

**TOMALES VILLAGE COMMUNITY SERVICES DISTRICT
BOARD MEETING**

Minutes of Meeting held November 11, 2009

Board Members Present: Nicole Vigeant, Bill Tucker, Walter Earle and Patty Oku
Board Members Absent: Kat Marando

Also Present: Karl Drexel, Administrator

Paul Duffey
Terry Duffey
Eric Knudsen
Venta Leon
Bruce Bramson

Ted Anderson
Margaret Graham

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

Open Communication:

The Administrator presented a plaque to Board Members Kat Marando and Nicole Vigeant and former Board Member Margaret Graham on behalf of the District for their service on the Board.

Approval of Minutes:

The Chair entertained a motion to approve the October 14, 2009 board meeting minutes and asked for any corrections and additions to the minutes. Terry Duffey asked the Administrator if it would be possible to number the pages to the agenda to make it easier to identify corrections. Terry had a question on page 5 of the minutes where it says the runoff was 40 gallons a minute and she and Paul Duffey remembered it being said that it was 100 GPM. The Administrator explained that there was approximately 100 GPM total going into the pond, because they were pumping 100 GPM out and the pond level did not go down. He said Lee Erickson calculated 20 GPM was coming directly into the ponds via rainfall, there was 40 GPM coming in through the collection system, which left 40 GPM as runoff from the parking lot, driveway and treatment building roof. Walter Earle noted that it was runoff that only occurs during rain and the Administrator noted that it was about 6" of rain in a 36 hour period, which is more than normal. Terry also noted that on page 5 under the LAFCO SOI item, the minutes read that Bruce Bramson said that he and Karl were the only ones at the public hearing. She suggested that it read the only ones at the LAFCO public hearing. After corrections:

Patty Oku made a motion to approve the minutes of the October 14, 2009 Regular Board Meeting as corrected. Seconded by Nicole Vigeant. 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 City National Bank and Municipal Finance Corp for the first annual installments for the Solar Project.

Walter Earle 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, City National, Municipal Finance, and miscellaneous office supplies and copies. Seconded by Nicole Vigeant. M/S/U.

C. The Administrator submitted copies of Levy 4 receipts over the last three years. He explained that when the District was formed in 1999, it was formed as a "Post Prop 13 Special District" and was ineligible for property tax receipts from the 1% property tax everybody pays. There

was, however, a tax payer approved Ad Valorem tax to repay the construction loans of the District. The problem, he said, was the Ad Valorem Tax did not cover the amount of the loan payment because the rate had been reduced from \$0.75 per \$100 valuation to \$0.02 per \$100 valuation by North Marin over the life of the loan. The Administrator speculated that North Marin had to have been getting some additional funding from the County, by way of tax revenue, which would have had to be transferred to the TVCSD, but the County, at the time, said they weren't. However, the Auditor's staff found a way of covering the full amount through what they called a Unitary Tax that is spread out among all Districts. We shared in this Unitary Tax for the last 10 years and were able to make the loan payment with these restricted funds and build up the Reserve for Debt. However, there is a new staff member handling this in the Auditor's office and says that the share the District has been receiving over the last 10 years was supposed to have gone to the other districts. She said she would continue this for this fiscal year, but that it will not be forthcoming in future years. The amount that has been coming from this source runs between \$14,000 and \$20,000 per year.

The Administrator noted that unless he is able to get the County to reconsider this issue and find additional sources of funding, the District will have to increase the Levy 4 tax rate from \$0.02 per \$100 valuation to cover the costs of the loan, or use reserves to cover the difference in costs. The rate needed to cover the loan payment and backfill the Reserve for Debt would be about \$0.10 per \$100 valuation.

Bruce Bramson said it sounded like there is a gray area in the County's thinking that has him confused. He said if the District had been receiving that amount of money over a ten year period, and all of a sudden a new administrator comes in and arbitrarily determines the District is not eligible for these funds, it seems somebody has made a mistake and it needs to be challenged.

The Administrator indicated that he was in no way finished with challenging this decision through whatever channels are available, but he needed to keep the Board apprised of what is going on in the County right now.

Phillips & Associates Report:

The Administrator reported that Phillips is still working on the pond chemistry and operation to try to lower the algae. The Administrator noted that he has also consulted with another engineering firm that works with the CRWA and specializes in trouble shooting wastewater lagoons. He is working with the Administrator and reviewing the lab tests in order to make some suggestions. Bill Tucker asked the Administrator if he had resolved the issue with the Petaluma Septic Service billing and the Administrator noted that he had not heard back from them since he wrote to them objecting to the bill.

Committee Reports:

A. Newsletter Committee

Terry Duffey submitted copies of the Draft Newsletter with changes from what was in the Board Packet. The Board acknowledged another great Newsletter.

B. Fundraising Committee

Nicole reported that she has a few more before and after prints that can be sold and that Joanne at the Deli is happy to display them and sell them for the District. Margaret reported another possible fundraising project would be to collect recyclables for an outfit called Terra Cycle that pays cash for particular recyclable containers that they then use to make things like purses, shopping bags, etc. She gave the Administrator the website to research it.

C. Community Advisory Committee

Terry Duffey reported that the Candidates Night went very well. She thanked members of the committee for all the work they put into it and she also thanked all of those that brought

refreshments. There was consensus that Bert did a great job as moderator. She said it went so well the committee suggested that after the Board has been seated for awhile that maybe they could do something similar again. Venta Leon suggested that it be done in conjunction with a tour of the plant.

Terry also indicated that the committee wrote a letter to LAFCO about the Sphere of Influence and that Peter Banning wrote back indicating that the SOI decision and public comment period would be extended until February 2010.

D. Mosquito Committee

Margaret Graham explained that when the County agreed to expand the Mosquito Control Agency into unincorporated West Marin, Bolinas formed a committee to engage the Vector Control Agency to control aerial spraying in West Marin and to limit the use of pesticides to only organic Bts. The committee expanded to include other areas of West Marin and over the years has been successful in getting the Agency to agree to using backpack spraying of the Bts and a more potent spray for septic tanks where there is an infestation. She said they got a new five year agreement and it was just recently signed by the Agency. Bill Tucker asked her if she would still be on the Mosquito Committee, and she indicated she would be willing to, but could not represent the District unless the District appointed her to that position.

Nicole Vigeant made a motion to appoint Margaret Graham as the representative of the District on the Mosquito Committee. Seconded by Patty Oku. M/S/U.

Pending Business:

A. Grant Writing

1. The Administrator reported that the Feasibility Study is coming to a close and that Zaninovich Engineering should have a Draft done by the end of the month. He reported that the preliminary figures for the capital costs range from \$740,000 to \$780,000, but it is not clear what that includes. The actual filtering system is only about \$150,000, so there is a lot of infrastructure that has to be considered. The final cost figures will also depend on the clarity of the effluent out of pond #3 which we are working on.

The Administrator also submitted a copy of the letter to Department of Public Health indicating that if and when the District gets to the point of moving forward with a tertiary project, the District will be happy to pay for their services, but that in the meantime he expected the Department to cooperate with the consultant's request for information.

The Administrator also reported that he has submitted a new application to the CDBG for additional funding for the Park. He noted that the District has not requested grant funds from them for a few years.

2. The Administrator noted that he submitted a request for funding for the Small Communities Grant from Piazza's last billing. It turned out that billing was wrong, so the Administrator corrected it and paid him on the corrected invoice. He sent another invoice that was even more wrong and finally got it right and signed. He had to re-submit the signed copy to the state.
3. Nothing new to report.
4. Nothing new to report.

B. Capital Improvement Projects

The Administrator reported that the Pond Project is close to done. He reported that he met with Piazza and that he is going to make some changes on the installation of the Salvage tank and that he is re-grading the tops of the levy and working with additional rock to divert water from the parking area away from the pond. He also indicated that he is putting a small berm

around the end of pond one to help divert the water and suggested that the District install gutters on the treatment building. Bruce Bramson asked if there was going to be additional costs for this work. The Administrator noted that the grading of the levy and the work on the Selvage tank would not incur any additional costs, but that the gutters, the berm and the parking re-grading might, but he has not heard yet. He also noted that the grant has a contingency function that could be used if any additional costs come up.

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 the LAFCO Sphere of Influence public hearing would be postponed to February 2010. He submitted copies of the letter and emails between he and Peter Banning requesting that the John Williams property along the east side of Highway 1be included in this SOI with a deed restriction to comply with the Tomales Community Plan and satisfy the land use category designated by the Countywide Plan. Bruce Bramson said that he wanted to reiterate that The Design Review Board sent two letters to LAFCO regarding the SOI, one concerning the Tomales Farm and Dairy property and the other regarding the Sass-Carinalli properties. He also indicated that the Ad Hoc Committee sent a letter to LAFCO and that they were not completed in time for this Board Packet. The Administrator indicated that he did e-mail a copy of each letter to the Board members and the Ad Hoc committee to be included in this Board Packet, but that he would also include them in next months packet. Venta Leon asked the Administrator if he includes all e-mails that he sends and receives in the Board Packet or if he selects those he feels are relevant to the Board. The Administrator noted that he submits “pretty much all” of the e-mail correspondence in the Board Packet, however he receives a ton of e-mails and other correspondence and he sorts through them and submits those items he feels are pertinent to Board members and relevant to Board business..

F. Clean Renewable Energy Bonds

The Administrator reported that he has been unable to find out where the contractor is in the permitting process.

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 Andrew Rogers from ECON suggested that it might be better to present a proposal in January when the new Board was seated and they had time to get into it. Nicole asked the Administrator to explain the source of groundwater as explained by Todd Engineers. The Administrator said he didn’t remember the exact figures, but it was David Abbott’s contention that groundwater is from percolation only. He said that rainwater accounts for all of the water in groundwater and that 85% of all rainfall runs off into storm drains and creeks. Of the 15% of rainwater that does not run off, 85% evaporates, so that only 15% of the 15% actually percolates into the ground and only a percentage of that recharges groundwater. Bruce Bramson added that it depends on what happens with the rainwater once it hits the ground. In agricultural lands a lot will percolate and in the cities where they are trying to reduce flooding a lot more is diverted to runoff. The Administrator also indicated that different permeability of the ground and ground cover makes a difference, and he thought the numbers David Abbott was using were overall figures.

I. Audit

The Administrator reported that the audit was proceeding, but that the Auditor had brought in a bookkeeper to collaborate on the audit and it is taking longer than anticipated.

J. Complaints and Correspondence From the Community

There was no correspondence from the community other than the letters to LAFCO from Design Review and the Ad Hoc Committee.

New Business

A. Grand Jury Request

The Administrator submitted a copy of another request from the Grand Jury, which he guessed to be the third or fourth Grand Jury request in the last 8 years. This particular inquiry regarded the makeup, operation and compensation of the District and Board. The Administrator submitted a copy of the response.

Administrator’s Report:

The Administrator submitted a daily timesheet which detailed his activities for the month. Nicole Vigeant suggested that when the new Board is installed the Administrator show the new board the format that he used to submit to the Board before this daily timesheet format. She said it was easier for her to get precise information of what is happening in the District than to try and wade through each daily task that is performed.

Correspondence

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

Park Task Force

The Administrator reported that he has been in contact with David and that he has assured him that work on the Park will start right after Thanksgiving.

Adjourned at 7:04 PM

The meeting was reconvened at 7:08 to complete the New Business Item B regarding the SDRMA Board Position.

New Business

B. SDRMA Board Vacancy

The Administrator reported that the SDRMA notified all of the Districts of a vacancy in the Board that will be filled by appointment to complete the last two years of the seat by either a District Board member or a District management staff member. The Administrator noted that he was interested in applying for the position and needed the Board to nominate him as a candidate for appointment and adopt the Resolution provided by SDRMA for that purpose.

Nicole Vigeant made a motion to adopt Resolution #09-07 nominating Karl Drexel, Administrator, to be the District’s candidate for the vacant Board position on the SDRMA Board of Directors. Seconded by Walter Earle. M/S/U.

Adjourned at 7:10 PM

Next Meeting: December 9, 2009 6:00 PM.


Jan 13, 2010

Approved Date