

**TOMALES VILLAGE COMMUNITY SERVICES DISTRICT  
BOARD MEETING**

Minutes of Meeting held November 9, 2011

**Board Members Present:** Walter Earle, Patty Oku, Hope Sturges and Eric Knudsen  
**Board Members Absent:** Bill Tucker

**Also Present:** Karl Drexel, Administrator

Paul Duffey	Bruce Bramson	Margaret Graham
Terry Duffey	Beth Koelker	
Joyce Coll	Donna Clavaud	

**Board President Walter Earle called the meeting to order at 6:02 p.m.**

**Approval of Minutes:**

The Chair entertained a motion to approve the October 12, 2011 board meeting minutes and asked for any corrections and additions to the minutes. Terry Duffey made a correction to the spelling of Baudelio Martinez. Hope Sturges asked to amend her statement regarding Mike Parks to say that all recommendations should be discussed with and approved by the operators. With changes stated:

**Eric Knudsen made a motion to approve the minutes of the October 12, 2011 Regular Board Meeting. Seconded by Patty Oku. M/S/U. Ayes 4 Noes 0, Absent 1.**

**The Administrator requested a change in the Agenda to place the Mosquito Committee Report on this Agenda as Item 5 (e). Changes in the Agenda after it is posted requires a majority vote of the members in attendance. Patty Oku made a motion to add the item to the Agenda. Seconded by Eric Knudsen. Ayes 4, Noes 0, Absent 1.**

**Financial Report:**

**A. B & C.** The Administrator submitted the financial reports for the months that were not included in previous Board Packets as requested, along with the current financial reports. The Administrator reported the make-up of the Bank of Marin Solar account. Terry Duffey asked if it was legal for the Administrator to be paid out of the main sewer account for work that is done specifically for the Park. The Administrator explained that the administrative work that he does is for the District as a whole and is paid from the sewer account because the bulk of the work is for the sewer. Discussion was held regarding this subject and the Administrator said he would look into it.

**Patty Oku made a motion to accept bank statements and approve expenditures. Seconded by Eric Knudsen. Ayes: 4 Noes: None, 4 Absent: Tucker.**

**D.** Discussion was held regarding the SUSD Invoice. Eric asked if the total amount of charges to them has gone up or down over time. The Administrator noted that the overall charges have gone down with the conclusion of the capital projects. The actual operations costs varies from year to year, and although they are up somewhat this year, the average over time has actually gone down.

**Phillips & Associates Report:**

**A.** The Administrator reported that the new sump pump is now working properly. Paul Duffey noted that he was on site when Steve and Eliazar fixed the pump. He said that they cleaned out a lot of mud from the meter that the water went through and that Phillips bypassed the meter and the pump runs fine. He said that Phillips was going to test the water coming out of the sump and pump it out into the field. The Administrator clarified the District does not have

permission from the RWQCB to pump that water out into the field and that he and Phillips had discussed different options, but no testing or discharge has been authorized by the District or the Operators. Hope Sturges said that she did not think that Paul had the legal authority as a non-certified operator to be working on the plant. He clarified that he was just an observer and was reporting what he saw and discussed with Steve Phillips.

The Administrator reported that the aerator in Pond Three is having excess amperage problems and Steve is looking into that. He has it working again, but thinks the motor needs to be rewound.

#### **Committee Reports:**

##### **A. Newsletter Committee**

Terry Duffey reported that the Newsletter went out. She noted that some people had difficulty opening it with the tabs on them. She also noted that the Post Office's bar code went over the web address so she will move it next time.

##### **B. Fundraising Committee**

Patty and Eric had nothing to report. Patty noted that she was going to attend a lunch put on by a fundraising organization and would have information at a future meeting.

##### **C. Community Advisory Committee**

Terry and Donna noted that they did not have anything to report. They would just participate in the discussion as it came up.

##### **D. Policy and Planning Committee**

Eric submitted copies of a Finance Committee cover page and application form that he and Patty had created. He also submitted the same thing for a Park Committee. Discussion was held and Patty said they would make the suggested changes and start circulating them.

The Administrator reported that one of the items discussed at the Strategic Planning workshop was the establishment of a Legal Advisory Committee. He noted that he was directed to contact the Marin County Bar Association, as well as the Sonoma Bar and Empire College to see if there were any people who would be willing to sit on such a committee. The Marin Bar and Empire College responded that they did not have anybody, but a couple of attorneys from the Sonoma Bar had responded positively. He also noted that the Board would have to decide what they want out of such a committee, what it should look like, what the makeup should be, etc. It was decided that it would not be a standing committee, but rather a list of willing attorneys that the Board could ask questions of on an occasional basis and rotate the inquiries between those on the list. Hope Sturges volunteered to be the point person to contact the attorneys that offered their services. The Board authorized Hope Sturges to contact the attorney who offered his services pro bono to ask the question "Can the Administrator be paid with general sewer funds for work being done on behalf of the Park."

The Administrator submitted a DRAFT copy of two sections of a larger Policy Manual dealing with Board policy and meeting policy. He noted this was derived from several other Board Policy Handbooks from Special Districts throughout the State and the Sample Policy Manual for Special Districts developed by the California Special Districts Association. He also included a proposed Table of Contents that included several additional sections and chapters relevant to the TVCSD. Hope Sturges submitted an alternate Board Policy Manual that she recommended that was taken directly from the CSD Law (Government Code 61000) and the Brown Act (Government Code 54950). The Administrator noted that a policy manual is a list of guidelines when adopted become rules to supplement the laws governing the District. The District is already governed by those laws, so do not need to be in a Policy Manual. The Policy Manual is in addition to the State laws governing all Districts. A Policy Manual allows the Board of Directors to establish additional rules and regulations they see fit.

There was additional discussion regarding the development of a Policy Manual and the Board encouraged the Administrator to continue on and to take the suggestions of Hope under evaluation as he moves forward. The Administrator also suggested that individual Board Members review the policies and develop recommendations for future input.

Donna Clavaud input the concerns of the Community Advisory Committee regarding the Draft Policy Manual as it addresses the behavior of Board Members inside and outside of a Board Meeting. She said they would recommend that this particular area be given extra consideration as the policy development goes forward. She said she understood that it was important to develop code of conduct to protect the interests of the District as a whole aside from individual concerns and maintain a protocol.

Terry Duffey read a letter of complaint written by Dru Fallon O'Neill and submitted it to the Board. The letter was also sent to Supervisor Kinsey. The complaint was against the section in the draft Policy Manual that prohibits board members from contacting the District's contractors except through the Administrator. A copy of the letter is attached and made a part of the minutes.

**E. Mosquito Committee**

Margaret Graham gave the Board a brief background of what the West Marin Mosquito Control Committee was and has accomplished and what the Marin/Sonoma Mosquito and Vector Control District is doing. She noted that the West Marin Mosquito Committee is trying to get the Mosquito Control District to reduce the use of pesticides in West Marin and to only use organic pesticides when it is necessary to use pesticides. She reported that the Control District has worked with the West Marin group toward those ends.

**Pending Business:**

**A. Grant Writing**

1. The Administrator noted that he was not working on any grant proposals at this time.

**B. Capital Improvement Projects**

1. The Administrator submitted a quote from the pre-fab gazebo makers that were presented last month. He told them that the District was not interested in a pre-fab gazebo, but are interested in local site built. Eric Knudsen noted that this is a starting point for cost analysis and grant writing for a new locally designed and built gazebo. This particular company said they also will build custom structures.

**C. SSMP**

The Administrator noted that he has restarted the SSMP.

**D. Phillips Contract Update**

The Administrator noted that he is still reviewing the recommended changes of the contract, but hasn't had the time to get into any depth with it.

**E. Annual Audit**

The Administrator reported that the auditor said he should have a draft to present to the Board by the following week.

**F. Kitts Property**

The Administrator submitted a copy of the letter he sent to Dr. Kitts, that was discussed at the last meeting. Bruce Bramson reported that escrow closed on the property and that Kitts is now the legal owner.

**G. Tomales Farm and Dairy Land Split**

The Administrator reported that the Tomales Farm and Dairy property on the west side of Highway one was lot line adjusted to create two one-acre parcels and the owners had requested information regarding sewerage those properties. He noted that he passed on the information regarding annexation and the process required.

**H. Park Garbage Service**

The Administrator reported that he talked with Baudillio and he was excited about doing the garbage and recycle. Patty Oku noted that she had received a notice from the garbage



TO: TVCSB BOARD MEMBERS;

Nov 9, 2011

I have grave concerns regarding your proposed Draft Policy Manual with its current language. I question the reasoning behind the second section of 4020.5 which limits the elected Board to interact independently or collectively without express authority of your Administrator. "If your name isn't on the guest list you aren't invited to the party" would be more appropriate wording.

Please refrain from acting on this until ~~an~~ thorough analysis can be made by not only board & community members but someone with legal expertise with entities such as the TVCSB.

I have passed along a copy of this note to MR Kinsey, maybe he can offer some help here, too.

Sincerely,  
Dru Fallon O'Neill  
DRU FALLON O'NEILL  
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(P.O. Box 37) 94971