

**TOMALES VILLAGE COMMUNITY SERVICES DISTRICT  
BOARD MEETING**

Minutes of Meeting held April 8, 2009

**Board Members Present:** Nicole Vigeant, Bill Tucker, Margaret Graham, Kat Marando and Walter Earle

**Board Members Absent:** None

**Also Present:** Karl Drexel, Administrator

Paul Duffey

Terry Duffey

Peter MacLaird

Bruce Bramson

Donna Clavaud

Bert Crews

Venta Leon

Bill Bonini

**Board Member Margaret Graham called the meeting to order at 6:08 p.m.**

**Open Communication:**

Nicole Vigeant mentioned that she wanted to discuss the special community meeting being planned to discuss the future of the Hulbert property and that it might not be necessary now. She reported that the LAFCO was proceeding with a Sphere of Influence study to include only the southern most parcel of the Hulbert property with mixed zoning that includes higher density and would not require a Town Plan amendment. She noted that a town meeting might be called for after more information becomes available. Bruce Bramson announced that Nicole had approached him about having a joint meeting with Design Review and something as semi-formal as hosted by Steve Kinsey. He said his personal reaction, because he could not speak for Design Review, was that there be a town meeting around the Sphere of Influence issue. He said he felt that the TVCSD should hold a meeting without Steve and without the Design Review Board as a ratepayers open forum and discussion and discuss whatever issues came up. Nicole mentioned that when Peter Banning addressed the Board he noted that if there were any proposed changes in the District's boundaries, a public meeting would automatically kick in and the people would be able to address the issues at that time. Margaret Graham asked Bruce why he felt the meeting should be limited to ratepayers. He acknowledged that it should include ratepayers, renters and residents, but it should be held by the District board without bringing anybody in from the County because it could get confused with the Sass development and just focus on the SOI. Walter Earle noted that the initial concept of having Kinsey moderate a meeting was to have it more of a neutral presentation so that it wasn't just the TVCSD Board or the DRB. Donna Clavaud asked if a Sphere of Influence wasn't a larger community issue. She said she felt it was a town wide issue that deals with planning issues and she felt a neutral party should come in and look at the village of Tomales and its planning area. Bruce Bramson then commented that if a Sphere of Influence proposal involves public meetings, then he felt that the town meeting could be held off until that time.

Margaret Graham submitted copies of recent articles she said were interesting that had been published in the West Marin Citizen. One was about septic systems leaking into Tomales Bay and the other was about septic systems in Stinson Beach.

Margaret said she also had an announcement to make before the rest of the meeting started. She noted that she had taken the seat on the Board when Kathleen Crane moved to Petaluma and had to get off the Board. She noted that she had been on the Board for many years and that she would not have run the last time, but there was nobody else coming to the meetings and nobody willing to be on the Board to replace her. She also mentioned that somebody had made a comment about two people from the same household on the same board was not a good idea and she agreed that there might be some merit to that. She also noted that there seemed to be a lot of energy now and a potential for new members, so she announced that she will be leaving the Board after June 26<sup>th</sup> and her seat, which expires in 2011, can be filled by appointment. There was some discussion as to the length of time a Board member serves, and Margaret

noted that she had not been there as long as Nicole and that Bill Tucker was the last member from the original Board. Nicole noted that there were also three other Board seats up for reelection in November. Those seats held by Walter Earle, Nicole Vigeant and Kat Marando.

**Bill Tucker arrived and took over as Chair of the meeting.**

**Approval of Minutes:**

The Chair entertained a motion to approve the March 11, 2009 board meeting minutes and asked for any corrections and additions to minutes. Terry Duffey submitted a written correction to the March 11, 2009. She noted that on the fourth page of the minutes, during the discussion of Policy PF 1.1 and 1.2 of the Tomales Community Plan, there was a conclusion reached that and that was that Donna and she read Policies PF 1.1 and 1.2 and Margaret said (and she is paraphrasing) that the policies say to use septic systems on two acre and larger parcels and hookup to the sewer on parcels smaller than two acres.

**Nicole Vigeant moved to approve the minutes of the March 11, 2009 Regular Board Meeting. Seconded by Margaret Graham. M/S/U.**

The Chair entertained a motion to approve the March 25, 2009 Special Board Meeting minutes and asked for any corrections and additions to minutes. Being none,

**Kat Marando made a motion to approve the minutes of the March 25, 2009 Special Board Meeting. Seconded by Margaret Graham. M/S/U.**

**Financial Report:**

**A. & B.** The Administrator noted that there was nothing to add to the financials in the Board packets.

**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, SDRMA, Capital One, and miscellaneous office supplies and copies. Seconded by Nicole Vigeant. M/S/U.**

**Phillips & Associates Report:**

The Administrator reported that there were no major issues to report. The three pond system was in operation and the ponds were working as designed. He noted that the monthly Self Monitoring Report to the Regional Board lists the lab results for all three ponds. He also noted that irrigation can start on April 15<sup>th</sup>. Nicole asked if there was much to irrigate and he mentioned that there was very little water in the storage ponds for this time of year, but they will be ready to irrigate anyhow. The Administrator reported one equipment problem. He noted that one of the lift station pumps is out of service and in the shop for diagnostics. Walter asked if the reason for two pumps was for a fail safe. The Administrator responded that there are two pumps for redundancy and to keep equal wear so that one pump doesn't go out prematurely. The two pumps also act as lead and lag pumps, so if the first pump is not keeping up with excess inflow, the second pump will kick in as a booster pump.

Nicole asked the Administrator to ask Phillips and Associates to attend the May Board meeting and to discuss the different grades of operators and the differences between employees and contract operators.

**Committee Reports:**

**A. Newsletter Committee**

Terry Duffey submitted a draft of the Newsletter for Board approval. Nicole asked if there was room to add a notice of the Board member election and vacant seat. Terry explained that there was no room. The Administrator mentioned that a notice could be posted in the local papers and that it will be posted in town. Paul Duffey asked about the Newsletter article that mentioned that the District has a low interest loan to cover the costs of the

pond project that weren't covered by grants. He wanted to know what the amount of the loan was and what the interest rate was. The Administrator reported that currently the loan was at \$268,000 and the interest rate was 1.5% plus 1% costs for a total rate of 2.5%, which replaced the old 5% construction loan. Paul asked the Administrator if there were any other loans outstanding with the sewer division and the Administrator told him there were no other loans, but he was reminded that the short term interim loan from the NRWA was still a loan and he corrected himself. Paul asked if the Park project had any outstanding loans and he told him it did not other than the small inter agency loan from the sewer division. Terry Duffey asked the Administrator if he had seen the article in the Citizen regarding the pond project, where the reporter stated that there was filtration between the ponds. The Administrator responded that he did read the article and that the reporter was supposed to write a correction the next week, but he never did. He also noted that the article said the District had a loan of \$860,000 for the project, which was not correct.

**B. Fundraising Committee**

Walter asked if there had been any discussion about Founders' Day. Bert Crews said that there probably would be another festival this year since last year's was so successful, but that discussion doesn't usually start until June.

**C. Community Advisory Committee**

Bert Crews reported that they had completed the districts comparison spread sheet and passed out copies to the Board. Bert asked if anybody from the committee wanted to go over the information. Donna Clavaud suggested that they focus on Tomales because although they tried to enter appropriate figures, they had some questions. She suggested the Board look through the information. Venta Leon said there was some question about the difference between annual budget and operating budget. Venta explained the information on salaries for Bolinas noting that the apportionment of the total figure assigned to sewer operations is 30% of the total number, because the GM at Bolinas only spends 10-30% of her time on sewer operations. Margaret Graham asked the committee if they had a breakdown of the salaries of the other employees and what they did and how much they made. She noted as an example, did the districts have separate bookkeepers and at what rate. She also noted that if the District hired staff to do separate functions, then are you getting into employee taxes, office space and benefits? Donna suggested that more information would be good, but that this was a good start for gathering information. Nicole asked if they had dollar figures for the benefits package for the general managers and other employees or if they just knew that there were benefit packages. Donna commented that some they did have, but that this was the kind of information that they still needed and that the committee will work to refine the information. Venta noted that she did have some information on Bodega Bay. She reported that Plant Operator I was \$22.81 - 27.91/hr; Plant Operator II was \$24.01 - 29.40/hr; Maintenance Mechanic \$27.70/hr; Utilities Maintenance was \$21.54; 3 Office personnel at \$20/hr for 30 hrs between the three of them. Bert Crews noted that they did not focus on other employees, but rather focused on general managers. Margaret said that she felt it was important to separate out other job functions that other employees perform. Donna Clavaud offered to send a copy of the Draft spreadsheet to the districts that they interviewed and ask them to update their information.

**D. Mosquito Committee**

Margaret Graham reported that the West Marin Mosquito Committee met and announced that they have renewed the agreement with the Sonoma/Marin Mosquito Abatement District to only use accepted bacterial sprays and education to deal with the mosquito issue in West Marin for five years. She noted that other Districts in the state are looking at the agreement for other areas as well.

**Pending Business:**

## A. Grant Writing

1. The Administrator reported that the Community Development Block Grant staff had recommended that the TVCSD block grant for the tertiary study continue and the Block Grant Committee approved that. Walter Earle asked if the quote for the study was still good and the Administrator noted that it was over two years old and would probably have to be adjusted. He also noted that he submitted a grant request to the State for the building of a tertiary system through the Stimulus Program, based on rough costs of about \$800,000. He explained that the funding from the Stimulus Program is currently earmarked for loans through the SRF Program, but might have grants later so he wanted to get the request in just in case grant funding came up.

Peter MacLaird asked the Administrator if there was some State agency or regulatory body pushing the District to move up to tertiary treatment. The Administrator told him that no one was pushing this on the District. Nicole explained that the District Board had established the goal of getting to tertiary treatment from the time that Kathleen Crane was on the Board back in 2003. She said the reasons were threefold. One was that the school had asked the District to look into the possibility of sending treated water to them for irrigation again, and with tertiary treatment levels they could do it. Peter mentioned that there was something in the news recently that indicated the County was encouraging irrigation of schools, parks, cemeteries and golf courses with recycled water, but he said it didn't seem like that should be a high priority in Tomales. He asked other than the school, what else can the water be used for. Nicole explained the second reason was that the pumping of highly treated wastewater to the storage ponds would eliminate any environmental catastrophe if there was a pipe break or spill, and thirdly, it was apparent that there was a water shortage throughout the world and so investigating water reuse at this time, when there is grant money available to do it, would put the district in a good position to take advantage of any water market that might come up. Venta Leon said she had heard that there was a report from Phillips and Associates listing the pros and cons for water recycling and there were a dozen reasons against doing it and three reasons for doing it. Paul Duffey commented that he had also read the report recently and might have a copy. Paul also noted that he knew a rancher that would take some of the water for free, but would not sign an agreement or commit to a specified amount. He said that adjacent ranches would take some of the water, but not much. Nicole mentioned that the school has been trucking in water over the last several years, but she didn't know how much. Bill Bonini said he thought the school's well had problems and didn't know if it had been fixed. Tucker said that water has always been an issue at the school. Paul said the new tank at the school is almost full. It has 21 feet of water, he said. Margaret reminded everybody that this is a study to see how much it would cost, if anybody is willing to pay the costs and the study is being paid for by a grant. Discussion was held regarding what water could be sold for, what tertiary water could be used for and what the potential market for recycled water is. The Administrator explained that that is what the feasibility study will reveal.

2. The Small Communities Grant is still on hold for the time being.
3. The LWCF is not on hold because it is a federal grant, and the Administrator noted he had been approved for an extension of time for completion of the project by the State, but has not had word from the National Park Service.
4. The Administrator noted that the RZH grant is still on hold, but that it didn't affect the Park project, because they are holding back 15% of the total grant until it is completed.

## B. Capital Improvement Projects

The Administrator reported that the Pond project is in service and operating within parameters. He noted that the project is almost complete, but still needs some small items to be completed. Terry Duffey asked if the District is applying for Prop 84 grants. The Administrator noted that they have just completed the guidelines and he has not studied them yet. He also noted that they are not accepting applications yet because of the state freeze on bond issues.

**C. Sass Property**

The Administrator reported that he attended a meeting at the County with Community Development Agency staff, LAFCO staff and Steve Kinsey. He noted that Sass has the properties listed for sale, but that he has not gone away. He has not pulled his applications for a Tentative Map and the County still considers it an active proposal. Kat asked if there was an expiration date on the application and the Administrator said he was sure there must be, but that Sass had just submitted a revised application so he didn't know what the expiration date was. The Administrator also reported that Peter Banning asked the County for guidelines for the Sphere of Influence study they need to do for the TVCSD. The consensus of Brian Crawford, Jeremy Tejirian and Steve Kinsey was that the only parcel outside of the current District boundaries that could be considered in the Sphere of Influence study without a full CEQA process was the main lower lot of the Sass project with the mixed zoning and the four smaller RSP-7.26 lots. The other lots of the Sass project, the parcels of the Tomales Farm and Dairy and other adjacent lots to the District have been taken off the table for this SOI because they feel including any of them would require a full CEQA submittal, an EIR and a Town Plan amendment. He said that LAFCO did not have the funding for that and neither did the County. So LAFCO is proceeding with the District's SOI study, taking into consideration the lower mixed zoning parcel and the four small lots because the Town Plan includes them as possible District expansion areas. He also reiterated that the SOI study does not mean the properties are in the District. Annexation would have to go before LAFCO in a public hearing process and be approved before they are included in the District. Bruce Bramson noted that Peter Banning had made it clear to him that LAFCO does not get into land use decisions and will not consider the Sass development. He said that the County and the community will determine what the final development of the mixed zoning lot will look like and it will be a long ways down the road. Bruce also noted that by each of the other parcels being listed for sale it precludes the County to require a Master Plan for the Sass development to include them.

The Administrator noted that there was one other contentious item that he asked Brian Crawford to look at was the discrepancies in the different maps with regard to zoning. He mentioned that the Tomales Town Plan map and the County's GIS map show different zoning on some of the properties. The other 2-acre parcel on the GIS map shows mixed zoning of ARP-2 and RSP-7.26, and the general plan zoning is ARP-3 and SF-6 (6 units per acre). Bruce Bramson said that Jeremy Tejirian told him the County map was wrong. The Administrator noted that it is important to get that clarified, and he said he got an email from Jeremy stating that they are looking into the differences.

The Administrator also submitted a copy of the letter sent to Karen Karlow advising her and potential buyers that the District "Will Not Serve" the Sass parcels with sewer service at this time.

**D. Tomales Farm and Dairy**

The Administrator reported that he had nothing new to report.

**E. Clean Renewable Energy Bonds**

The Administrator reported that he submitted the financial audit to the bond broker and they are reviewing it for credit authorization. He also noted that the IRS authorized payback period went from 15 years to 13 years, back to 15 years and now is back to 14 years. This means a larger annual payment, but the system is paid off a year sooner. The actual savings and breakeven points do not change. He also reported that he had applied

for the California Solar Initiative (CSI) rebates and it has been locked in. They questioned the size of the system, because the proposed solar system is larger than the historic figures for energy that the District has used over the last couple of years. The Administrator submitted a letter explaining that the usage over the last two years was less than normal due to reduced rainfall, and additional future usage would require a larger system.

#### **F. Audit**

The Administrator reported that the audit had been submitted to the County, the State and to the bonding agency. He also requested from the auditor the names of bookkeepers proficient with QuickBooks Pro whom the District might use if the Administrator's job description is rewritten to eliminate bookkeeping as had been recommended by the compensation committee. She gave the names of three people she would recommend. He noted that he had not contacted any of them and that they charge between \$40 - \$50/hr. He also noted that the auditor makes adjustments to the financials during the audit and he said it might be good from time to time to make those adjustments in between annual audits. Bert Crews mentioned that the recommendation of the committee was that someone local be hired to do the bookkeeping and said he didn't think it would be necessary to pay them \$40-\$50/hr. Walter Earle noted that there was someone in town he could ask what they would charge. Walter also mentioned that it is important to get someone qualified and proficient that would not take a lot of training.

#### **G. Complaints and Correspondence From the Community**

The Administrator submitted a copy of a letter written by Richard Oppen on behalf of the Design Review Board to the County. He also received a request from the Tomales Town Hall for the computer at the treatment plant that is being replaced. Nicole said that she felt it shouldn't be given away yet since it might be used if the Board decides to hire other people to do some of the work of the Administrator. Margaret announced that the Board was working on a response to the letter from Richard Oppen and the Design Review Board.

### **New Business**

#### **A. District Board Elections**

The Administrator announced that there were three regular four year board seats up for election in November. He noted the filing dates for prospective members to file with the County were July 13 to August 7. He noted that anybody wanting to run for one of the Board seats they need to go down to the County building in San Rafael and take out the proper papers and if they want to put a candidates statement in the voter pamphlet, they need to pay for that. The three seats up for election are currently being held by Nicole Vigeant, Walter Earle and Kat Marando. Nicole announced that she will not be running for re-election. Bruce Bramson polled the other two Board members asking them if they were going to seek re-election and both Walter and Kat said they had not made that decision yet. Nicole asked if people interested in running for the Board had to be ratepayers. The Administrator noted that the Special Districts Law requires that a Board member be a registered voter in the District. Margaret asked if they had to live in the District and the Administrator said according to law they only had to be registered voters in the District. **[Administrator's Note: Further investigation found that the District Bylaws states that a Board member has to reside in the District]**

The Administrator submitted for review and adoption, Resolution 09-03 authorizing the County to include the TVCSD Board of Directors election of members in the November 3, 2009 general election.

**Nicole Vigeant made a motion to adopt Resolution 09-03 authorizing the County to hold the TVCSD Board members election with the November 3, 2009 general election. Seconded by Kat Marando. M/S/U.**

#### **B. SDRMA and CRWA Board Elections**

The Administrator submitted notices from the SDRMA and the CRWA of their Board elections and request for nominations. The Board did not take any action on nominations and will not be sending a representative to the annual conventions to vote.

### **Administrator's Report:**

The Administrator submitted a written report this month, and the key activities of the previous month included:

- Continued to correspond with Park Project Officer for extension of time for completion for LWCF Grant. Received assurance that there would not be any penalties if paperwork is a little late.
- Continued discussions with David re: Dutton House plans and specifications. Continue to revise material list and get prices.
- Continued discussions with Jared Huffman's staff and Tom Williard regarding AB 2466 and CREBS. Submitted request for stimulus funding.
- Continued work on FFAST application for tertiary treatment project. Researched CA Energy grants.
- Met with Steve Kinsey, Peter Banning and the Community Development Agency staff regarding the Sphere of Influence study and zoning discrepancies of the Sass properties. SOI will go forward with limited and restricted properties in accordance with Tomales Community Plan.
- Developed and submitted a Will Not Serve letter for Karen Karlow regarding the Sass properties.
- Submitted final audit report to State, County, and CREBS broker for the sale of bonds.
- Attended Special Meeting of the Board at the Presidents request. Started working on a draft detailed billing system.
- Submitted articles for the Newsletter on the Park, Pond and Solar projects.
- Attended West Marin Planning Area Public Workshop for the CDBG Program and reported on the progress of the Pond Improvement Project.
- Submitted monthly SSO report to the State.
- Received and reviewed Richard Oppen and Design Review Board's letter to the County. Did not feel a response was necessary.
- Review and submit renewal questionnaire to SDRMA, review guidelines for credit incentive program, and took several online safety and ethics courses through Target Safety and submitted certification to SDRMA for reduced premium credits.
- Met with Phillips & Associates. Troubleshoot the lift station with Eliazar, reset the pump schedule and took one pump off line. Phillips will look into repairing.

### **Correspondence**

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

**At this time, Nicole Vigeant, President of the Board of the TVCSD stated that she was married to one of the contractors hired by the Administrator and is recusing herself from the discussion and voting of the Park Project in order to not present the appearance of a conflict of interest.**

### **Park Task Force**

The Administrator reported that the framing for the two swing sets and the whimsy riders has been installed and the play surface has been ordered. He also noted that the play surface will be installed in the larger play area that does not have a play structure planned for it. He noted that play equipment was delivered and is being stored until David can install it. He mentioned that the play area curb is 12" deep and would provide a tripping hazard without fill. The Dutton House play area has steps around it, and won't be such a hazard while waiting for the play structure. He also remarked that the play area next to the gazebo could be used for an activity like badminton or it could be a spot for a community labyrinth. Bill Bonini asked if they were going to place it in the play areas. The Administrator noted that they did have trucks that could blow it in and place it in each play area, but the cost was an additional \$3,000 and David has some volunteers lined up to move and spread the 200 yards of wood chips. He also

