

DRAFT

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, JUNE 14, 2005, AT 9:04 a.m.

The Board convened at 9:04 a.m. in open session

Roll Call

Present: Supervisor McGlashan; Supervisor Adams; Supervisor Kinsey; Supervisor Murray;
Supervisor Brown

The Board recessed at 9:05 a.m. to meet in closed session.

1. Closed Session

The Board met in closed session to discuss Public employee appointment: County Administrator/Interim County Administrator pursuant to Government Code section 54957.

The Board reconvened in open session at 10:14 a.m. All Supervisors were present.

2. Announcement from Closed Session.

The President reported that the Board met in closed session and advised that they unanimously voted to appoint Chief Assistant County Administrator Matthew Hymel, effective June 30, 2005, to succeed Mark Riesenfeld as County Administrator. Supervisor Brown advised that an additional action will be brought to the Board on June 28, 2005, to set compensation.

3. Board of Supervisors' matters.

In Memoriam

Supervisor McGlashan requested an urgency finding to adjourn in memory of Summer Skye from Mill Valley.

M/s Supervisor McGlashan - Supervisor Adams to determine the need to take action arose subsequent to the agenda being posted.

AYES: ALL

M/s Supervisor McGlashan - Supervisor Adams to adjourn the meeting in memory of Summer Skye.

AYES: ALL

Agenda Modifications

Supervisor Adams requested that Consent Item CA-1 be removed from the Consent Calendar and be considered separately. Supervisor Adams also requested that Consent Item CA-9, regarding a request to approve a list of tax-defaulted properties for sale at a public auction, be removed from the agenda for consideration at a later date.

CA-1. Board of Supervisors:

Supervisor Adams requesting resolution commending Myra Levenson for her service to the Marin County Mental Health Board.

M/s Supervisor Adams - Supervisor Murray to adopt a resolution commending Myra Levenson for her service to the Marin County Mental Health Board.

AYES: ALL

Supervisor Adams read and presented the resolution to Ms. Levenson.

Ms. Levenson thanked Supervisor Adams for her advocacy, as well as the other members of the Board of Supervisors, members of the Mental Health Board, and Health and Human Services staff for their support. Ms. Levenson spoke about some of the successes of the Mental Health Board and the ongoing needs of the mentally ill in the community.

Health and Human Services Assistant Director Bruce Gurganus expressed gratitude to Ms. Levenson for her efforts on behalf of the mentally ill in Marin County.

Grassroots Leadership Network Graduation

Supervisor Adams congratulated the next graduating class of the Grassroots Leadership Network on their commencement ceremony scheduled for next week.

Staff Acknowledgement

Supervisor Kinsey acknowledged Information Services and Technology Director David Hill and his staff for their extraordinary efforts in response to last Friday's power surge which interrupted power to the County's information network and disrupted critical services.

4. Administrator's report.

Urgency Item - Closed Session

County Administrator Mark Riesenfeld advised that County Counsel has requested that two additional closed session items be added to the agenda.

M/s Supervisor Adams - Supervisor Kinsey to determine the need to take action arose subsequent to the agenda being posted.

AYES: ALL

M/s Supervisor Adams - Supervisor Kinsey to add two additional closed session items to the agenda as follows:

c. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of Case: *Bigge Crane and Rigging Co. v. West Bay Builders, Inc., et al.*, Marin County Superior Court Case No. CV 031897.

d. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a) Name of Case: *West Bay Builders, Inc. v. County of Marin*; Arbitration Case No. A-0026-04.

AYES: ALL

Agenda Modification

Mr. Riesenfeld advised that County Counsel has requested that closed session item 16a, regarding anticipated litigation, Name of Case: *Martinelli vs. Johnson, et al.*, be pulled from today's agenda and continued to June 21, 2005.

FY 2005-06 Budget

Mr. Riesenfeld advised that the County's FY 2005-06 budget will be distributed to Board members by early next week and will come to the Board for formal adoption as a Preliminary Budget on June 28, 2005.

Acknowledgement

Mr. Riesenfeld complimented the Board of Supervisors on their choice for the next County Administrator, noting that he has worked closely with Matthew Hymel during the last three and a half years and feels he will serve the Board and the County very well.

5. Open time

Public Works Public Auction for County Vehicles

Public Works Director Farhad Mansourian responded to a member of the public who addressed the Board regarding a recent bid process for purchasing surplus County vehicles.

Alcohol and Drug Treatment Services

The Director of Henry Ohloff North spoke about the successes of the men's drug and alcohol residential treatment program in Marin County and appealed to the Board to grant their request for funding in the amount of \$50,000 this year to help keep the program open.

RE: Item CA-8a - Grading on Throckmorton Ridge

Public Works Director Farhad Mansourian responded to a member of the public who asked for information regarding the Throckmorton Ridge Fire Station construction project.

United Nations Conference on the Environment

A member of the public spoke about the U.N. Conference on the Environment which was recently held in San Francisco.

6. Consent Calendar A (Items CA-1 through CA-9) ("Consent Calendar A" reflects those agenda items that have prior policy approval from the Board and do not exceed \$500,000 in cost)

M/s Supervisor Adams - Supervisor Kinsey to approve Consent Calendar A with the exception of Item CA-1, which was considered separately, and Item CA-9, which was removed from the agenda.

Supervisor Kinsey commented on Item CA-6, acknowledging staff for their collaboration with the San Rafael School District - Bahia Vista Elementary School for the creation of a nutrition, education and physical activity plan.

CA-1.

This item was removed from Consent Calendar A for consideration under Item 3, Board of Supervisors' matters.

CA-2. Community Development Agency:

- a. Authorize President to execute agreement with Nichols-Berman Environmental Planning, in the amount of \$57,480, for an environmental assessment of the Salvatore-Swahn property at 2800 Paradise Drive, Tiburon.
- b. Authorize President to execute amendment to the agreement with Kenwood Energy, increasing the contract by \$54,000 for a total contract amount of \$149,000, for energy efficiency services.
- c. Authorize submission of application to the Marin Community Foundation ("MCF"), requesting a grant in the amount of \$20,000, to facilitate the community based planning process for the Marinwood Village reuse plan.

- CA-3. County Administrator:
Authorize President to execute agreement with TRISTAR Risk Management, in the amount of \$322,257, for administration of self-insured workers' compensation claims for FY 2005-06.
- CA-4. County Clerk:
Adopt Resolution No. 2005-65 authorizing the County Clerk to render services and to consolidate all requesting jurisdictions for the All Mail School Election to be held on August 30, 2005.
- CA-5. Cultural Services:
a. Authorize President to execute agreement with Professional Event Services, in the amount of \$34,322, for security services at the 2005 Marin County Fair.
b. Authorize President to execute agreement with The Spinners, in an amount not to exceed \$30,000, for a performance at the Marin County Fair on Friday, July 1, 2005.
- CA-6. Health and Human Services:
(NOTE: Agreement in item CA-6a is a renewal of an existing agreement that was included in and funded in the FY 2004-05 budget.)
a. Authorize President to execute FY 2004-05 agreement with the San Rafael School District - Bahia Vista Elementary School, in an amount not to exceed \$30,000, to develop a nutrition education and physical activity promotion plan.
b. Authorize President to execute amendment to the agreement with All Saints Extended Care, Inc., increasing the contract by \$14,100 for a total contract amount not to exceed \$131,276, to provide residential care home services for mental health clients of Marin County.
c. Authorize President to execute amendment to the agreement with St. Michael's Extended Care, Inc., increasing the contract amount by \$3,500 for a total contract amount not to exceed \$204,612, to provide residential care home services for mental health clients of Marin County.
- CA-7. Information Services and Technology:
Authorize President to execute amendment to the agreement with Strada Resources, Inc., increasing the contract amount by \$25,000 for a total contract amount of \$96,800, and extending the contract term to December 30, 2005, for services to unify criminal justice data in a web application.
- CA-8. Public Works:
a. Authorize President to execute Assignment and Assumption Agreement with Swinerton Builders to allow Swinerton Builders to substitute for the County in its obligations under the contract for the Throckmorton Ridge Fire Station project demolition and site grading (Project No. C282).
b. Request to approve plans and specifications and direct Clerk to advertise for bids for the Throckmorton Ridge Fire Station Building Construction project (Project No. C282-CONSTRUCT).
c. Request to declare as surplus and approve donation of one (1) 1983 International Type I Fire Engine to Angel Island State Park.

CA-9. Tax Collector:

This item, a request to approve a list of tax-defaulted properties, was removed from the agenda.

AYES: ALL

7. Consent Calendar B (Items CB-1 through CB-2) ("Consent Calendar B" reflects those agenda items requiring a 4/5th vote relating to budgetary matters.)

M/s Supervisor Adams - Supervisor Murray to approve:

CB-1. Health and Human Services:

Request from the Department of Health and Human Services to take the following actions related to the Division of Alcohol, Drug and Tobacco Programs recognizing additional allocation from the State Department of Alcohol and Drug Programs Safe and Drug Free Schools and Communities ("SDFSC") funds: (a) approve Transfer of Funds increasing appropriations in the County of Marin, Department of Health and Human Services, Division of Alcohol, Drug and Tobacco Programs; Safe and Drug Free account (\$98,276), offset by funds from State Department of Alcohol and Drug Programs, into Fed. 16.585 account (\$98,276), providing funds to develop a media campaign addressing youth access to alcohol from social sources; (b) authorize President to execute amendment to the agreement with Youth Leadership Institute, in the amount of \$168,255, to provide alcohol and drug prevention and treatment services; and (c) authorize President to execute amendment to agreement with O'Rorke, Inc., in the amount of \$45,000, to provide alcohol prevention media and public relations services. (4/5 vote)

CB-2. Public Works:

Request from the Public Works Director to take the following actions related to the Woodacre Creek Restoration project: (a) award contract to low bidder, Maggiora & Ghilotti, Inc. of Santa Rosa, CA, in the amount of \$325,325; (b) authorize a contract contingency in the amount of \$40,000; (c) authorize the closure of Crescent Road for the duration of the construction project; and (d) approve related budget adjustments as detailed in staff report dated June 14, 2005. (Project No. EWP-CRP) (4/5 vote)

AYES: ALL

8. Supervisor Brown requesting resolution commending Sam Ruark for his service to Marin County.

M/s Supervisor Adams - Supervisor Murray to adopt resolution commending Sam Ruark for his service to Marin County.

AYES: ALL

Supervisor Brown read and presented the resolution to Sam Ruark, who expressed gratitude to the Board and his colleagues and expressed the hope that the Board will continue to support the County's sustainability team.

Board members individually thanked Mr. Ruark for his efforts on behalf of the County of Marin. Community Development Agency Director Alex Hinds briefly commented on Mr. Ruark's many contributions to the Community Development Agency and to the County.

9. Supervisor Murray requesting approval of a County rebate program for solar installations.

By letter dated June 14, 2005, Community Development Agency Director Alex Hinds submitted his report and recommendations regarding the above-captioned matter.

Supervisor Murray briefly described the program, advising that the proposal would provide for \$500 rebates for installation of solar electric systems and \$250 rebates for installation of domestic solar hot water systems.

M/s Supervisor Murray - Supervisor McGlashan to approve a County rebate program for solar installations.

AYES: ALL

Supervisor Murray noted the importance of communicating the details of the program to contractors and builders in the community.

10. Request from the County Administrator, on behalf of Supervisor Murray, for County financial contribution toward the design and environmental study of a possible suicide barrier for the Golden Gate Bridge.

By letter dated June 14, 2005, County Administrator Mark Riesenfeld, on behalf of Supervisor Murray, submitted his report and recommendations regarding the above-captioned matter.

Supervisor Murray advised that the Bridge District has received a \$1.6 million grant from the Metropolitan Transportation Commission ("MTC") for the proposed study but noted that a \$400,000 local match is required.

M/s Supervisor Murray - Supervisor Adams to authorize the County Administrator to execute agreement with the Golden Gate Bridge, Highway and Transportation District, in an amount not to exceed \$25,000, toward the design and environmental study of a possible suicide barrier.

AYES: ALL

11. Request from the Director of Health and Human Services to set hearing date to consider adoption of a resolution revising the charge/rate schedule (increasing rates by approximately 3%) for the Division of Community Mental Health Services treatment services.

By letter dated June 14, 2005, Health and Human Services Director Dr. Larry Meredith submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor McGlashan to set a public hearing for June 28, 2005, at 11:00 a.m. to consider adoption of a resolution revising the rate/charge schedule for the Division of Community Mental Health Services treatment services, increasing rates by approximately 3%.

AYES: ALL

12. First Reading: Ordinance amending Chapter 7.24 of the Marin County Code pertaining to the Community Development Agency, Environmental Health Services Division fee schedule.

By letter dated June 14, 2005, Community Development Agency Director Alex Hinds and Environmental Health Services Chief Philip Smith submitted their report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor McGlashan to waive reading of the proposed ordinance and request the clerk to read by title only.
AYES: ALL

The clerk read the title of the proposed ordinance and the merit hearing was set for June 28, 2005, at 10:30 a.m.

13. First Reading: Ordinance establishing increase in fees for the planning related services of the Community Development Agency.

By letter dated June 14, 2005, Community Development Agency Director Alex Hinds and Administrative Services Manager Ian Roth submitted their report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor McGlashan to waive reading of the proposed ordinance and request the clerk to read by title only.
AYES: ALL

The clerk read the title of the proposed ordinance and the merit hearing was set for June 28, 2005, at 10:30 a.m.

14. Ordinance amending the Marin County Code pertaining to Disaster Council membership, duties and scope and the Office of Emergency Services staff designations.

M/s Supervisor Murray - Supervisor Adams to direct staff to resubmit proposed ordinance for a First Reading on a date to be determined.
AYES: ALL

15. Appointments

a. Mental Health Board

Three vacancies as follows: two representing Consumers and one Public Interest member. Letters dated June 1, 2005, have been received from the Chair of the Mental Health Board recommending the following appointments: Kim Denn and Susan Kruppa for the two Consumer seats and Judith Leahy for the Public Interest seat.

M/s Supervisor Adams - Supervisor Kinsey to appoint Kim Denn and Susan Kruppa to Consumer seats and Judith Leahy to a Public Interest seat.
AYES: ALL

b. Planning Commission

Two At-Large term expirations. Applications have been received from Allan Berland (incumbent), Mark Ginalski, Frank Godino, Robert Karfiol, Christopher Lang and Steve Thompson (incumbent).

Supervisor Murray stated that she would like to reappoint the two incumbents, Allan Berland and Steve Thompson, because of the complexity of the ongoing Countywide Plan update and the incumbents' experience in the process.

Supervisor Adams nominated Mark Ginalski to be interviewed.

Supervisor McGlashan added nominations for Allan Berland and Steve Thompson to be interviewed.

There were no further nominations.

M/s Supervisor Kinsey - Supervisor Adams to schedule interviews for June 28, 2005, at 10:30 a.m., for Allan Berland, Mark Ginalski and Steve Thompson.

AYES: ALL

The Board recessed at 11:25 a.m. to meet in closed session.

16. Closed Session:

The Board met in closed session at 12:00 p.m. to discuss the following:

- a. The item regarding anticipated litigation, Name of Case: *Martinelli vs. Johnson, et al*, was pulled from the agenda and continued to the meeting of June 21, 2005.
- b. Instructions to labor negotiator (Director of Human Resources) regarding negotiations with all bargaining units pursuant to Government Code Section 54957.6.
- c. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of Case: *Bigge Crane and Rigging Co. v. West Bay Builders, Inc., et al.*, Marin County Superior Court Case No. CV 031897
- d. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a) Name of Case: *West Bay Builders, Inc. v. County of Marin*; Arbitration Case No. A-0026-04.

The Board reconvened in open session at 1:13 p.m. Supervisor Brown was absent.

17. Announcement from Closed Session.

The President reported that the Board met in closed session and advised that there was no announcement at this time.

The Board of Supervisors meeting was adjourned at 1:14 p.m. in memory of Summer Skye.

SINE DIE

PRESIDENT

ATTEST:

CLERK