

AGENDA

Special Meeting

TVCS D Board of Directors
WEDNESDAY August 27, 2014

Tomales Town Hall 7:00 PM

Phone: 707-776-6117

[TVCS D Mission Statement](#)

Call to Order

1. Adopt August 27, 2014 Agenda
2. Approve, Change, Amend the minutes from July 23, 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. Policy Manual
 - A. Board of Directors Commitment to Good Service (Discussion & Action)
 - B. Media Communication (Discuss & Action)
 - C. Public Records Request (Discuss & Action)
 - D. Document Retention Policy (Discuss)
 - E. Email Communication (No submission from Director Oku)
 - F. Board Roles and Responsibilities (No submission from Director Oku)
5. Attorney Robert Chilves
 - A. Agreement
 - C. Robert Chilvers recommendations
 1. Matrix Contract
 2. RFPs, Current & New Contract, Timeline Preparation
6. Richard Levi (Mediator)
 - A. Approve TVCS D relationship with Richard Levi

Adjourn

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 July 23, 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

Karl Drexel, Administrator (Absent)

All Minutes since June 11, 2014 are on hold until after the Board Training on July 26, 2014.

ACTION:

Deborah Parrish: I move to adopt the document Board of Directors Commitment to Good Service. Directors to sign the document.

Vote:

Yes: Sue Sims, Deborah Parrish, Bill Bonini

Patty Oku did not vote

Opposed: None

ACTION

Directors chose the timeline goals for the Yearly Agenda:

The Yearly Agenda - Goals for the Year (Review & Expand)

<u>ACTIVITY</u>	<u>DATE GOAL</u>	<u>WHO</u>
Completely Execute RFP and Competitive Bidding process	October	Deborah
Develop new contracts for all contractor positions	November	Sue
Manage the budget as RFP and bidding process unfolds	October	Deborah
Board Training: Running effective meetings; Brown Act & TVCSD – Becoming an Effective Board	ONGOING	Sue
Policies & Procedures Manual; Bylaws; Create Prioritized list of necessary policies; Develop Policy Template/Structure Meeting management - Reduce time and content of Board packet	November	FAC
Update Strategic Plan	Spring 2015	Board
Annually Create Board 12- to 18-month calendar	Every November	Board / Administrator / Treasurer
Efficiency Audit	October	Bill Bonini
Performance Evaluation - adjust timeframe (every 2 years - outgoing Board reviews)	September	Brian Lamoreaux

Meeting Adjourned at 9:50 PM

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

Approved August 27, 2014

Approved August 27, 2014

BOARD OF DIRECTORS COMMITMENT TO GOOD SERVICE

As a volunteer Board Member of the Tomales Village Community Services District (TVCS D), I agree to the following commitments while serving the District:

- To place the community's best interests above my own; to sustain an attitude that positively promotes the goals and interests of the District; and in general, to forego personal interests when making decisions as a Board Member.
- To engage in lawful acts to the best of my ability, understanding that Board Members are expected to comply with the governing documents of the District and the law. This includes doing my best to become more familiar with legalities of the BOD's decisions, and to join with the BOD in seeking resources of information including any professional assistance when needed.
- To maintain a high standard of conduct that is above reproach and to avoid any appearance of impropriety.
- To accept the BOD's decisions in choosing outside vendors and to take direction from the BOD at all times and respect the processes chosen and the appointed contact point-person to communicate with the outside vendors.
- To demonstrate mutual respect for fellow Board Members and Members of the Community at all times, even at times when I disagree with BOD decisions, and to respect the decisions made by a majority of the BOD as I understand there may not be unanimous support for every action taken.
- To attend and participate in all meetings and communications to the best of my ability to be present, to come to all meetings prepared to participate, and to become familiar with the agenda and any materials distributed ahead of time to Board Members beforehand.
- To listen, discuss and provide thoughtful input and participate on matters that come before the BOD and the membership.
- To the extent email is used as one means of board communication, to refrain from having unprofessional, unkind, attacking, or accusatory communications with Directors, vendors, contractors, community members. I will keep all email communications brief and to the point.
- To maintain confidentiality with respect to all BOD "closed session" meetings, discussions, and communications.
- To allow the Chair of meetings to do so, and to allow fellow Board Members a reasonable opportunity to speak on matters without interruption, threats or harassment.

- To respect parliamentary procedure at all meetings, to refrain from speaking out of turn, to avoid unnecessary or unproductive verbal sparring (participating in a business-like manner instead), to keep my temper, and to excuse myself if I cannot maintain this respect.
- To act as a fiduciary (trustee) of the District in financial matters and decisions that may have material effect and to do my best to ensure that the District, the properties and the finances are well managed and fiscally well protected.
- To resign from the Board if I find I cannot maintain this Testament to service.

Dated: _____

Signed _____

From: [Samantha Kimmey](#)
To: [Sue Sims](#); [Deborah Parrish](#); wmabonini@yahoo.com
Subject: question about providing copies of meetings
Date: Thursday, August 21, 2014 7:28:25 PM

Hi Sue, Deborah and Bill,

This is Samantha with the Light. I read the discussion about providing copies of recordings and the Public Records Act. I know Sue said a recent board training said that the board does not have to provide copies, but I do not understand how this can be true, given state code.

The California Public Records Act states that a public record is "any writing containing information relating to the conduct of a public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristic." It further states in Sec. 6252 (g) that "writing" includes handwriting, typewriting, printing, photographing, photocopying as well as "every other means of recording."

Additionally, many years ago a California court found that this is meant to be interpreted as broadly as possible: "This definition is intended to cover every conceivable kind of record that is involved in the governmental process and will pertain to any new form of record-keeping instrument as it is developed." (See <http://www.rcfp.org/california-open-government-guide/i-statute-basic-application/c-what-records-are-and-are-not-subject-#sthash.xU6Mnwlz.dpuf>)

Sec 6253 (b) states that unless it is expressly exempt, a copy of any record will be provided unless it is impracticable to do so.

I understand the board does not have its own policy in place, but I am wondering if the board now believes it can decline to provide copies of some records, such as copies of recordings, to the public and still be in compliance with the public records act (I know it can be streamed, but that is not a copy.)

I am also wondering if the board will decline to provide copies to the public, and to administrator of the district, upon request. If so, could someone explain to me how this is so given the code I have cited?

I am not sure which board member is the correct point person is for this question but if someone could let me know I would appreciate it and thanks so much,

Samantha
Point Reyes Light
415.669.1200
304.360.2464 (cell)

From: [Lorenzo R. Cuesta](#)
To: [Sue Sims](#)
Cc: [Lorenzo Cuesta](#)
Subject: Re: Fwd: Minutes
Date: Thursday, August 21, 2014 10:37:21 PM

Hello Sue,

I am always amazed at how people resort to selective citations when they read government code. Of course, only an attorney can answer this questions, but I can tell you where I have read and what I have seen implemented.

1. You have already shared the recording with the public by making it accessible online. If we had an ADA issue, you would need to alter your means of sharing.
2. You have no obligation to go through the expense of creating another version for a member of the public that does not have a problem with accessibility. A newspaper does not merit special treatment or personalized delivery.
3. Your recording actually can be inspected at your business hours on your office equipment. Remember we are speaking of voice recording, not simply documents.

California Public Records Act (Point 1, 2 and 3 above)

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. AN even if you were to make voice recordings for the public, it would have to be at a cost. Open does not mean free or special delivery.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

4. The Brown Act is even more direct about the conditions under which you share voice recording with the public. Notice, the recording can be inspected at your site. It does not say you make copies to members of the public.

Open Meeting Law – California Brown Act

54953.5 (b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

5. Do be careful. If you have a legal need to go into Executive Session, that recording portion cannot be shared. The outcome of the session is reported to the open portion of the meeting and that can be shared with the public.
6. The Public Records Act and the Brown Act are all state government code of the same hierarchical level. They are supposed to supplement, not contradict, each other. Your organization could not make a rule or a motion that would conflict with either of these state laws.
7. Additionally, what you share with the board members at a meeting, you must share with the public in attendance. But this never includes recordings of the meeting.
8. The Brown Act obligates you to share minutes of Emergency Meetings ONLY! Minutes of regular or other meetings are not required to be shared.
9. You can always do more than you are required. That is always the wisest approach. You should never do more simply because someone makes demands beyond the law.

If you want to chat about this, do call me at your convenience tomorrow. I do have a meeting with a client at lunch so that is the only time I am not available.

Sincerely,
Lorenzo R. Cuesta
Professional Registered Parliamentarian
President, California State Association of Parliamentarians
Sacramento, CA (916) 203-6894
<http://www.roberts-rules.com>

=====

> Hi Lorenzo,
>
> Here is the conversation with Karl.
>
> Did I misunderstand about making copies of recordings available?
>
> Cordially yours,
>
> Sue
>
> Sue Sims
> Director, TVCSD
> Board Secretary
> suesims@sonomapc.com
> 707-776-6117
>
>
> Begin forwarded message:
>
>> From: "Karl Drexel" <karl@tomalescsd.ca.gov>
>> Date: August 21, 2014 at 8:36:22 PM PDT
>> To: "Sue Sims" <suesims@sonomapc.com>

>> Cc: "Bill Bonini" <wmabonini@yahoo.com>, "Deborah Parrish"
>> <deborahparrish@mac.com>
>> Subject: RE: Minutes
>> Reply-To: <karl@tomalescsd.ca.gov>
>>
>> Thank you.
>>
>> Karl
>>
>> TOMALES VILLAGE COMMUNITY SERVICES DISTRICT
>> CWEA Redwood Empire Section 2010 and 2011 Small WWTP Plant of the Year
>>
>> Karl Drexel, SDA
>> Administrator
>> PO Box 303
>> Tomales CA 94971
>> 707-527-5688
>> 707-575-4306 Fax
>> admin@tomalescsd.ca.gov
>>
>> P Please consider the environment before you print
>>
>> From: Sue Sims [<mailto:suesims@sonomapc.com>]
>> Sent: Thursday, August 21, 2014 8:05 PM
>> To: <karl@tomalescsd.ca.gov>
>> Cc: Bill Bonini; Deborah Parrish
>> Subject: Re: Minutes
>>
>> Karl,
>>
>> I have not refused you a copy of a recording. I answered your question
>> about how to download from SoundCloud. As I told you download feature is
>> disabled.
>>
>> I'm stunned that you think I'm refusing to give the TVCSD Administrator
>> a copy of a recording. That's the accusation inferred from you statement
>> that you aren't a member of the public, you're the TVCSD Administrator.
>>
>> Karl, I'm insulted by your characterization of me as obstructing your
>> access to recordings. On what basis would you say or think such a
>> thing?
>>
>> I will leave your copy of the recording in the office when I get it
>> copied.
>>
>> Cordially yours,
>>
>>
>> Sue
>>
>>
>> Sue Sims
>> Director, TVCSD
>> Board Secretary
>> suesims@sonomapc.com
>> 707-776-6117
>>

>>
>>
>> On Aug 21, 2014, at 6:31 PM, "Karl Drexel" <karl@tomalescsd.ca.gov>
>> wrote:
>>
>> Well Sue, I guess you can interpret the Code any way you want. Certainly
>> your interpretation is not the norm in this industry, it is certainly
>> not best practices and is not within the spirit (or even the letter) of
>> the Public Records Act. However, I am not going to argue with you since
>> your mind is already made up. You, and the rest of the Board, may want
>> to familiarize yourself with the following sections from the Public
>> Records Act while you develop policies.
>>
>> 6250. In enacting this chapter, the Legislature, mindful of the
>> right of individuals to privacy, finds and declares that access to
>> information concerning the conduct of the people's business is a
>> fundamental and necessary right of every person in this state.
>>
>> 6252. (g) "Writing" means any handwriting, typewriting, printing,
>> photostating, photographing, photocopying, transmitting by electronic
>> mail or facsimile, and every other means of recording upon any
>> tangible thing any form of communication or representation, including
>> letters, words, pictures, sounds, or symbols, or combinations
>> thereof, and any record thereby created, regardless of the manner in
>> which the record has been stored.
>>
>> 6253. (b) Except with respect to public records exempt from disclosure
>> by express provisions of law, each state or local agency, upon a
>> request for a copy of records that reasonably describes an
>> identifiable record or records, shall make the records promptly
>> available to any person upon payment of fees covering direct costs of
>> duplication, or a statutory fee if applicable. Upon request, an
>> exact copy shall be provided unless impracticable to do so.
>>
>> Regardless of how you want to interpret the law, I am still requesting
>> an exact copy of the July 23, 2014 Board meeting recording in a
>> downloadable format either through Sound Cloud, Dropbox or a copy on the
>> flash drive you have of mine. Thank you.
>>
>> Karl
>>
>> TOMALES VILLAGE COMMUNITY SERVICES DISTRICT
>> CWEA Redwood Empire Section 2010 and 2011 Small WWTP Plant of the Year
>>
>> Karl Drexel, SDA
>> Administrator
>> PO Box 303
>> Tomales CA 94971
>> 707-527-5688
>> 707-575-4306 Fax
>> admin@tomalescsd.ca.gov
>>
>> P Please consider the environment before you print
>>
>> From: Sue Sims [<mailto:suesims@sonomapc.com>]
>> Sent: Thursday, August 21, 2014 5:24 PM
>> To: <karl@tomalescsd.ca.gov>

>> Cc: Bill Bonini; Deborah Parrish
>> Subject: Re: Minutes
>>
>> Dear Karl,
>>
>> Inspection is not providing a copy. The code you provided does not
>> indicate we must provide a copy of recordings to the public. Perhaps
>> you're thinking of copies of documents.
>>
>> The code you cited and provided is congruent with our training.
>>
>> For the great majority of instances, individuals will avail themselves
>> of the recordings online. If they wish to come to the TVCSD Office and
>> listen, they can make those arrangements once we have Internet
>> available.
>>
>> If other districts choose to make it their policy to give out
>> recordings, I suppose they can do so. Copying other Districts' Policy
>> Manuals may lead to following others' mistakes if we take their
>> interpretation of code for accurate.
>>
>> It's true we do not at this time have a policy on "inspecting"
>> recordings, but we will soon have such a policy. Until said policy is
>> enacted, we will need to rely on the code.
>>
>> I'm copying Deborah Parrish since she is our policy point person.
>>
>> Cordially yours,
>>
>>
>>
>> Sue
>>
>>
>>
>> Sue Sims
>> Director, TVCSD
>> Board Secretary
>> suesims@sonomapc.com
>> 707-776-6117
>>
>>
>>
>> On Aug 21, 2014, at 1:11 PM, "Karl Drexel" <karl@tomalescsd.ca.gov>
>> wrote:
>>
>> Hi Sue,
>> Unfortunately, there must have been a misunderstanding of what Lorenzo
>> said regarding recordings of meetings. Government Code Section 54953.5
>> (b) clearly states that any member of the public can request copies of
>> the recording and the District is obligated to provide it. Legally the
>> District is required to keep the recordings for a minimum of 30 days, at
>> which time it can be erased. However, when the recording is erased is a
>> Board decision that has not yet been made.
>>
>> 54953.5. (b) Any audio or video recording of an open and public meeting

>> made for whatever purpose by or at the direction of the local agency
>> shall be subject to inspection pursuant to the California Public
>> Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7
>> of Title 1), but, notwithstanding Section 34090, may be erased or
>> destroyed 30 days after the recording. Any inspection of an audio or
>> video recording shall be provided without charge on equipment made
>> available by the local agency.

>>
>> I have given Deborah copies of numerous Board Policy Manuals that
>> address this issue. Maybe that policy can be put on your priority list.
>> Discussion has been held during previous Board meetings by Board members
>> and the public regarding keeping the recordings indefinitely, to five
>> years, to one year to deleting them on day 31.

>>
>> Also, I am not a member of the public making this request. I am the
>> Administrator of the District and need it for the District's files. I
>> would like a downloadable copy of the July 23, 2014 Board Meeting
>> Minutes, either via Sound Cloud with the download function enabled, via
>> Dropbox, or on a flash drive mailed to me as soon as possible. Thanks.

>>
>> Karl

>>
>> TOMALES VILLAGE COMMUNITY SERVICES DISTRICT
>> CWEA Redwood Empire Section 2010 and 2011 Small WWTP Plant of the Year
>>

>> Karl Drexel, SDA
>> Administrator
>> PO Box 303
>> Tomales CA 94971
>> 707-527-5688
>> 707-575-4306 Fax
>> admin@tomalescsd.ca.gov

>>
>> P Please consider the environment before you print

>>
>> From: Sue Sims [<mailto:suesims@sonomapc.com>]
>> Sent: Thursday, August 21, 2014 12:10 PM
>> To: <karl@tomalescsd.ca.gov>
>> Subject: Re: Minutes

>>
>> Hi Karl,

>>
>> At Lorenzo Cuesta's training, we learned that we are not obligated to
>> give or make available copies of the recordings to members of the
>> public. We have made them accessible via the Internet. Therefore, I
>> disabled the download function.

>>
>> Cordially yours,

>>
>>
>>
>>
>> Sue

>>
>>
>>
>>

>> Sue Sims
>> Director, TVCSD
>> Board Secretary
>> suesims@sonomapc.com
>> 707-776-6117
>>
>>
>>
>>
>>
>> On Aug 21, 2014, at 10:38 AM, "Karl Drexel" <karl@tomalescsd.ca.gov>
>> wrote:
>>
>> Hi Sue,
>> Please remind me how to download the minutes from Sound Cloud. There
>> used to be a download button, but I cannot find it now. Thanks.
>>
>> Karl
>>
>> TOMALES VILLAGE COMMUNITY SERVICES DISTRICT
>> CWEA Redwood Empire Section 2010 and 2011 Small WWTP Plant of the Year
>>
>> Karl Drexel, SDA
>> Administrator
>> PO Box 303
>> Tomales CA 94971
>> 707-527-5688
>> 707-575-4306 Fax
>> admin@tomalescsd.ca.gov
>>
>> Please consider the environment before you print
>>
>>
>>
>>
>> This email is free from viruses and malware because avast! Antivirus
>> protection is active.
>>
>>
>>
>>
>> This email is free from viruses and malware because avast! Antivirus
>> protection is active.
>>
>>
>>
>>
>>
>> This email is free from viruses and malware because avast! Antivirus
>> protection is active.
>>
>>
>>
>>
>>
>> This email is free from viruses and malware because avast! Antivirus

>> protection is active.
>>
>>
>

TOMALES COMMUNITY SERVICES DISTRICT

Category:	Communications	Policy #
Title:	Media Communications	

PURPOSE

The Tomales Community Services District provides certain services to the community of Tomales, as authorized by the Government Code, District Ordinances and the Resolutions and Other Actions of the Board of Directors of the District. District policy is established by the Board.

Because of the variety and complexity of the District's functions, communications by the District to its customers and residents concerning the business of the District, must be clear, correct and consistent, and must accurately reflect the actions and policies of the Board of Directors. The need for clear and correct communications extends to all matters of District business that have, or could have, an effect on residents and customers; including, but not limited to, the status of services and construction, notices of hearings and matters to be considered by the Board, upcoming events, and long-range plans affecting the District.

For the foregoing reasons, it is the policy of the Board of Directors that all communications to the media, excepting Board Member communications, by the District Administrator; including communications to newspapers, television, radio, etc., which are, or could be, perceived of as statements by the District on matters of District Business, shall be reviewed in advance by the President of the Board of Directors. Request for comments on behalf of the District, or inquiries which could be construed as requests for comments on behalf of the District, shall be referred to the President, or to appropriate counsel. Statements by management for articles and interviews for newspapers or newsletters which express policies or positions of the District, or which could be construed as being made on behalf of the District, shall be reviewed prior to their communication by the President of the Board, or if the President is unavailable, the Vice President.

This policy does not apply to members of the Board of Directors.

Approved by CSD Board of Directors	Date
---	-------------

TOMALES COMMUNITY SERVICES DISTRICT

Category:	Financial	Policy # 2004 - 03
Title:	Public Records Information Request	

PURPOSE

Tomales Community Services District (“District”) has declared that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person. The District has prepared the following guidelines/policy to ensure that members of the public fully understand and are afforded the opportunity to use their right to inspect public records.

POLICY

Public Records of the District are open to inspection at all times during business hours of the District. The administration office is located at Dillon Beach Road, Tomales, California. Public records shall not be removed from the District office.

Inspection: To facilitate the inspection of public records, specific information regarding the records requested is needed. Specific information includes the subject matter involved, the inclusive dates within which the records were created, and the names of persons involved, if any. There is “No Right” to immediate access unless determined feasible by District staff.

To ensure the integrity of the “original” records of the District, if numerous records are requested to be inspected, a member of the District’s staff shall remain in the room where the records are being inspected.

Copies: A “Request for Copies” form is available at the front desk of the administration office. Requests are completed, in writing, and given to the District representative for researching and copying. Before copies are made, the District Secretary will inform the person making the request, the cost for copies as outlined in Exhibit “A” (Fees for Copies).

Upon a written request for copies of an identifiable public record, District staff shall endeavor to promptly provide the copy upon payment of the fee. Nevertheless, staff in all cases shall have up to ten (10) working days after receipt of the request to determine whether to comply with the request and, if not, shall within such period notify the person, in writing, making the request of such determination and the reasons therefor. As defined in Government Code Section 6256.1, Extension of time for determination in unusual circumstances; (in part, reads) *In unusual circumstances, as specified in this section, the time limit prescribed in Section 6256 may be extended by written notice by the head of the agency to the person making the request setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than 10 working days.*

Audio Recordings:

- 1) Audio recordings do not constitute official District records. They are supplemental information, primarily for use by the District Secretary in preparing the official records (minutes) of the District.
- 2) Audio recordings need not be retained for any specific period. The District Secretary, with confirmation of the General Manager, will erase or re-use tapes as required.
- 3) Audio recordings may not be removed from District offices.
- 4) Audio recordings will not be available for review by other than the Administrator until the District Secretary has completed use of them.
- 5) Audio recordings may be reviewed only in the District offices, using only District-furnished equipment.
- 6) No guarantees, warranties, or other representation of the quality of the copies is made by the District, or accuracy of the information contained on the tapes copied.

The documents set forth below are illustrative of the categories of documents, which are not subject to inspection. In all cases, the inspection of documents shall be subject to the provisions of the Public Records Act, Government Code Sections 6250, and et.seq.

§ 6254. Exemption of particular records

Except as provided in Section 6254.7, nothing in this chapter shall be construed to require disclosure of records that are any of the following: (Refer to Government Code § 6254. for full text).

- a) Preliminary drafts, notes, or interagency, or intra-agency memoranda which are not retained by the agency in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.
- b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 of the Government Code (commencing with Government Code Section 810), until the pending litigation or claim has been fully adjudicated or otherwise settled.

- c) Personnel, medical, or similar files, the disclosure of which would institute an unwarranted invasion of personal privacy.
- d) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination.
- e) The contents of real estate appraisals or engineering feasibility estimates and evaluations made for or by the agency relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. However, the law of eminent domain shall not be affected by this provision.
- f) Information required from any taxpayer in connection with the collection of local taxes which is received in confidence and the disclosure of the information to the persons would result in unfair competitive disadvantage to the person supplying the information.
- g) Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

Whenever the District asserts that a requested document is exempt from disclosure, the District shall justify the claimed exemption by providing a written statement citing either the specific exemption involved or those facts that indicate the public is best served by claiming the exemption.

The Public Records Act, Chapter 3.5, Division 7 of the Government Code, provides judicial relief for persons seeking to enforce their right to inspect public records.

Subsequent to Government Code Section 6254.7, "Public Records" include any writings containing information prepared, owned, used or retained by the District and relating to the conduct of the public's business.

A "writing" for purposes of public access may be handwriting, typewriting, printing, photostats, photography, and every other means of recording upon any form of communication or representation: including letters, words, pictures, or any combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, and other documents.

EXHIBIT "A"

FEES FOR COPIES

- | | | |
|----|---|--|
| 1. | Document Copies | \$1.00/First Page Plus
\$.15/Per Page |
| 2. | Document Copying Over 15 Minutes,
shall be charged the clerical rate of: | \$33.00/Per Hour
Charged In 15 Minute Increments Plus
\$.15/Per Page |
| 3. | Faxed Agendas of Committee Meetings
Faxed Agendas of Board Meetings | \$50.00/Per Year *
\$25.00/Per Year * |
| 4. | Mailed Agendas of Committee Meetings
Mailed Agendas of Board Meetings | \$25.00/Per Year *
\$20.00/Per Year * |
| 5. | E-mailed Agendas of Committee Meetings
E-mailed Agendas of Board Meetings | No Charge
No Charge |
| 6. | Mailed Committee Meeting Packets
Mailed Board Meeting Packets | \$200.00/Per Year *
\$200.00/Per Year * |
| 7. | Certified Copies | \$3.00 Plus Copy Fees |
| 8. | Conflict of Interest Statement
Conflict of Interest Statement (5 years or older)
(A "Request for Copies" form does not need to be completed.) | \$.10/Per Page
\$5.00/Per Statement |
| 9. | Copy of Recordings
(This is done off-premises, as the District does not have the equipment to copy tapes.) | Tape and Reproduction Cost |

** Billed January 1st of Each Year*

NOTE: A \$25.00 SERVICE FEE WILL BE CHARGED FOR RETURNED CHECKS.

Approved by TVCSD Board of Directors	Date
---	-------------

TOMALES COMMUNITY SERVICES DISTRICT

Category:	Financial	Policy #
Title:	Document Retention Policy	

PURPOSE

The purpose of this policy is to: provide guidelines to staff regarding the retention or disposal of Tomales Community Services District records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

POLICY

Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

The Administrator is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below.

Pursuant to the provisions of California Government Code §60200 through §60203, California Water Code §21403, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the Tomales Community Services District.

1. Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to electronic media.
2. Originals of records, papers and documents more than two years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to electronic media.
3. In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

4. Records, papers or documents which are not expressly required by law to be filed and preserved may be destroyed if all of the following conditions are met:

A. The record, paper or document is copied to an approved electronic media;

B. The device used to reproduce such record, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details; and,

5. Any accounting record except the journals and ledgers which are more than five years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:

A. There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;

B. There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;

C. Said audit report or reports were prepared pursuant to procedures outlined in Government Code Section 26909 and other State or Federal audit requirements, and that;

D. Said audit or audits contain the expression of an unqualified opinion.

6. Any accounting record created for a specific event or action may be destroyed upon authorization five years after said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction five years from the end of the fiscal period to which it applies. The following may be destroyed at any time:

A. Duplicated (original-subject to aforementioned requirements).

B. Rough drafts, notes or working papers (except audit).

C. Listings, nonpermanent indices, other papers used for controlling work or transitory files.

7. All payroll and personnel records shall be retained indefinitely. Originals may upon authorization be destroyed after seven years retention, provided said records have been duplicated electronically and qualify for destruction section 4, above. Payroll and personnel records include the following:

A. Accident reports, injury claims and settlements.

- B. Medical histories.
- C. Injury frequency charts.
- D. Applications, changes and terminations of employees.
- E. Insurance records of employees.
- F. Time cards.
- G. Classification specifications (job descriptions).
- H. Performance evaluation forms.
- I. Earning records and summaries.
- J. Retirements.

8. All assessing records may upon authorization be destroyed after seven years retention from lien date; however, their records may be destroyed three years after the lien date when said records are recorded electronically as provided for section 4, above.

9. Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if recorded electronically as provided for in section 3090.4.4, above. Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than ten years if recorded electronically as provided for in section 4, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for ten years.

Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may upon authorization be destroyed if said minutes are recorded electronically as provided for in section 4, above. Recording shall be retained for a period of 30 days or until minutes of the meeting have been approved, whichever is later.

1. Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

2. Contracts should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work which is more than two years old may be destroyed.

3. Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

Approved by TVCSD Board of Directors	Date
---	------

EXHIBIT A
Definitions for Records Retention and Disposal Policy

1. AUTHORIZATION. Approval from the Administrator, as authorized by the District's Board of Directors.
2. ACCOUNTING RECORDS. Include but are not limited to the following:
 - a. SOURCE DOCUMENTS
 - (1) Invoices
 - (2) Warrants
 - (3) Requisitions/Purchase Orders (attached to invoices)
 - (4) Cash Receipts
 - (5) Claims (attached to warrants in place of invoices)
 - (6) Bank Statements
 - (7) Bank Deposits
 - (8) Checks
 - (9) Bills
 - (10) Various accounting authorizations taken from Board minutes, resolutions or contracts
 - b. JOURNALS
 - (1) Cash Receipts
 - (2) Accounts Receivable or Payable Register
 - (3) Check or Warrant (payables)
 - (4) General Journal
 - (5) Payroll Journal
 - c. LEDGERS
 - (1) Expenditure
 - (2) Revenue
 - (3) Accounts Payable or Receivable Ledger
 - (4) Construction
 - (5) General Ledger
 - (6) Assets/Depreciation
 - d. TRIAL BALANCE
 - e. STATEMENTS (Interim or Certified - Individual or All Fund)
 - (1) Balance Sheet
 - (2) Analysis of Changes in Available Fund Balance
 - (3) Cash Receipts and Disbursements
 - (4) Inventory of Fixed Assets (Purchasing)
 - f. JOURNAL ENTRIES

- g. Payroll and personnel records include but are not limited to the following:
 - (1) Accident reports, injury claims and settlements
 - (2) Applications, changes or terminations of employees
 - (3) Earnings records and summaries
 - (4) Fidelity Bonds
 - (5) Garnishments
 - (6) Insurance records of employees
 - (7) Job Descriptions
 - (8) Medical Histories
 - (9) Retirements
 - (10) Time Cards

h. OTHER

- (1) Inventory Records (Purchasing)
- (2) Capital Asset Records (Purchasing)
- (3) Depreciation Schedule
- (4) Cost Accounting Records

3. LIFE. The inclusive or operational or valid dates of a document.

4. RECORD. Any paper, bound book or booklet, photograph, drawing, chart, blueprint, map, tape, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.

5. RECORD COPY. The official District copy of a document or file.

6. RECORD SERIES. A group of records, generally filed together, and having the same reference and retention value.

7. RECORDS CENTER. The site selected for storage of inactive records which is currently the District's Warehouse Facility.

8. RECORDS DISPOSAL. The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule. All documents authorized for destruction will be shredded.

9. RECORDS RETENTION SCHEDULE. The consolidated, approved schedule list of all District records which timetables the life and disposal of all records.

10. RETENTION CODE. Abbreviation of retention action which appears on the retention schedule.

11. VITAL RECORDS. Records which, because of the information they contain, are essential to one or all of the following:

- a. The resumption and/or continuation of operations;

b. The recreation of legal and financial status of the District, in case of a disaster;

c. The fulfillment of obligations to bondholders, customers, and employees.

Vital records include but are not limited to the following:

- (1) Agreements
- (2) Annexations and detachments
- (3) As-built drawings
- (4) Audits
- (5) Contract drawings
- (6) Customer statements
- (7) Deeds
- (8) Depreciation schedule
- (9) District insurance records
- (10) District water rights
- (11) Employee accident reports, injury claims & settlements
- (12) Employee earning records
- (13) Employee fidelity bonds
- (14) Employee insurance records
- (15) Encroachment permits (by others)
- (16) Encroachment permits (by OWID)
- (17) Facility improvement plans
- (18) Improvement districts
- (19) Individual water rights
- (20) Individual claims/settlements
- (21) Inventory
- (22) Journal vouchers
- (23) Ledgers
- (24) Licenses & permits (to operate)
- (25) Loans & grants
- (26) Maps
- (27) Minutes of Board meetings
- (28) Payroll register
- (29) Policies, Rules & Regulations
- (30) Purchase orders & requisitions
- (31) Restricted materials permits
- (32) Rights of ways & easements
- (33) Spray permits
- (34) Statements of Economic Interest
- (35) State surplus acquisitions
- (36) Warehouse requisitions
- (37) Warrant/Voucher register
- (38) Warrants (with backup)
- (39) Water rights history

Exhibit B Records Retention Disposal Schedule

	Years Records Retained		After Retention Period	
		Off-Site Records Center	Media Storage	Destroy Original
Record Description	Office			
Accounting Records				
Bank Deposits	2			Yes
Bank Statements	5			Yes
Purchase Orders (retained copy)	2			Yes
Warrants, Checks (with backup)	2	8		Yes
Journal Vouchers	3	7	Yes	Yes
Ledgers	7		Yes	Yes
Trial Balance (general ledger)	2		Yes	Yes
Balance Sheets	2		Yes	Yes
Budgets	5			No
Audits	Perm.			No
Improvement Districts	Life	4		No
Insurance (District)	Life	10		No
Loans & Grants	3	4		No
Title Reports	2			Yes
Registers				
Cash Receipts	7			No
Security Deposit	2	3		Yes
Payroll	2		Yes	No
Warrant/Voucher	5		Yes	Yes
Depreciation Schedules	2	3		Yes
Budgeted Cash Receipts & Disbursements	3		Yes	Yes
Aging Analysis	2			Yes
Cost Accounting Records	3		Yes	Yes
Payroll-Personnel				
Authorizations, misc.	Life + 3		Yes	Yes
Accident Reports, Injury Claims & Settlements	Life + 5		Yes	Yes
Deferred Comp. Annual Summary	2		Yes	Yes
DMV Reports	3			Yes
Earnings Records	Life + 3		Yes	Yes
Employment Tests & Scores	2			Yes
Employment Applications, Changes & Terminations	Life + 3		Yes	Yes
Fidelity Bonds	Life + 1	3		Yes
Garnishments	Life + 2			Yes
Immigration Act Affidavits	Life		Yes	Yes

	Years Records Retained		After Retention Period	
		Off-Site		
		Records	Media	Destroy
Record Description	Office	Center	Storage	Original
Insurance Records (employees)	Life		Yes	Yes
Job Descriptions (obsolete)	7		Yes	Yes
Job Postings	3			Yes
Job Recruitment Packets	3			Yes
Performance Evaluations & Disciplines	2			Yes
Medical Histories	Life		Yes	Yes
Retirements	Life		Yes	Yes
Time Cards	2	3	Yes	Yes
Operations Records				
Bacteriological Summaries (treatment plants)	0	5		Yes
Chemical Analysis Reports	10		Yes	Yes
Annual Report to State Health (domestic)	10		Yes	No
Customer Complaints	5			Yes
Sanitary Surveys	10			Yes
Water Rights				
District	Life		Yes	No
Individual	Life		Yes	No
Correspondence, misc.	3			Yes
Water Rights Study	Life		Yes	Yes
Report of Licensee	7		Yes	Yes
Progress Report by Permittee	3		Yes	Yes
Protests	5			Yes
Maintenance Records				
Construction Photos/Slides/Videos	10			Yes
Work Requests by Facility	2			Yes
Construction Work Orders	3			Yes
Pesticide Use Report USDA	5			Yes
Restricted Materials Permit	2			Yes
Daily Work Reports	10			Yes
Equipment Certificates OSHA	Life			Yes
Underground Service Alert	1			Yes
Engineering				
Individual Facility	10		Yes	Yes
Licenses & Permits (to operate)	Life			No
Construction Inspections	10			Yes
Construction Photos/Slides/Videos	10			Yes
Reports & Studies	10			Yes
Master Plans	20			
Feasibility Studies	10			

	Years Records Retained		After Retention Period	
		Off-Site		
		Records	Media	Destroy
Record Description	Office	Center	Storage	Original
Encroachment Permits (by others)	Life			Yes
Facility Correspondence	3	5		Yes
Bids & Proposals	5			Yes
Submittals	2			Yes
Contract Drawings	1		Yes	Yes
As-Built Drawings	1		Yes	No
Maps	1		Yes	Yes
Property				
Rights of Way & Easements	Life		Yes	No
Encroachments	Life		Yes	Yes
Deeds	Life		Yes	
Abstracts of Title, Preliminary Title Reports & Litigation Guarant	2			Yes
Miscellaneous				
Correspondence	3			Yes
Correspondence, legal	3			Yes
Suits, Claims, Liens, Bankruptcies	Life + 2			Yes
Miscellaneous (continued)				
Reports, Committees	2			Yes
Reports, Staff	3			Yes
Environmental	3			Yes
Water Availability	3			Yes
Legislation	Life			Yes
Conflict of Interest Statements	2	5		Yes
Agreements	Life + 1		Yes	Yes
Legal Opinions	10		Yes	Yes
Annexations & Detachments	1		Yes	Yes
Education	2			Yes
Elections	5			Yes
Minutes of Board Meetings	Perm.		Yes	No
Policies, Rules & Regulations	Life		Yes	
News Releases	2			Yes
Newsletters	2			Yes
Purchasing Records				
Purchase Orders (with backup)	3	5		Yes
Requisitions	2	5		Yes
Disposal of Surplus/Excess Property	2	5		Yes
Bids & Quotes	3	2		Yes
Disposal of Scrap Materials	2	5		Yes
Correspondence	3			Yes

CHILVERS & TAYLOR PC
ATTORNEYS AT LAW

August 22, 2014

Tomales Village
Community Services District
Attention: Deborah Parrish
deborahparrish@mac.com

Re: Engagement for Professional Services

Dear Deborah:

Thank you for asking me to assist the Tomales Village Community Services District (“TVCS D”) with legal matters. I appreciate the opportunity to provide legal services to the District. The purpose of this letter is to set forth the terms of our agreement to provide such services.

1. Scope of Engagement.

We will provide legal services to TVCS D in connection with interpreting and preparing contracts, providing legal counsel to the District’s Board of Directors and such other legal matters that you refer to us and we accept. Our services may include consulting and rendering advice on legal matters, research and analysis of legal and related factual issues, and review and preparation of contracts and other legal documents.

This engagement may be terminated by either of us at any time by giving reasonable notice to the other.

2. Payment for Services and Reimbursement of Expenses.

You agree to pay us for our time at the following rates: legal services rendered by Mr. Chilvers will be at the rate of \$300 per hour; legal services rendered by an associate will be at the rate of \$150 to \$300 per hour depending on the associate and his or her expertise and experience. You agree that we may increase our fees from time to time, provided that we give you at least 30 days notice of any such increase. You also agree to reimburse us for any expenses we incur on your behalf in connection with providing legal services to you. These expenses may include, for example: filing fees, travel expenses, research expenses, courier or shipping charges and copying costs. If, in the course of our engagement, you ask us to incur significant out-of-pocket expenses, you agree that you will provide such funds as we reasonably request from time to time to be placed in our trust account for the purpose of paying such expenses as they come due.

CHILVERS & TAYLOR PC
ATTORNEYS AT LAW

You agree that we may terminate our agreement to provide legal services to you, and may withdraw from this engagement and any representation of you, if our fees or expenses are not promptly paid. If this engagement is terminated for any reason, you agree that you will pay all fees and expenses incurred before the termination date.

3. General Responsibilities of Attorney and Client.

We will provide services of a strictly legal nature to you. In performing these services, we will consult with you and keep you apprised of developments as necessary to ensure the timely, effective and efficient completion of our work. You agree that you will provide us with the factual information and materials we require in order to perform these services, and that you will make such business decisions and determinations as are appropriate. It is understood that you are not relying on us for business, investment, tax or accounting advice, or to investigate the character or credit of persons or companies with whom you may be dealing.

While we would prefer to confirm the terms of our engagement by a less formal method than a written statement such as this, in certain instances attorneys are required by law to memorialize these matters in writing. The law also may also require that we disclose whether the firm maintains errors and omissions insurance, and we hereby confirm that we do.

Please review this letter carefully and, if you agree with the terms, please sign the letter where indicated and return a signed copy to me. After you sign this agreement, please keep a copy of it for your records.

I appreciate your business and look forward to the opportunity to be of service to you.

Very truly yours,



Robert M. Chilvers

AGREED:

Tomales Village Community Services District

By: _____
Bill Bonini, President