass and Carinalli properties. He said he felt that since the Sphere is expanding he thought it was better to have several properties discussed rather than just the Sass properties. Bruce also suggested that the District make a verbal comment at the November 12th meeting reiterating the desire to comply with the Town Plan.

The Board discussed recommending that the Tomales Farm and Dairy property be included in the current SOI with whatever requirements the County has to still approve a Negative Declaration if the property owner is willing to go along with those requirements. The Board asked the Administrator to write a letter to LAFCO reiterating the Board's desire to comply with the Town Plan and to reinstate the Tomales Farm and Dairy property into the current SOI. The Administrator acknowledged the request and agreed.

Bruce Bramson said that he wanted to make sure that the Sass and Carinalli lands that are being considered in this SOI not include the additional two parcels zoned 2 acre and 5 acre, and that the letter to LAFCO should state that. Walter Earle stated that the Board has already made that clear in their previous letter to LAFCO and that because of that those two parcels are not in the SOI. The Administrator noted that the letter he will prepare for LAFCO on behalf of the Board will be directed primarily to the issue of the Tomales Farm and Dairy parcel that has been eliminated from the SOI through mitigation. Parcels not in the SOI study that are not being considered for inclusion in the sphere of the District do not need any discussion and will not be a part of that response. Bruce commented that he noticed in the Administrator's correspondence with Sass and his lawyer that he suggested the Board would not approve of including them in the current SOI, but indicated there might be a way to include them in the future. The Administrator clarified his e-mail to Sass noting that he recommended that Sass and Carinalli not try to add the two properties in this SOI because it would lead to a CEQA process, but to rather leave it alone and let the SOI go forward with a Negative Declaration. He said that if they wanted to apply for annexation at a future date, they might be able to appease the community, the District and the County if they deed restricted those parcels to one unit each, but that would be a completely new and different process from this SOI.

F. Clean Renewable Energy Bonds

The Administrator reported that the Solar Project is off and running. He said the contractors are moving through the permitting process. He reported that he had talked to the County about permit fees and Tom Lai agreed that they have a process where some or all of the permit fees can be waived for public projects. He said that would save the District about \$14,000.

G. Irrigation Field Vegetation Management Plan

The Administrator noted that he had nothing new to report on the Vegetation Management Plan. He said he was still waiting to hear back from Borello.

H. Groundwater Study

The Administrator noted that he had nothing else to report on the Groundwater Study than was discussed earlier.

I. State Controller's Office Annual Report

The Administrator submitted a copy of the District's Annual Report to the State Controller's office that had been submitted this month.

J. Audit

The Administrator reported that the audit was proceeding, but that he had not heard anything new from the auditor.

K. Complaints and Correspondence From the Community

The Administrator reported that the only correspondence from the community was a donation from Andrew Middleton and Antea Von Henneberg.

New Business

There was no new business

Administrator's Report:

The Administrator submitted a daily timesheet which detailed his activities for the month.

Correspondence

The Administrator submitted copies of correspondence. No action was necessary.

Park Task Force

The Administrator reported that nothing was new on the Park Project. Walter Earle announced that trees are being planted on Sunday and anybody available to help should show up around 9:00. He reported that the trees were being donated by someone from Blue Mountain and they are Red Oaks.

Adjourned at 7:25 PM

Next Meeting: November 11, 2009 6:00 PM.


Approved

Nov 11, 2009
Date

October 14, 2009

To: The Tomales Village Community Service District (TVCS D), fellow board members, our facilitator Karl Drexel, and the community of Tomales.

I want to thank you all for the honor of serving on the board these past two years. I have learned a lot about performing within a civic capacity and feel quite proud of being involved in decisions regarding the Sewer System Capital Improvements and the new beautiful upgrading of the Tomales Community Park. Special thanks to Karl for his abilities, and the integrity he shows and is known for with our county officials, the Department of Environmental Health, and the myriad of other state and local agencies he works with.

On a personal note Karl, if I ever get into grant writing I'm running my rough draft by you first.

It is also with much sadness that I am moving at the end of this month to Petaluma to lessen my commute and pursue a possible job opportunity.

With sincere thanks and warm regards,

Kat Marando