

AGENDA

Special Meeting

TVCS D Board of Directors
WEDNESDAY September 24, 2014

Tomales Town Hall 7:00 PM

Phone: 707-776-6117

[TVCS D Mission Statement](#)

Call to Order

1. Adopt September 24, 2014 Agenda
2. Approve, Change, Amend the minutes from August 27, 2014
3. Open Communication (*Open Communication is the time for community members to bring up items they wish to discuss and items that do not appear on the agenda*)
4. TVCS D Website Management: Replacing Walter Earle (Action Requested)
Deborah Parrish, Chick Petersen & Donna Clavaud
5. Matrix Update: Donna Clavaud (information)
6. When is a policy not a policy?; Who decides? Sue Sims (Info & Discussion)
7. Richard Levi (Mediator): Deborah Parrish (Action Requested)

The Brown Act:

54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

TOMALES VILLAGE



COMMUNITY
SERVICES
DISTRICT

Minutes of the Special Meeting

[Minutes, Agendas, Board Packets](#)

Bill Bonini called the meeting to order at 7:08 PM, Aug. 27, 2014, Tomales Town Hall

Sue Sims took notes and recorded the meeting

Bill Bonini, President
Deborah Parrish, Vice President
Sue Sims, Secretary
Brian Lamoreaux
Patty Oku (Absent)
Karl Drexel, Administrator (Absent)

ACTION:

Deborah Parrish: I move we accept the proposal from Robert Chilvers to provide legal services for the District.

Seconded

Vote:

Yes: Deborah Parrish, Sue Sims, Brian Lamoreaux, Bill Bonini

Opposed: None

Motion succeeded

ACTION:

Sue Sims: I move that all District contracts will be replaced with new standard contracts, currently being drafted consistent with the RFP process.

Seconded

Vote:

Yes: Deborah Parrish, Bill Bonini, Sue Sims

Opposed: None

Abstained: Brian Lamoreaux

Motion succeeded

ACTION:

Sue Sims: I move that we accept the media policy as amended

Vote:

Yes: Bill Bonini, Sue Sims, Brian Lamoreaux

Abstained: None

Opposed: None

Motion succeeded

ACTION:

Sue Sims: I move that we accept the Public Record Information Request as amended.

Vote:

Yes: Bill Bonini, Sue Sims, Brian Lamoreaux

Abstained: None

Opposed: None

Motion succeeded

The meeting adjourned at PM
Next Meeting: September, 24, 2014

Approved September 24, 2014

From: [Donna Clavaud](#)
To: [Sue Sims](#)
Subject: Re: Agenda Items, Special Meeting 9/24/14
Date: Wednesday, September 17, 2014 8:28:52 AM

Hi Sue,

Can you add "TVCS D Website management" to agenda.

Deborah, Chick and I discussed this the other night. Chick has offered to take over from Walter since we need someone with the time to keep it updated.

We need the RFP's loaded in links too, as soon as possible, and the entire website could use some refinements. Your comment to Walter about no FAC minutes all year has not received his response/explanation.

Also, can we just update status of Matrix interview schedule for October?

Thanks Sue!

Donna

On Tue, Sep 16, 2014 at 9:24 AM, Sue Sims <suesims@sonomapc.com> wrote:

Good morning,

I'm reminding you that Agenda items for discussion/approval/information and supporting documents for the 9/24/14 Special Meeting are due tomorrow, 9/17/14, by noon.

Thank you!

Cordially yours,

Sue

Sue Sims
Director, TVCS D
Board Secretary
suesims@sonomapc.com
[707-776-6117](tel:707-776-6117)

From: [Deborah Parrish](#)
To: [Sue Sims](#)
Cc: [Bill Bonini](#); [Brian Lamoreaux](#); [Patty Oku](#); karl@tomalescsd.ca.gov; [Bob Chilvers](#)
Subject: Re: Request from Attorney
Date: Tuesday, September 16, 2014 7:25:45 AM

Hmmm. I can see you are confused. Bob was not included on the mediation email because he is not included in the mediation.

Please disregard my kind request. To avoid further confusion, I will forward Board emails to Bob myself.

Thanks!

Warm Regards,
Deborah Parrish
415-827-5822
deborahparrish@mac.com

On Sep 15, 2014, at 23:40, Sue Sims <suesims@sonomapc.com> wrote:

Deborah,

We generally make requests of attorneys and there is purpose in the engagement. I'm not swayed simply by the request from an attorney.

No attorney can subpoena our private email, even to get public documents. Therefore, I wonder why I should fork them over to anyone. Because you think it's OK?

Interestingly enough, you did not copy Mr. Chilvers on your subsequent email to Richard Levi this evening. That is not a criticism. As I've said, the request is not clear.

I have valid questions. It's that simple.

I will be adding the topic to the Agenda for the next regular meeting.

Cordially yours,

Sue

Sue Sims
Director, TVCSD
Board Secretary
suesims@sonomapc.com
707-776-6117

On Sep 15, 2014, at 10:42 PM, Deborah Parrish <deborahparrish@mac.com> wrote:

Hi Sue,

This was a request from Bob, which I thought was proper. If you feel that you need to put this to a Board vote, then feel free to put this on the next agenda to do so.

Since we are committed to being proper and legal, having our attorney involved at this time, especially with all the continued threats and accusations, it would be a good idea. I don't see how this requires a Board vote. Board emails and documents are public documents. I see no problem with this request.

I sent this to you, the Secretary, because you send out the agenda and the Board Packets.

This was a simple request from our attorney, which I believe is fair. We can make it more complicated than it is, but I prefer to make it as easy and straight-forward as possible.

Feel free to contact Bob if you have any questions. His contact information was included in my original email.

Warm Regards,
Deborah Parrish
415-827-5822
deborahparrish@mac.com

On Sep 15, 2014, at 20:32, Sue Sims <suesims@sonomapc.com> wrote:

Hi Deborah,

I see that I am the person you address, copying the rest of the Board and that you leave out our Administrator, Karl Drexel, who along with President Bonini, controls the content of the Agenda.

I wonder what charge for "email monitoring" Robert Chilver intends and if this plan is unilaterally decided for the Board, by you, since as far as I know the Board has not discussed nor voted upon such a plan. Also, "Board email" has not been defined. Does Mr. Chilvers mean all District email?

This request is further puzzling since Board Packets, Approved Agendas and Approved Minutes are posted to the website as published.

Because of the lack of clarity to the request, it occurs to me that there may be unexpressed expectations involved with the request.

The request, especially the "etc." portion, leaves expectations undefined.

I strongly suggest that the Board address this issue at the next Regular TVCSD Meeting, ideally when all Directors are present .

Thank you for your efforts, Deborah!

Sue

Sue Sims
Director, TVCSD
Board Secretary
suesims@sonomapc.com
707-776-6117

On Sep 15, 2014, at 6:58 PM, Deborah Parrish
<deborahparrish@mac.com> wrote:

Hi Sue,

Today I spoke to Bob Chilvers, our contract attorney, who is also very knowledgeable about the Brown Act.

He has agreed to provide our new contract template for Board review and approval by the middle of October.

In addition, he has made a request to be copied on all Board emails, most especially those pertaining to agendas, Board Packets, etc. He will review our documents and provide any necessary feedback to ensure we are in compliance and moving forward with confidence.

Going forward, please ensure he is copied

on future emails.

His contact information again is:

Robert (Bob) Chilvers
83 Vista Marin
San Rafael, CA 94903
415-444-0875
chilvers-law@comcast.net

Thank you,
Deborah

Warm Regards,
Deborah Parrish
415-827-5822
deborahparrish@mac.com

Tomales board tightens control over director, audio records

By

Samantha Kimmey

09/18/2014

The Tomales Village Community Services District has limited how board members and an administrator can communicate with the press, amid months of tension between some members and administrator Karl Drexel and after Mr. Drexel forwarded an argument over the state's public records law to the Light.

The changes have been codified in two new policies at a time when Mr. Drexel, who has worked at the district for 15 years, will likely be replaced within a few months when his contract position is split into two part-time jobs.

The dispute last month that set off the new policies concerned audio recordings the district makes of its regular public meetings. For some months, the board secretary uploaded recordings of the meetings to SoundCloud; from there, they could be streamed or downloaded. The secretary, Sue Sims, regularly notified board directors and some community members in friendly emails that the files had been posted online. But the download option was eliminated in August after the board met with Lorenzo Cuesta, a professional board trainer.

Mr. Drexel, absent from an early August meeting, argued with Ms. Sims over email about how she would provide him a recording of the meeting. He also alleged that she had violated the Brown Act by removing the download option without a board vote.

At the next board meeting, on Aug. 27, direct-

ors passed two new policies. The first stipulated that all communications to the media “which are, or could be, perceived as statements by the District on matters of District business, shall be reviewed in advance by the President of the Board of Directors.” The administrator shouldn't speak for the board “without bringing it to the full board first. If you're gonna talk to the media, bring it to us first,” said board president Bill Bonini. The new policy, he went on, was not meant to apply if an administrator is offering a personal opinion about the district.

But Ms. Sims appears to be over-interpreting the new policy, declining to send a copy of it before getting Mr. Bonini's approval—and that after multiple unanswered emails—and Mr. Drexel does not believe he can say anything at all to the media without board approval.

General managers of four local districts that responded to a Light query are not required to obtain board approval for their comments. (Although they tend to undertake the same duties as the Tomales service district administrator, they are technically employees, while Mr. Drexel is a contractor.)

The second new policy stipulates that audio recordings must be reviewed inside the district office and only after the secretary and administrator have listened to them to check the minutes. (The

streaming files have all been removed from SoundCloud, although Mr. Drexel argued in a recent letter with the board that any recordings that predate the new policy must be reposted online. The president said the office is being set up this week but was unsure if the board would repost the files.)

The policy also explicitly states that audio recordings are not public records, though they can be listened to in the office for up to 30 days after the meeting, as legally required of districts that make recordings. Service districts aren't required to record meetings; some, like the Inverness Public Utility District, simply take meeting notes, while others, like North Marin Water District, make audio recordings. (The water district keeps its on file up to three years and conveys them electronically upon request.) The Richardson Bay Sanitary District records its meetings on cassettes, which must be listened to in the district's office.

Mr. Cuesta has advised the board that audio recordings are not public records. But Peter Scheer, the executive director of the First Amendment Coalition, a nonprofit that advocates and litigates for media organizations, told the Light that an audio recording of a public meeting does constitute a public record, though it can legally be destroyed after a 30-day window. The state's public records act says anything created by a district that is "writing" is a public record, and "writings," by definition, include "sounds." Mr. Bonini said that a lawyer for the district is currently reviewing the policies.

He also said the board is open to amending the policies. "We need help. We really do need help in learning how to run stuff," Mr. Bonini said.

From: [Deborah Parrish](#)
To: [Samantha Kimmey](#)
Cc: [Bill Bonini](#); [Sue Sims](#)
Subject: Re: vote on policies
Date: Monday, September 08, 2014 12:31:19 PM

Hello Samantha,

I'm sorry for your frustration. I am certainly not trying to add to it.

Sue is incorrect that I am the person to talk to about this - I was NOT PRESENT at the portion of the meeting where the policies were discussed and edited. Sue is also incorrect that I have received any edited versions of any policies presented or a copy of the minutes from the meeting on August 27th. I HAVE NOT received any updated /edited versions of any approved policies. Sue and Bill were present during the discussion and vote - I was not. Anything I would tell you would be hearsay, and very spotty at that.

To be very clear: Please understand I was not there, have not seen minutes from the session, nor have I received edited versions of any policies that were discussed or voted upon. You have seen the very same things that I have at this point - relevant Board Packets with documents included.

I'm not sure why Sue and Bill are not able to respond to your questions. But please know that if I had the information in front of me I could theoretically discuss with more confidence. I don't feel it is appropriate to ask someone that wasn't there AND has no access to updated documents or minutes from the session to comment on what happened.

I'm hoping that this email will clarify my role in this at this time. I am unable to comment until I have appropriate documentation.

Have a nice day,
Deborah

On Sep 08, 2014, at 12:10 PM, Sue Sims <suesims@sonomapc.com> wrote:

Samantha,

You really should contact either Bill Bonini or Deborah Parrish. They have the policies that were approved with changes.

I'm sorry for your frustration.

Sue Sims

From: Samantha Kimmey [<mailto:kimmey.samantha@gmail.com>]
Sent: Monday, September 08, 2014 11:38 AM
To: Sue Sims
Subject: vote on policies

Hi Sue,

This is Samantha with the Light again. I don't mean to keep emailing you, but I would really like to know what the vote (yeas vs nays) on the policies that were an action item at the last board meeting.

I'm not sure if you haven't gotten back to me because you're not allowed to respond to the media. But I don't quite understand how the secretary of a board notifying someone about the outcome of a public vote, and providing copies of the policies, could be a comment on those policies or a comment at all. I have tried getting in touch with the president to tell me these things, but I have not heard back from him in the past week.

Again, I am not asking for any comment, just for the outcome of a public vote on the action item and copies of the policies.

Thanks so much,

Samantha
Point Reyes Light
415.669.1200 (office)
304.360.2464 (cell)

From: [Deborah Parrish](#)
To: [Sue Sims](#)
Subject: Re: 8-27-14 approved policies
Date: Wednesday, September 10, 2014 8:41:14 AM

Please stop this.

You want to fight with me and I don't.

Fact: she called me 4 times starting the day after the meeting. I spoke to her twice. She wrote 2 emails. The email was to her not you.

Also, for my own mental health I've stopped reading all emails related to TVCSD. I lost count if how many I've received that make my stomach turn.

This isn't important enough to me to turn into them and be mean and unkind.

So please stop.

~~<3 Deborah
415-827-5822
Sent from my iPhone - in real life I know how to spell.

On Sep 10, 2014, at 8:24, Sue Sims <suesims@sonomapc.com> wrote:

I said nothing incorrect to Samantha and yet your vehemence that I did hangs out there in her inbox.

From: Deborah Parrish [<mailto:deborahparrish@mac.com>]
Sent: Monday, September 08, 2014 2:49 PM
To: Sue Sims
Subject: Re: 8-27-14 approved policies

Hi Sue,

Thank you so much for the reference to your email about the policies that were approved and edited in my absence.

I've reviewed the policy as approved and stand by my response to Samantha.

After some thought, and since I wasn't present to edit and record my vote, I shall request that this policy be edited to include the Secretary in the list of respondents, since this specific circumstance puts me in a difficult position, one that I am not willing to take on.

Thanks!
Deborah

On Sep 08, 2014, at 01:54 PM, Sue Sims <suesims@sonomapc.com> wrote:

I sent the policies to you. Here is the email.

From: Sue Sims [<mailto:suesims@sonomapc.com>]
Sent: Thursday, September 04, 2014 5:31 PM
To: 'karl@tomalescsd.ca.gov'
Cc: 'Deborah Parrish'; Bill Bonini (wmabonini@yahoo.com); 'Brian B Lamoreaux'; patty oku
Subject: 8-27-14 approved policies

Hi Karl,

Here are the two policies approved on 8/27/17. They have not yet been given a number.

Sue

Sue Sims
Director, TVCSD
Board Secretary
suesims@sonomapc.com
707-776-6117

From: [Deborah Parrish](#)
To: [Bill Bonini](#)
Cc: suesims@sonomapc.com; brian.lamoreaux@me.com; kandpoku@gmail.com; karl@tomalescscd.ca.gov
Subject: Re: Mediation
Date: Tuesday, September 16, 2014 2:03:23 PM
Attachments: [PastedGraphic-3.png](#)

Bill,

To respond to Richard's request and keep things moving -- Please put Richard's question about who to coordinate scheduling the mediation on the agenda for the next meeting, **as well as when and where the mediation will take place.**

I suggest our Administrator handle the scheduling of this, since he will be involved and is being paid. I am not able to put any additional time into this at this time.

These are the questions (from Richard) that need to be answered by the group and should be put on the agenda for expediency:

1. What dates and times would be ideal for the full board mediation. Please confirm we can do this at your office or wherever you choose. I also have access to a conference room in Santa Rosa. Since all are involved in the mediation, I will need to ask you to give me a few choices to meet. The mediation will take probably 4 hours (plus or minus) with a break in between. Therefore, you may prefer a weekend day. I am available to move quickly on this and meet with you all in September or we can stretch it as you choose. My suggestion is to step forward in a unified way to get us quickly into mediation for the goal of solving the current challenges quickly. I will need all of your cooperation in scheduling.

2. Is your office space available for our one to one's and at what times and what days?

Warm Regards,
Deborah Parrish
415.827.5822
deborahparrish@mac.com

On Sep 16, 2014, at 12:04 PM, Richard Levi <richard@richardlevi.com> wrote:

Hello Everyone,

Thank you Deborah for your email. I am delighted we will all be working together in the near future.

The mediation will develop as follows.

I would like to meet individually with everyone on the board. I have a home office in Penngrove where I am happy to meet you. Though my home office is a 35 minute drive from your town, it is a relaxing quiet atmosphere and very comfortable. Or, if your office in town is officially open and has lights, two chairs and a table, we could also do our one to one meetings at that location. I will ask

for complete privacy in the office. Our one to one sessions are completely confidential. It is an opportunity for me to meet you, understand the risks and rewards of your work for the board and to then come together as a group and initiate a mediation.

Mediation is a process that involves you as a group determining the areas you want to discuss, review and improve. I have but one agenda and that is to give you a safe space to discuss and to facilitate a constructive conversation. It is essential from the beginning that you all know that I have no attachment to your outcome. It is for all of you to decide what outcome you are hoping for and I will do everything in my power to assist in that process. I am not there to decide, direct or consult what I want but solely to improve your experience and success as dedicated volunteers who support with generosity their community.

Once we have scheduled one to one's, I will send you each an intake form that you will all please fill out prior to our sessions. This saves a great deal of time and costs as I will ask to have these forms returned to me prior to our sessions and have a better sense of each of you as we begin our one to one work together. The forms will take you 30 minutes to fill out and will be sent as our schedules are confirmed.

Since we are seven people in all, I would ask that we do not copy and email each other on all scheduling questions. Please contact me individually about your one to one.

And Deborah or anyone on the board, if you would volunteer to connect with the full board and determine two things for me please without CC'ing me?

1. What dates and times would be ideal for the full board mediation. Please confirm we can do this at your office or wherever you choose. I also have access to a conference room in Santa Rosa. Since all are involved in the mediation, I will need to ask you to give me a few choices to meet. The mediation will take probably 4 hours (plus or minus) with a break in between. Therefore, you may prefer a weekend day. I am available to move quickly on this and meet with you all in September or we can stretch it as you choose. My suggestion is to step forward in a unified way to get us quickly into mediation for the goal of solving the current challenges quickly. I will need all of your cooperation in scheduling.
2. Is your office space available for our one to one's and at what times and what days?

FYI. I am unavailable Tuesday evenings.

Thank you all for accepting my proposal. It is most important that you know how humbled I am by your desires to serve your community and make the beautiful town of Tomalas (yes I am there all the time with my dog Rody at Dillon Beach, bakery and deli!) a richer, better and kinder place to live. In my heart, there is nothing greater than being of service and I commend you all for everything you have done thus far on the board and for your neighbors.

Be well,

Richard



www.richardlevi.com

c. 7078885406 o. 7077953566

richard@richardlevi.com

**R and R Professional Business
Services LLC**

On Sep 15, 2014, at 7:06 PM, Deborah Parrish <deborahparrish@mac.com>
wrote:

Hi Richard,

At our last meeting, the Board approved moving forward with mediation and wanted to include the current Administrator, Karl Drexel, given the challenging situation in which we find ourselves.

Patty is on vacation until later in the month, but I'm sure the rest of the Board can find some time to begin the one-on-one meetings.

Emails and Phone Numbers (the ones that I have) are:

Bill Bonini: wmabonini@yahoo.com (707) 878-2271

Sue Sims: suesims@sonomapc.com (707) 878-2871

Brian Lamoreaux: brian.lamoreaux@mac.com (415) 269-3610

Patty Oku: kandpoku@gmail.com

Karl Drexel: karl@tomalescsd.ca.gov

Everyone, please feel free to reach out to each other and schedule your one-on-one meetings.

Richard's contact information is:

Richard Levi

richard@randrpro.com

(707) 795-3566

FYI, our upcoming scheduled meetings are:

Sept. 24th @ 7pm

October 15th @ 7pm

November 12th @ 7pm

Thanks!

Warm Regards,
Deborah Parrish
415-827-5822
deborahparrish@mac.com