

**TOMALES VILLAGE COMMUNITY SERVICES DISTRICT
BOARD MEETING**

Minutes of Meeting held May 14, 2014

Board Members Present: Deborah Parrish, Patty Oku, Brian Lamoreaux and Sue Sims
Board Members Absent: Bill Bonini

Also Present:

Nicole Vigeant

Samantha Kimmey

Board Vice President Deborah Parrish called the meeting to order at 6:10 p.m.

Open Communication: Nicole Vigeant spoke to the Board about her concerns for the direction the District Board is taking regarding the Administrator and Operators of the District. Patty Oku read a letter from Margaret Graham and Walter Earle relaying their concerns for the District, which is attached and made a part of these minutes.

Bill Bonini called in from Connecticut on cell phone and was put on speaker to participate in the discussion in closed session.

Patty Oku also read the following from the booklet "Open and Public 4, Second Edition 2010":

Public officials complain that the Brown Act makes it difficult to respond to constituents and requires public discussions of items discussed privately. Many elected officials find the Brown Act inconsistent with their private business experiences. Closed meetings can be more efficient; they eliminate grandstanding and promote candor. The techniques that serve well in business-the working lunch, the sharing of information through a series of phone calls or emails, the backroom conversations and compromises-are not often possible under the Brown Act.(pg 4, under controversy, 2nd paragraph)

A violation occurs for a tentative as well as final decision. In fact, criminal liability is triggered by a member's participation in a meeting in violation of the Brown Act-not whether that member has voted with the majority or minority, or has voted at all.(pg 48, under criminal complaints, 4th paragraph)

She also stated, "I feel this meeting may be in violation of the Brown Act and hasn't been properly vetted by counsel so I will not be attending"

Patty Oku left the meeting at 6:23

The Chair announced the Board was going into closed session to address the current status of the Administrator's contract.

The Board came out of Closed Session at 7:20 and entered Open Meeting. The Chair announced there was no action taken in Closed Session. She also reported that the Board agreed to hold Regular Board meetings every other week for the next several months to get through all the things they wanted to get done.

Present During Open Session:

Board Members Present: Deborah Parrish, Patty Oku, Brian Lamoreaux and Sue Sims
Board Members Absent: Bill Bonini

Also Present: Karl Drexel, Administrator

Bruce Bramson
Nicole Vigeant
Kendal Oku

Venta Leon
John Ward

Ted Anderson
Samantha Kimmey

Victoria Hanson
James Parrish

David Judd
Theresa Omlor

Election of Officers – Board Secretary:

The Chair tabled the election of a new Board Secretary

Approval of Minutes:

The Chair asked for additions or corrections of the April 9, 2014 board meeting minutes. Patty Oku noted that under Policies, she wanted to clarify that Deborah had suggested she work on an e-mail policy, but she had not committed to that. She said she was committing to it now, however.

Sue Sims made a motion to approve the minutes of the April 9, 2014 Regular Board Meeting with changes. Motion seconded by Brian Lamoreaux. M/S/U.

Financial Report:

A. **&B.** Administrator submitted the financial reports for April and a list of payables for the months of April and May along with copies of the check registers for the month of April. The Chair announced the check registers were under review, so that item will be tabled. The Administrator noted that another bill came in for electrical work on the irrigation pumps for \$420.

Brian Lamoreaux made a motion to approve expenditures. Motion was seconded by Sue Sims. M/S/U.

Patty Oku made a motion to adopt the Financial Statements. Motion was seconded by Sue Sims. M/S/U

C. The Chair announced the Proposed Budget for 2014-2015 was next on the agenda and opened the discussion on the Budget to the public. Being no public comment on the Budget, the Board held a discussion about the required dates, changing the budget in the future and some specific expenses discussed but not in the budget. Sue Sims questioned the SCADA system software, the operating systems and suggested the District look into upgrading the computer systems and software. She voiced concern about the compatibility of hardware and software if an upgrade in new operating system and new Allen Bradley software were required. Chick Peterson noted that there may be alternatives to moving the software forward on a new platform. There was discussion about having an ad-hoc committee look into the alternatives to the older software and the older operating system.

Sue Sims made a motion to form an ad-hoc committee headed by Chick Peterson to look at the computer hardware, operating system, the SCADA software, and look at options and alternatives for each. Motion was seconded by Brian Lamoreaux. M/S/U.

Deborah said she felt that the Proposed Budget was not ready to be voted on, that she felt there were line items she wanted to address, there were line items missing, and that the Board was sending out RFPs for three different contract positions that need to be addressed in the budget. Patty Oku noted that the Board has not voted on sending out the RFPs, only to develop them so if it were necessary they would be ready to go. She said she didn't feel it was necessary and was not sure if the Board as a whole did either. She said it was proper protocol to vote on something before it is included in the budget. She also noted that some of the agreed upon changes to the RFPs have not been included in the final drafts. She felt the process needed to follow a procedure that when a document is amended and passed with the amendments, the revised document be in the following month's Board packet for review. Sue noted that sometimes it is unclear what changes are agreed upon by everybody, because no motion is made and there often is not even a consensus asked for. Because of that some changes are not always made that someone might otherwise have wanted.

Kendal Oku asked if the issuance of the RFPs was part of the Budget discussion and the Chair said it was. Kendal addressed the board regarding the issuance of RFPs and the process to follow. He commented that an RFP policy should be developed regarding when and how often they should go out. Deborah mentioned that the Board had developed and approved a competitive bidding process and RFP guidelines in the second meeting. Kendal stated that the RFPs were being issued to determine whether you are getting the “bang for the buck”. Deborah spoke to that issue and mentioned that she wanted to see what was available for all contracted services and the way to do it was to put out RFPs. She said before she could vote on a budget, she wants to know if the District is not only getting the best fees for services, but the best services provided for all contracted services. Kendal continued that within the evaluation of each position there should be written guidelines on performance. The process should be to evaluate the positions first and see if the performance is up to District standards and if not then put out RFPs and if so, there is no need to put out RFPs. Deborah and Sue contended that the RFP process is doing that. Chick Petersen commented that the RFP had an evaluation form attached that would evaluate the position by the proposer and there were guidelines and qualifications included in the RFP. He noted that the current Administrator and the current Operators are welcome to submit proposals and bid on those positions. Kendal noted that typically you don’t need to go to that length if the people are meeting their expected performance. Deborah asked if there was an evaluation procedure and Patty noted that there is an evaluation form for Board members and a self evaluation for the Administrator to fill out and a policy to evaluate the Administrator every two years. Deborah asked Kendal if there was anymore and he responded that he felt the RFPs should have a list of specific prequalifications vetting the responders before the proposals were submitted. He suggested the RFP be peer reviewed by industry professionals to see if all of the right questions are being asked. Deborah noted the RFP guideline policy addresses performance and timing and the next step would probably be listing prequalifications. Chick also noted that the O&M RFP had included the required qualifications for the position.

Nicole Vigeant suggested that now that the Board knows there is an Evaluation Form and procedure in place that maybe they would want to do an evaluation before moving forward with the RFP process. Deborah noted that she would like to see the evaluation form, but that she felt the RFP process is what they should be doing on a regular basis. She said it wasn’t about just costs, but to find out what services were being offered. It is about getting quality services and getting the best value. Kendal noted that if the District puts out RFPs for these positions on a regular basis and it is known they are shopping these positions on a regular basis, the responses will diminish because people in the industry will know you are going to shop the positions regularly. Deborah noted that it is a known best practice of business. Sue noted it depended on the industry, but in her experience contracts are put out to bid regularly in the tech industry. Kendal reiterated that it is best practice to evaluate the performance before you go out to replace the contracts that you have.

Brian asked why it had to be an either or situation. He suggested the RFP process could be moving forward without actually sending them out, but getting everything in line that needed to be done and do an evaluation of the services the District is getting. The Chair stated that she did not want to debate the issue further, that the RFP process had been voted upon and the issue at hand was how to move forward with it. She also noted that the discussion was getting off the agenda subject. She asked if there was anything pressing in the Agenda that needed immediate action, and if not she wanted to table some of them. She also reported that, as was stated earlier, Bill called in from Connecticut to participate in the closed session and requested that the Board meet every two weeks. Discussion followed regarding the budget and a public hearing for approval of a Preliminary Budget. Deborah noted the FAC was meeting on May 19th and would discuss any amendments to the proposed budget. Patty noted that there could be a vote on the budget as amended on the 28th and a second vote, after public discussion, at a public hearing on June 4th.

Sue Sims made a motion that the Board meet on the second and fourth Wednesdays of the month for approximately the next two months at 7:00 PM to run for two hours. Motion seconded by Brian Lamoreaux. M/S/U.

Patty Oku made a motion to cancel the Public Hearing on the Budget on May 28th and hold it on June 4th at 7:00PM. Motion was seconded by Brain Lamoreaux. M/S/U.

Phillips & Associates Report:

Deborah tabled the Phillips Report.

Committee Reports:

A. Newsletter Committee

Beth Koelker presented a draft of the Newsletter for approval. It was decided to add the June 4th Public Hearing notice to the Newsletter.

Brian Lamoreaux made a motion to accept the Newsletter as presented with the changes of the public hearing notice and the Board meeting schedule. Motion seconded by Sue Sims. M/S/U.

B. Park Advisory Committee

Patty Oku presented a sketch of the pedestrian gate with a setback configuration. She noted that the actual approval at the PAC meeting was for the design of the gate and sign, but not the configuration at his time. Victoria Hansen presented the Chair with a request that all discussion regarding the park gate be tabled until such time as the budget had been concluded. Sue mentioned that the Board cannot take any action on something that is not on the agenda. Discussion continued. Patty Oku advised the Board that the PAC had approved the design of the pedestrian gate for Donna to take to Design Review for a preliminary discussion. Sue Sims asked if the permit fees were the exorbitant number discussed before. Patty noted that if it was just the gate it was going to be \$7,000 in permit costs, but if it is bundled with the gazebo those costs would go down. The Administrator noted that the County charges certain set fees for any project, so if all of the proposed projects are applied for together, there will only be one fee rather than the same fee for each of several projects, thus lowering the cost of the fees for the gate.

Brian Lamoreaux made a motion to approve the design of the pedestrian gate irrespective of the vehicle gate or its orientation and have Donna proceed with asking Design Review for a preliminary approval as presented. The motion was seconded by Patty Oku. Ayes: Lamoreaux, Oku. Nays: Sims. Abstain: Parrish. Motion failed.

Deborah Parrish asked that the subject be brought back at the next meeting in two weeks for discussion after she has time to review all of the new information given to her by Victoria this evening.

There was discussion and concern regarding the Save the Ta Tas Motorcycle Club renting the Park for their event. Patty reported that there were concerns by some in the community because of incidents that happened the previous year. Patty noted that she had heard that there were going to be 800 people in attendance, Donna Clavaud reported that the Hotel was not taking any reservations for the weekend because of it, and Brian suggested increasing the deposit for larger groups. The Administrator noted that he had contacted the site of last year's final stop on the motorcycle run and they said there were never over 200 participants, that they had nothing but good experiences, and had no trouble. He also contacted the restaurant in Rohnert Park where they always start and have had final stops and they said the same thing. The Administrator reminded the Board the Park is open to the public to rent for groups of 25 or more and if the Board wants to change the fee schedule or deposits, that is fine, but if a group wants to use the park without renting there is nothing the District can do about it.

When a group rents the park, the District gets money, they get notification and they get insurance. If someone chooses to take it over without renting it, the District gets nothing. It was decided to continue the discussion at the PAC meeting.

The rest of the PAC agenda items were tabled by the chair.

C. Financial and Budget Committee

1. Agenda Items tabled by Chair.

Pending Business:

A. Capital Improvement Projects

Tabled

B. Board Policy Manual

1. Patty submitted a copy of the Rancho Murrieta Boards Roles Policy for discussion. Sue Sims said she thought it was a good policy for roles, but that it did not address the Rights of Board Members such as the right to information to make informed decisions, the right to an orientation, and the right to training. Deborah added "internal training". Deborah said the FAC will review it and if they have anything to add to the Roles and Responsibilities they will add them.

Rest of agenda Items tabled by Chair

C. RCAC Rate Study

1. Agenda Item tabled by Chair

D. Board Training

1. Agenda Item tabled by Chair

E. Local Agency Investment Fund

1. Agenda Item tabled by Chair

F. Regional Water Quality Control Board WDR for 2014

1. Agenda Item tabled by Chair

G. Board Member Plaques

1. Agenda Item Tabled by Chair

H. Complaints and Correspondence

The Administrator submitted a copy of a letter from Cornelia Crocker re Party in the Park. No action or discussion

New Business

No new Business

Administrator's Report:

The Administrator did not submit a written report of his activities for the month.

Open Communication:

No open communication.

Sue Sims made a motion to adjourn. Motion seconded by Brian Lamoreaux. M/S/U.

Adjourned at 9:45 PM

Next Meeting: May 28, 2014 7:00 PM.



June 11, 2014

Approved

Date

Graham / Earle
PO Box 258
Tomales, California, 94971

May 11, 2014

to the TVCSD Board

Walter and I have a previous commitment on May 14th but wanted to express some concerns that we have over the process that is occurring with the Tomales Service District.

We support the current Board and respect their autonomy but would like to make sure that any transition that takes place is done in a way that doesn't jeopardize the District and it's ability to function safely. Right now, having inherited a failing system, we have turned it around and have something to be proud of. Taking the administrator's job and splitting off the financial functions makes sense but means that we'll have two part time independent contractors and that will be a significant change for the Board. Instead of having just one person who is responsible, the Board will really become the responsible body. This will also apply to the operator position if the Board chooses to hire a Class 2 person.

Is the Board ready to take on this extra responsibility? If indeed you feel that this is the best direction for our town to go we would urge you to not rush into it. If we need to pay a new Administrator for a month to overlap with Karl we think that the money would be well spent. Karl knows our system inside and out and has a lot of valuable knowledge to pass on if he isn't continuing on with us.

The Brown Act came into being in response to citizens feeling that their elected officials were not being open with them and were making decisions that affected their lives without public input. You might feel that it isn't legally necessary to follow these rules but it is certainly ethically necessary. If you are going to make such significant changes to our system we strongly urge you to do it as openly as possible so that you have the support of the community.

We appreciate all of your hard work.

Margaret Graham and Walter Earle