

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS
HELD TUESDAY, OCTOBER 13, 2020, AT 9:02 A.M.

Roll Call

Present: Supervisor Rodoni; Supervisor Arnold; Supervisor Connolly; Supervisor Sears;
Supervisor Rice

1. [Administrator's report](#)

COVID-19 Update

Public Health Officer Dr. Matt Willis provided a status update on the COVID-19 public health emergency, summarizing the various indicators, and directed the public to the website coronavirus.marinhhs.org for additional information. Dr. Willis briefly commented on the Blueprint for a Safer Economy, the current Tier status for Marin County, and discussed the Healthy Places Index (HPI), a resource that showcases community conditions that predict life expectancy and influence health. Dr. Willis encouraged the public to get a flu shot.

Dr. Willis, Mr. Hymel, and Assistant County Administrator Angela Nicholson responded to questions from the Board.

A member of the public addressed the Board. Dr. Willis responded.

Urgency Item

County Administrator Matthew Hymel advised that County Counsel has requested an urgency item to add an additional item to today's closed session agenda.

M/s Supervisor Sears - Supervisor Connolly to determine that the need to take action arose subsequent to the agenda being posted and to add a conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(d)(2). Number of potential case(s): One.

AYES: ALL

Agenda Updates

Mr. Hymel advised of a correction to the Board letter for Open Space District Agenda Item #7g regarding Herc Equipment Rental.

2. [Board of Supervisors' matters and informational updates concerning regional Board assignments](#)

Golden Gate Transit

Supervisor Connolly requested a resolution be agendized for a future meeting regarding the expected layoffs at Golden Gate Transit.

Board members individually commented on the suggestion.

Consent Agenda Item CA-1c

Supervisors individually commented on Consent Agenda Item CA-1c, a resolution proclaiming September 15 - October 15, 2020, as "National Hispanic Heritage Month."

In Memoriam

Board members individually requested the meeting be adjourned in memory of Constance Coleman Govi, Jeffrey Arnheiter, and Constance "Connie" Berto.

2020 Census

Supervisors Rodoni and Rice briefly commented on the uncertainty of the Census deadline.

Red Flag Warnings

Supervisor Rice briefly commented on upcoming red flag warning days and the related wildfire risks.

The Executive Director of the Latino Council of Marin acknowledged the Board's support of the resolution proclaiming September 15 - October 15, 2020, as "National Hispanic Heritage Month" and acknowledged Dr. Willis and Board Aide Lorenzo Cordova.

Three speakers, including a representative of Golden Gate Transit ATU Local 1575 and the President of the Inlandboatmen's Union, addressed the Board.

3. [Consent Calendar A \(Items CA-1 through CA-8\) \("Consent Calendar A" reflects those agenda items that have prior policy approval from the Board.\)](#)

M/s Supervisor Connolly - Supervisor Sears to approve Consent Calendar A (Items CA-1 through CA-8) as presented.

- CA-1. Assessor-Recorder-County Clerk Authorize President to execute revised Memorandum of Understanding (MOU) with the counties of Orange, Los Angeles, Riverside and San Diego, (the counties that entered into an agreement to share the ownership and ongoing maintenance of a multi-county electronic recording delivery system called the Statewide Electronic Courier Universal Recording Environment (SECURE)), for the use of the Secure Electronic Recording Delivery System, incorporating changes to electronic recording laws and a new fee structure.

[CA1 - STAFF REPORT](#)

[CA1 - AGREEMENT](#)

- CA-2. Board of Supervisors

- a. Board members individually requested the meeting be adjourned in memory of Constance Coleman Govi, Jeffrey Arnheiter, and Constance "Connie" Bertone.
- b. Appointments Request to schedule the following appointments:
 - i. Assessment Appeals Board #2 - Schedule one appointment for November 17, 2020 due to the resignation of Jennifer Loucks.
 - ii. In-Home Supportive Services ("IHSS") Governing Board - Schedule one appointment for November 17, 2020, for three Consumer seats due to the term expiration of Maureen Gray, Roger Rose, and Cynthia Siroky and one vacant seat due to the resignation of Roxann Spilman.

iii. Strawberry Design Review Board - Schedule appointment for November 15, 2020 for one District 3 seat due to the term expiration of Penna Omega.

c. Request from Supervisor Rodoni to adopt resolution proclaiming September and October 15, 2020 as "National Hispanic Heritage Month."

[CA2c - RESOLUTION](#)

CA-3. Community Development Agency

a. Authorize President to execute Community Development Block Grant (CDBG) agreement with Fair Housing Advocates of Northern California (FHANC), in amount of \$64,000, to provide fair housing services.

[CA3a - STAFF REPORT](#)

b. Request to authorize President to execute Second Addendum to agreement with Sicular Environmental Consulting and Natural Lands Management, increasing by \$15,915 for a total contract not to exceed \$114,503, for the Weissman (D Ranch) Land Division Mitigated Negative Declaration.

[CA3b - STAFF REPORT](#)

[CA3b - AGREEMENT](#)

CA-4. County Administrator
Authorize the Director of Emergency Services to execute First Addendum to agreement with Color Genomics, Inc., extending the term of the agreement to November 14, 2020, for COVID-19 testing.

[CA4 - STAFF REPORT](#)

[CA4 - AGREEMENT](#)

- CA-5. Farm Advisor Authorize President to execute agreement with the University of California, in the amount of \$33,835, for reimbursement of payroll and related expenses of a staff associate for the Japanese Knotweed Community Education Program in Marin County, as detailed in staff report dated October 13, 2020.

[CA5 - STAFF REPORT](#)

[CA5 - AGREEMENT](#)

- CA-6. Health and Human Services NOTE: Agreements in items CA6a - CA6e are renewals of existing agreements that were included in and funded in the FY 2020-21 budget.

- a. Authorize President to execute FY 2020-21 agreement with Homeward Bound Marin, in the amount of \$50,634, to provide a coordinated entry system for families.

[CA6a - STAFF REPORT](#)

[CA6a - AGREEMENT](#)

- b. Authorize President to execute FY 2020-21 agreement with the Marin Child Council, in the amount of \$77,974, to manage the Marin Child Care Bridge for families served by Children and Family Services.

[CA6b - STAFF REPORT](#)

[CA6b - AGREEMENT](#)

- c. Authorize President to execute FY 2020-21 agreement with North Marin Child Services (NMCS) in the amount of \$93,400, to provide child abuse and neglect prevention and intervention services.

[CA6c - STAFF REPORT](#)

[CA6c - AGREEMENT](#)

- d. Authorize President to execute agreement with Ritter Center, in the amount of \$194,400, to provide outreach, referral, and housing-based case management services.

[CA6d - STAFF REPORT](#)

[CA6d - AGREEMENT](#)

- e. Authorize President to execute FY 2020-21 agreement with Center for Domestic Peace, in the amount of \$345,122, to supplement the emergency shelter and transitional housing programs for battered women and their children.

[CA6e - STAFF REPORT](#)

- CA-7. Parks Authorize President to execute agreement with National Audubon Society, in the amount of \$75,000, to support the management of Aramburu Island.

[CA7 - STAFF REPORT](#)

- CA-8. Public Works

- a. Request to adopt Traffic Resolution No. 2131 establishing a no parking zone on the north side of North San Pedro Road at Oak Crest Drive, San Rafael.

[CA8a - STAFF REPORT](#)

[CA8a - RESOLUTION NO. 2131](#)

[CA8a - ATTACHMENT](#)

- b. Request to declare two street sweepers (90-15 and 90-18) as surplus and their disposition in accordance with Section 3.08.050 of the Marin County Code, as detailed in staff report dated October 13, 2020.

[CA8b - STAFF REPORT](#)

AYES: ALL

4. [Consent Calendar B \(Item CB-1\)](#)
[\("Consent Calendar B" reflects those agenda items requiring 4/5 vote of available members relating to budgetary matters.\)](#)

M/s Supervisor Rodoni - Supervisor Arnold to approve Consent Calendar B (Item CB-1) as presented.

CB-1. Health and Human Services

- a. Effective October 18, 2020, approve the extension of 2.0 FTE fixed-term Licensed Crisis Specialist positions in Children's Youth and Family Services to June 30, 2021, and expand the capacity of mobile crisis response services.

[CB1a - STAFF REPORT](#)

- b. Effective October 18, 2020, request to (i) approve cost-neutral personnel adjustments in the Division of Social Services, to align Public Assistance operations and procedures for improved service and program compliance and prepare for the migration to the county Statewide Automated Welfare System; and (ii) approve related one-time budget adjustment as detailed in staff report dated October 13, 2020.

[CB1b - STAFF REPORT](#)

AYES: ALL

5. [Open time](#)

Transit Labor Issues

A representative of ATU Local 1575, a Golden Gate Transit bus driver, and the President of the Inlandboatman's Union, addressed the Board on expected upcoming layoffs of Golden Gate Transit employees.

6. [Request from Supervisor Rice to adopt resolution proclaiming October as "National Cybersecurity Awareness Month," and to receive an Information Security update](#)

[6 - RESOLUTION](#)

[6 - ATTACHMENT](#)

Information Services and Technology Chief Information Security Officer Jason Balderama provided an overview of National Cybersecurity Awareness Month in Marin County.

Information Services and Technology Chief Information Officer Liza Massey acknowledged staff and the Board.

Mr. Balderama responded to questions from the Board and commented on an upcoming event to highlight cybersecurity awareness.

M/s Supervisor Sears - Supervisor Arnold to adopt resolution proclaiming October as "National Cybersecurity Awareness Month."

AYES: ALL

The Board recessed as the Marin County Board of Supervisors at 10:48 a.m. to meet as the Marin County Open Space District Board of Directors.

The Marin County Board of Supervisors reconvened at 11:03 a.m. All Supervisors were present.

8. [Hearing: Ordinance amending Personnel Management Regulation \(PMR\) Section 1.2, including classifications as detailed in staff report dated October 13, 2020](#)

[8 - STAFF REPORT](#)

[8 - ORDINANCE NO. 3742](#)

County Administrator Matthew Hymel commented on the proposed ordinance amending Personnel Management Regulation (PMR) Section 1.2.

The hearing was declared open to receive public comment.

Seeing no one present who wished to speak, the hearing was closed.

M/s Supervisor Connolly - Supervisor Arnold to adopt Ordinance No. 3742, amending Personnel Management Regulation (PMR) Section 1.2,

including classifications as detailed in staff report dated October 13, 2020.

AYES: ALL

9. [Hearing: Resolution establishing a fee schedule for the Office of the Marin County Counsel](#)

[9 - STAFF REPORT](#)

[9 - RESOLUTION NO. 2020-112](#)

County Counsel Brian Washington summarized the proposed resolution establishing a fee schedule for the Office of County Counsel reflecting a 3% increase over FY 2020-21 and FY 2021-22.

Mr. Washington responded to questions from the Board.

The hearing was declared open to receive public comment.

Seeing no one present who wished to speak, the hearing was closed.

M/s Supervisor Sears - Supervisor Rodoni to adopt Resolution No. 2020-112, establishing a fee schedule for the Office of the Marin County Counsel.

AYES: ALL

The Board met in closed session. All Supervisors were present.

10. Closed Session

The Board met in closed session to discuss the following:

- a. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(d)(1). Name of Case: *In Re: National Prescription Opiate Litigation*. Northern District of Ohio; 17-MD-2804.

[10a - STAFF REPORT](#)

- b. Conference with legal counsel to discuss initiation of litigation pursuant to California Government Code Section 54956.9(d)(4). Number of potential cases: one.

[10b - STAFF REPORT](#)

- c. Conference with legal counsel to regarding anticipated litigation pursuant to California Government Code Section 54956.9(d)(2). Number of potential cases: One.

[10c - STAFF REPORT](#)

The Board reconvened in open session at 1:31 p.m. Supervisor Arnold was absent.

President Rice advised that Supervisor Arnold was unavailable for this afternoon's session.

- 11. [Hearing: Farzin Faili et al. appeal of the Paradise Mar Development LP Design Review and Tree Removal Permit, located on a vacant lot in Tiburon \(historically referred to as 2495 Mar East Street\) APN 059-203-27](#)

[11 - STAFF REPORT - ADVISING APPEAL WITHDRAWN](#)

[11 - STAFF REPORT](#)

[11 - DRAFT RESOLUTION](#)

[11 - ATTACHMENT](#)

Planning Manager Jeremy Tejirian advised that the appellants and applicant for the above-captioned matter have reached agreements to modify the Paradise Mar Development LP Design Review and Tree Removal Permit to address concerns raised in the appeal documents. Mr. Tejirian noted that the proposed changes are in substantial conformance with the Planning Commission's approval of the project and advised that the appeal has been withdrawn and no action is required by the Board.

12. [Hearing: the Presbytery of the Redwoods appeal of the Marin County Planning Commission decision to deny a Conditional Use Permit and Design Review application for an AT&T wireless facility at 10 Bayview Drive, San Rafael](#)

[12 - STAFF REPORT](#)

[12 - RESOLUTION NO. 2020-113](#)

Planning Manager Jeremy Tejirian briefly summarized the history of the application and introduced Senior Planner Manny Bereket. Mr. Bereket provided background of the application, including consideration by the Deputy Zoning Administrator (DZA), and the Planning Commission. Mr. Bereket also discussed revised projects submitted by the applicant that were deemed incomplete, noting the revised projects the applicant submitted are not the subject of this appeal. Mr. Bereket concluded his presentation summarizing the bases of appeal, noting an upcoming deadline for the Board to make a decision on the appeal, and summarized aspects of the DZA and Planning Commission's decisions.

Supervisor Connolly commented on the aesthetic impact of the proposed project and noted that AT&T submitted a new proposal shortly before this hearing. Supervisor Connolly further commented on the County's Telecommunications Facilities Policy Plan (TFPP) and Policy considerations related to visual and aesthetic compatibility policies for telecommunications facilities.

Mr. Tejirian and Deputy County Counsel Brian Case responded to questions from Supervisor Connolly.

The hearing was opened to receive public comment.

On behalf of the applicant, Carl Jones, Senior Site Acquisition Manager for Epic Wireless Group LLC, addressed the Board. Mr. Jones briefly commented on consideration of the application by the DZA and the Planning Commission, discussed AT&T efforts to respond to concerns raised by the County, and commented on AT&T's analysis of alternate sites and alternative proposals.

Seven members of the public addressed the Board.

Seeing no one else present who wished to speak, the hearing was closed.

Mr. Tejirian and Mr. Bereket briefly responded to comments.

Attorney Aaron Shank, representing AT&T, responded to comments made by previous speakers.

Supervisor Connolly expressed support for staff's recommendation to deny the Presbytery of the Redwoods (AT&T) conditional Use Permit

and Design Review, and detailed reasons for his position. Supervisor Connolly outlined changes to the proposed resolution.

Mr. Case detailed the specific, proposed amendments.

M/s Supervisor Connolly - Supervisor Sears to adopt Resolution No. 2020-113, as amended, denying the Jones Appeal and affirming the Planning Commission's decision to deny the Presbytery of the Redwoods (AT&T) Conditional Use Permit and Design Review. (10 Bayview Drive San Rafael, APN 186-132-26)

Vote: Motion carried 4-0

AYES: Supervisor Rodoni, Supervisor Connolly, Supervisor Sears, Supervisor Rice

ABSENT: Supervisor Arnold

The meeting was adjourned at 2:39 p.m. in memory of Constance Coleman Govi, Jeffrey Arnheiter, and Constance "Connie" Berto.

SINE DIE

PRESIDENT

ATTEST:

CLERK