

DRAFT

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, JUNE 7, 2005, AT 10:06 A.M.

Roll Call

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

1. Approval of minutes of the meetings of May 3 and May 17, 2005.

M/s Supervisor Adams - Supervisor Murray to approve the minutes of the meetings of May 3 and May 17, 2005.

AYES: ALL

2. Board of Supervisors' matters.

Education Funding

Supervisor Kinsey acknowledged Supervisor Brown and Marin County Superintendent of Schools Mary Jane Burke for a commentary in the *Marin Independent Journal* regarding cities, counties, and schools working together to sustain education funding.

In Memoriam

Supervisor Kinsey requested to adjourn the meeting in the memory of Charles Curley, a Marin Community Foundation Trustee, former Larkspur Mayor, and Chair of the Cultural Commission.

M/s Supervisor Kinsey - Supervisor Adams to determine that the need to take action arose subsequent to the agenda being posted and to adjourn the meeting in memory of Charles Curley.

AYES: ALL

Charles and Nancy Curley Foyer

Supervisor Kinsey requested an urgency item to rededicate the Veteran's Memorial Auditorium *Redwood Foyer* as the *Charles and Nancy Curley Foyer* at the "Celebration of Life" for Charles Curley this Saturday.

M/s Supervisor Kinsey - Supervisor Murray to determine that the need to take action arose subsequent to the agenda being posted and to rededicate the Veteran's Memorial Auditorium's *Redwood Foyer* as the *Charles and Nancy Curley Foyer*.

AYES: ALL

Sam Ruark Celebration

Supervisor Adams announced that there will be a farewell celebration on Sunday, June 12, 2005, in West Marin for Community Development Agency Planner Sam Ruark.

Medicaid Hospital Financing Waiver

Supervisor Adams briefly summarized material she distributed regarding California State Association of Counties ("CSAC") as well as other groups' concerns with the proposed Medicaid Hospital Financing Waiver.

CSAC Legislative Meeting

Supervisor Adams briefly commented on a topic discussed at the California State Association of Counties ("CSAC") meeting last week including Governor Schwarzenegger's initiative titled "California Live Within Our Means Act" ("CALWOMA"), a proposal containing a number of major modifications to the Constitution relating to the budget process.

Muir Woods Shuttle Program

Supervisor McGlashan reported that the Muir Woods shuttle began successfully, noted that the shuttle made approximately 150 trips the first weekend, and acknowledged the marketing agent for a job well done.

World Environment Day

Supervisor McGlashan briefly commented on a few topics related to San Francisco's World Environment event held last week, including a trade show featuring several Marin County green businesses, new windmill technology, a presentation on climate change by former Vice President Al Gore, and new pledges to meet the Kyoto Protocol target to reduce greenhouse gases.

Environmental Initiative

Supervisor McGlashan announced that there will be a Climate Protection Meeting on June 22, 2005, in the BOS Chambers, with the International Council for Local Environmental Initiatives ("ICLEI").

Local Government

Supervisor Brown briefly commented on continued County challenges related to the lack of support on local government issues by some State Legislators.

Supervisor Adams advised that the LOCAL Coalition, an organization consisting of cities, counties, special districts, fire and police districts, and unions, strengthens the struggle.

3. Administrator's report.

FY 2005-06 Budget

County Administrator Mark Riesenfeld advised that the FY 2005-06 proposed budget will be distributed to the Board within a week and will be brought to the June 28, 2005 Board meeting.

Department Head Recruitments

Mr. Riesenfeld briefly commented on the status of Department Head recruitments for the positions of Chief Probation Officer and Parks and Open Space Director.

Marin Telecommunications Agency ("MTA") Budget Policy Issues - Urgency Item

County Administrator Mark Riesenfeld requested an urgency item regarding Marin Telecommunications Agency ("MTA") Budget Policy.

3 - URGENCY - MTA LETTER

M/s Supervisor Adams - Supervisor Murray to determine the need to take action arose subsequent to the agenda being posted and to provide policy direction to Supervisor Adams, as representative to the Marin Telecommunications Agency ("MTA"), regarding MTA Budget Policy issues.

AYES: ALL

Supervisor Adams summarized the MTA Budget Policy Issues as outlined in a letter dated June 7, 2005, submitted by County Administrator Mark Riesenfeld on her behalf. Supervisor Adams requested direction from the Board regarding MTA Budget Policy Issues advising that unless otherwise directed, she will opt for Budget Policy Item (2), as discussed in the June 7, 2005, report, directing the MTA to budget funds for a "formal" cable franchise renewal process with an estimated FY 2005-06 County cost of \$121,680.

Board members individually thanked Supervisor Adams and expressed support for MTA Budget Policy Item (2).

M/s Supervisor Adams - Supervisor Murray to direct Supervisor Adams to support Budget policy item 2, that the Marin Telecommunications Agency ("MTA") should budget funds for a "formal" cable franchise renewal process, at the June 8, 2005, MTA budget meeting.

AYES: ALL

National Oceans Protection Act ("NOPA") of 2005 Support - Urgency Item

Mr. Riesenfeld requested an urgency item, regarding support of the National Oceans Protection Act ("NOPA") of 2005, be added to the agenda.

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

AYES: ALL

Supervisor McGlashan requested the Board to authorize the President to issue a letter expressing support of Senator Barbara Boxer's National Oceans Protection Act ("NOPA") of 2005 bill.

M/s Supervisor McGlashan - Supervisor Adams to authorize the President to issue a letter to Senator Boxer supporting Senator Boxer's National Oceans Protection Act of 2005, legislation to protect and restore marine habitat.

AYES: ALL

Supervisor Kinsey briefly commented on Marin County agriculture's Best Management Practices ("BMP") to be a responsible partner in offshore water quality.

4. Open time

Budget Cuts

The Executive Director of Henry Ohlhoff Recovery Programs urged the Board to consider providing \$50,000 to help to continue this program.

Public Works Public Auction for County Vehicles

Public Works Chief Assistant Director Bob Beaumont responded to a member of the public who addressed the Board regarding concerns pertaining to a recent public auction of surplus County vehicles.

Marin County Living Wage Ordinance

A member of Unite Here, Union of Laundry and Hotel Workers, a representative of Local Service Employees International Union ("SEIU") 949, several members of the Marin Interfaith Committee for Worker Justice, a representative of Peace Novato, a member

of Methodist Church San Rafael, and a San Anselmo resident expressed concern regarding Cintas' non-compliance with the Marin County Living Wage Ordinance.

County Administrator Mark Riesenfeld advised that Marin County's agreement with Cintas preceded the Living Wage Ordinance, will be expiring the end of this month, and that the County will be issuing a Request for Proposals ("RFP") and entering into a new agreement that will provide the services in compliance with the Living Wage Ordinance.

Marin Humane Society

Supervisor Kinsey requested the Board be sent a copy of the County Administrator's letter of response to a Novato resident's concern regarding the Marin Humane Society's issuance of a "dog hobbyist permit" and zoning regulations.

5. Consent Calendar A (Items CA-1 through CA-11) ("Consent Calendar A" reflects those agenda items that have prior policy approval from the Board and do not exceed \$500,000 in cost.)

Supervisor Brown requested that Item CA-3, the resolution commending John Wooley upon his retirement, be removed from the Consent Calendar for separate consideration.

M/s Supervisor Adams - Supervisor McGlashan to approve Consent Calendar A.

CA-1. Declaration of Emergency:

Reconfirmation of Declaration of Local Emergency relative to transmission of HIV through contaminated needles pursuant to Resolution No. 93-293 adopted on November 23, 1993.

CA-2. Auditor-Controller:

Approve Report of Examination of Financial Statements, Audit of Federal Financial Assistance Program and Independent Auditor's Report for Fiscal Year Ended June 30, 2004, as submitted.

CA-3. Board of Supervisors: Item CA-3 was removed from Consent Calendar A for separate consideration.

CA-4. Community Development Agency:

- a. Authorize President to execute amendment to the agreement with Pacific Municipal Consultants ("PMC"), increasing the contract amount by \$50,000 for a total contract amount of \$75,000 and extending the contract term to June 30, 2006, to provide contract planning services.
- b. Request to adopt bylaws for the Marin County Disability Access Appeals Board.
- c. Request to adopt bylaws for the Marin County Building Board of Appeals.
- d. Authorize President to execute subordination agreements with Marin Abused Women's Services ("MAWS") in order to enable MAWS to fulfill loan requirements from the Bank of Marin.
- e. Authorize President to execute agreement with Robert Eyler, Ph.D., in an amount not to exceed \$40,000, to prepare a supplemental report to the Marin County Targeted Industries Study.

CA-5. County Administrator:

Authorize President to execute agreement with the Marin Agricultural Land Trust ("MALT"), in the amount of \$30,000, to support the acquisition and monitoring of agricultural conservation easements.

CA-6. County Counsel:

Authorize President to execute First Addendum to the agreement with Riedinger Consulting, increasing the contract amount by \$10,000 for a total contract amount not to exceed \$35,000, for expert services in California State Office of Administrative Hearings case: West Bay Builders, Inc. v. County of Marin – Arbitration No. A-0026-04.

CA-7. Cultural Services:

- a. Authorize President to execute agreement with Pyro Spectaculars, Inc., in an amount not to exceed \$50,000, for providing low level fireworks at the 2005 Marin County Fair.
- b. Authorize President to execute agreement with Pablo Cruise, in an amount not to exceed \$25,000, for a performance at the Marin County Fair on Saturday, July 2, 2005.

CA-8. District Attorney:

- a. Request to: (1) adopt Resolution No. 2005-58 authorizing submission of an application to the State Office of Emergency Services ("OES") for continuation of funding for the Child Abuse Treatment ("CHAT") Program; and (2) authorize the District Attorney to execute the grant award agreement, including subsequent amendments.
- b. Request to adopt the following resolutions for continuation of the District Attorney's two technology-related grants funded by the State Office of Emergency Services ("OES"), including authorizing the District Attorney to execute, on behalf of the County, the grant award agreements and any extensions or amendments thereof: (1) Resolution No. 2005-59 in support of the District Attorney's application for the High Technology Theft Apprehension and Prosecution ("HTTAP") Program grant; and (2) Resolution No. 2005-60 in support of the District Attorney's application for the HTTAP Identity Theft Program grant.

CA-9. Health and Human Services:

NOTE: Agreements in items CA-9a through CA-9c are renewals of existing agreements that were included in and funded in the FY 2004-05 budget.

- a. Authorize President to execute the following two FY 2004-05 agreements with Marin General Hospital to provide inpatient psychiatric services: (1) in an amount not to exceed \$265,000, for rehabilitation and acute inpatient psychiatric services for County-responsible clients on a fee-for-service basis; and (2) for rehabilitation and acute inpatient psychiatric services for Marin Medi-Cal beneficiaries as part of the Marin County Local Mental Health Plan.
- b. Authorize President to execute FY 2004-05 agreement with Huckleberry Youth Programs, in the amount of \$32,000, for peer educator training and health education activities.
- c. Authorize President to execute addendum to the agreement with William Teufel, M.D., increasing the contract amount by \$40,000 for a total contract amount of \$60,000, to provide medical direction to and for the Marin County Emergency Medical Services system.
- d. Authorize President to execute First Addendum to the Memorandum of Understanding ("MOU") with the Sonoma County Area Agency on Aging for the provision of the Health Insurance Counseling and Advocacy Program ("HICAP").

CA-10. Public Works:

- a. Approve purchase of the annual software maintenance fees for the County's IBM mainframe computer from Computer Associates International, Inc., of Dallas, TX, in an amount not to exceed \$112,650.47, for the Marin County Information Services and Technology Department.
- b. Authorize President to execute First Amendment to the agreement with C3 Design Alliance, increasing the contract amount by \$98,148 for a total contract amount of \$393,148, for architectural and related design services associated with the construction of a new Throckmorton Ridge Fire Station. (Project No. C282)

- c. Request to (1) approve plans and specifications; (2) authorize President to sign the improvement plans; and (3) direct Clerk to advertise for bids for the Atherton Avenue Bikeway and Resurfacing Improvements in Novato. (Project No. AAC-2BP)
- d. Approve temporary closure of Railroad Avenue, Park Avenue and Crescent Drive in Woodacre, on Monday, July 4, 2005, from 12:30 p.m. to 2:30 p.m. for the Annual Independence Day parade.
- e. Request to waive the formal bidding procedure and approve single source purchase of a five-year software maintenance agreement from Northrop Grumman Information Technology, Inc. ("NGIT"), of Reston, Virginia, in the amount of \$323,985.42, for the Marin County Sheriff's Department.
- f. Approve award of Invitation for Bid ("IFB") #2439 to Steris Corporation of Mentor, OH, in the amount of \$38,742.01, for an Amsco Century Lab 250 Sterilizer for the Marin County Health and Human Services Department's Public Health Laboratory.
- g. Approve purchase of John Deere 4520 Tractor plus attachments for a total amount of \$31,037.36, from John Deere Company, Lenexa, KS, utilizing the California Multiple Award Schedule ("CMAS") Contract No. 4-96-37-0001A, for use by the Marin County Parks and Open Space Department.
- h. Approve purchase of one (1) Rescue Air and Light Unit from HI-TECH Emergency Vehicle Service, Inc., of Oakdale, CA, in the amount of \$298,026.80, for the Marin County Fire Department and Marin County Urban Search and Rescue ("USAR"), by utilizing the Kings County Fire Department Contract and reimbursed by Urban Area Security Initiation Grant ("UASI").
- i. Authorize President to execute First Amendment to Lease with Marin Municipal Water District ("MMWD") for the Throckmorton Fire Station on Mt. Tamalpais.
- j. Authorize President to (1) adopt Resolution No. 2005-62 authorizing acceptance of Offer of Dedication; and (2) execute the Certificate of Acceptance of Grant of Interest in Real Property for the Offer of Dedication from Sidney Schwartz and Ruth Schwartz Susnow, Trustee for public roadway purposes over Leona Drive, Santa Venetia.
- k. Authorize President to execute License Agreement with George D. Grossi for an underground waterline at Stafford Lake Park for his adjacent dairy operation at 2550 Novato Boulevard, Novato.

CA-11. Treasurer-Tax Collector:

Request to adopt Resolution No. 2005-61 authorizing County Counsel, at the request of Central Collections, to proceed with collections litigation and settlement authority for amounts less than \$25,000.

AYES: ALL

CA-3. Board of Supervisors: Supervisor Brown requesting resolution commending John Wooley upon his retirement.

Supervisor Brown requested Public Works Chief Assistant Director Bob Beaumont to express the Board's congratulations and appreciation to Mr. Wooley.

M/s Supervisor Adams - Supervisor McGlashan to adopt resolution commending John Wooley upon his retirement.

AYES: ALL

4. Board of Supervisors' matters. (Continued)

County Administrator's Retirement

Supervisor Adams expressed appreciation and congratulations to County Administrator Mark Riesenfeld on his retirement.

6. Consent Calendar B (Items CB-1 through CB-3) ("Consent Calendar B" reflects those agenda items requiring a 4/5th vote relating to budgetary matters.)

M/s Supervisor Adams - Supervisor Kinsey to approve Consent Calendar B.

CB-1. Health and Human Services:

- a. Request from the Department of Health and Human Services, Division of Public Health to (1) accept award of California HealthCare Foundation grant, in the amount of \$34,536, for the Step by Step Local Children's Coverage Expansion Initiative; and (2) approve Transfer of Funds increasing appropriations in the County of Marin, Epidemiology, Special Appointment account (\$6,300), offset by a grant from the California HealthCare Foundation into the Other Miscellaneous Income account (\$6,300), to provide information to the Marin County child health access team to enable evidence-based decisions about expansion efforts related to CalKids. (4/5 vote)
- b. Request from the Department of Health and Human Services, Division of Community Mental Health Services, to (1) accept grant from the State Department of Mental Health, in the amount of \$103,528, for implementation of the Mental Health Services Act components; and (2) approve Transfer of Funds increasing appropriations in the County of Marin, Community Mental Health Extra Hire account (\$23,200) and Special Fund account (\$44,250), offset by a grant from the Department of Mental Health into the (Proposition 63) Mental Health Initiative account (\$67,450), to provide funds for the planning process to implement the Mental Health Services Act (Proposition 63). (4/5 vote)
- c. Request from the Department of Health and Human Services, Division of Community Mental Health, effective June 5, 2005, to (1) delete 1.0 FTE vacant Secretary position (Position #00521, Class #1325); (2) add 1.0 FTE Senior Clerk Typist position (Class #1341); and (3) approve Transfer of Funds increasing appropriations in the Health & Human Services Department, Division of Community Mental Health, Extra Hire account (\$325), offset by a decrease in the same division Various salaries account (\$325). (4/5 vote)

CB-2. Parks:

Request from the Department of Parks and Open Space to (a) authorize President to execute agreement with Pacific Land Surveys, in the amount of \$40,000, to survey Coastal Access Easements in the Tomales Bay area; and (b) approve Transfer of Funds increasing appropriations in the County of Marin, Parks and Open Space, Professional Services account (\$38,000), offset by a grant from the Coastal Conservancy into the Other Aid State account (\$38,000). (4/5 vote)

CB-3 Sheriff:

Request from the Sheriff to approve the following actions related to Computer Aided Dispatch ("CAD") enhancements for the 911 system: (a) accept \$179,947 in State Reimbursement; (b) accept Inter-Agency agreement with the Marin County Sheriff, the Marin County Fire Department, and the Novato Police Department to finance the enhancement of the CAD system; (c) approve sole source agreement with Northrup Grumman Information Technology, Inc. ("NGIT"), in the amount of \$179,947, for Command Point Geographic Information System Data Interchange ("GDI") Tools and Command Point Map products to implement 911 required changes; and (d) approve Transfer of Funds Increasing appropriations in the Sheriff Communications Division Contract Services-Miscellaneous account (\$180,000), offset by an increase in the same division Other Aide State account (\$180,000) from combined CA911 funds of the Marin County Sheriff's Office, Marin County Fire Department and Novato Police Department. (4/5 vote)

AYES: ALL

7. Supervisor Kinsey requesting letter opposing the San Francisco Bay Regional Water Quality Control Board's recommended changes to the Basin Plan Amendment associated with the Tomales Bay Pathogen Total Maximum Daily Load.

By memorandum dated June 7, 2005, Supervisor Kinsey submitted his report and recommendations regarding the above-captioned matter and requested the Board to authorize the President to issue a letter to the San Francisco Regional Water Quality Control Board ("RWQCB") identifying Marin County concerns with a proposed Basin Plan Amendment being considered by the RWQCB as it relates to pathogen pollution in the Tomales Bay watershed as addressed through a water quality plan known as Total Maximum Daily Load ("TMDL").

Chief of Environmental Health Services Phil Smith introduced U. S. Environmental Protection Agency ("EPA") representative Rebecca Tuden who gave a brief overview of TMDL, stating that a TMDL is a water quality plan or project that examines water quality problems, identifies sources of pollutants, and specifies actions that create solutions. Ms. Tuden reported that the draft Basin Plan amendment has been highly controversial because in addition to setting water quality targets, the Basin Plan Amendment calls for specific actions by ranchers, homeowners, the County of Marin, Marin County Water Pollution Prevention Program ("MCSTOPPP"), and a number of other agencies.

Mr. Smith briefly reported on options for compliance with the TMDL including the Countywide Maintenance and Monitoring Plan and introduced Stormwater Program Administrator Liz Lewis. Ms. Lewis briefly commented on efforts undertaken to review and assist with the implementation of Best Management Practice ("BMP") to address wastewater issues. Ms. Lewis acknowledged Engineering Technician Dave Nicholson, Equestrian Consultant Michael Murphy, the Marin Horse Council, Rebecca Tuden, and Marla Lafer and staff of the Regional Board.

Water Board Engineering Scientist Dyan Whyte briefly commented on the requirements specifically identified in the Clean Water Act and the next steps in the process.

Several Marin County ranchers and a representative of the Marin County Farm Bureau expressed concern that they could be forced out of business if they have to spend thousands of dollars to remedy the TMDL problem, expressed concern that the water quality rules for Tomales Bay were too severe, and acknowledged the Board's support.

A UC Cooperative Extension Watershed Management Advisor expressed concern regarding DNA analysis.

The Board expressed support for the proposed letter, suggested staff pursue grant money to help ranchers and farmers if needed, and requested annual reports regarding impacts on waterways.

In response to a question from Supervisor McGlashan, Ms. Lewis and Mr. Smith stated that MCSTOPPP and the Environmental Health Services support the proposed letter.

M/s Supervisor Kinsey - Supervisor Murray to accept report and authorize President to send letter to the San Francisco Bay Regional Water Quality Control Board commenting on proposed changes to the Basin Plan Amendment associated with the TMDL.

AYES: ALL

8. Request from Supervisor Brown to issue a letter to the California Public Utilities Commission ("CPUC") regarding Community Choice Aggregation ("CCA") issues.

By letter dated June 7, 2005, Community Development Agency Director Alex Hinds submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor Kinsey on behalf of Supervisor Brown, to authorize President to send a letter to the California Public Utilities Commission ("CPUC") regarding Community Choice Aggregation ("CCA") issues.

AYES: ALL

9. Request from the Health and Human Services Director to support the provision of managed care services to Marin County Medi-Cal recipients through the extension of the Partnership HealthPlan of California ("PHC") to Marin County.

By letter dated June 7, 2005, Health and Human Services Director Dr. Larry Meredith submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor Kinsey to adopt Resolution No. 2005-63 to support the provision of managed care services to Marin County Medi-Cal recipients through the extension of the Partnership HealthPlan of California ("PHC") to Marin County.

AYES: ALL

Supervisor Adams acknowledged Dr. Meredith and Health and Human Services staff for their work on this issue.

8. (Continued) Request from Supervisor Brown to issue a letter to the California Public Utilities Commission ("CPUC") regarding Community Choice Aggregation ("CCA") issues.

A few members of the public acknowledged the Board for sending a letter to the California Public Utilities Commission ("CPUC") in reference to the Community Choice Aggregation ("CCA") and Utility Procurement proceedings and requested an ordinance be adopted as soon as possible.

10. Request from the Health and Human Services Director to authorize President to execute Fourteenth Amendment to the operating agreement with Sutter Health/Marin General Hospital for shared use of the Community Mental Health Center located on the grounds of Marin General Hospital in Greenbrae.

By letter dated June 7, 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 authorize President to execute Fourteenth Amendment to the operating agreement with Sutter Health/Marin General Hospital for shared use of the Community Mental Health Center located on the grounds of Marin General Hospital in Greenbrae.

AYES: ALL

11. Request from the Director of County Library Services to approve 2005-08 County Free Library Action Plan.

By letter dated June 7, 2005, Director of County Library Services Carol Starr submitted her report and recommendations regarding the above-captioned matter.

M/s Supervisor Murray - Supervisor Adams to approve the 2005-08 Action Plan for the Marin County Free Library.

AYES: ALL

In response to a question from Supervisor Kinsey, Director Starr advised that a workshop with the Board will be scheduled in the near future.

12. Request from County Counsel to adopt resolution declaring the Board's intent, in accordance with Government Code Section 53853(b), not to issue Tax and Revenue Anticipation Notes ("TRANS") in the California School Cash Reserve Program.

By letter dated June 7, 2005, County Counsel Patrick Faulkner submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor Murray to adopt Resolution No. 2005-64 declaring the Board's intent, in accordance with Government Code Section 53853(b), not to issue Tax and Revenue Anticipation Notes ("TRANS") in the California School Cash Reserve Program.

AYES: ALL

13. Request from the County Administrator to authorize President to execute three (3) year agreement with the Marin Humane Society, in the total amount of \$8,018,589, to provide animal control services (with County responsible for thirty (30) percent and Cities and Towns responsible for seventy (70) percent of cost)

By letter dated June 7, 2005, County Administrator Mark Riesenfeld submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor McGlashan to authorize President to execute three (3) year agreement with the Marin Humane Society, in the total amount of \$8,018,589, to provide animal control services (with County responsible for thirty (30) percent and Cities and Towns responsible for seventy (70) percent of cost).

AYES: ALL

Supervisor Kinsey requested continued efforts to monitor services in order to resolve concerns of the community.

In response to a question from Supervisor Murray regarding feral cats, Chief Assistant County Administrator Matthew Hymel stated that the Humane Society is working with the community on this issue.

In response to a Novato resident who expressed concern regarding Marin Humane Society meetings not being open to the public, Supervisor Brown noted that the Marin Humane Society is a non-profit organization and not subject to the Brown Act.

14. Request from the Health and Human Services Director to set hearing to consider adoption of a resolution establishing the rates charged for the reproduction of Health and Human Services' documents including Health Insurance Portability and Accountability Act ("HIPAA") information requests.

By letter dated June 7, 2005, Health and Human Services Director Dr. Larry Meredith submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Murray - Supervisor Adams to set public hearing for June 28, 2005, at 11:00 a.m.

AYES: ALL

15. Appointments

a. Commission on Aging

Scheduled appointments for June 28, 2005, for one vacancy representing District 1 due to the resignation of Milly McEnhill, one term expiration representing District 4 (Christopher Harrington, incumbent), and one term expiration representing District 5 (Melissa Pankowski, incumbent).

b. Aviation Commission

Scheduled appointments for June 28, 2005, for two term expirations as follows: one representing District 3 (John Hofmann, Jr., incumbent) and one representing District 4 (Stanley Loar, incumbent).

c. Children and Families Commission (First 5 Marin)

(1) M/s Supervisor Adams - Supervisor Kinsey to reappoint Alicia Suski.

AYES: ALL

(2) Continued appointment to July 19, 2005, for one At-Large vacancy due to the term expiration of Rosario Carr-Casanova.

d. County Service Area ("CSA") #16 - Greenbrae

Scheduled appointments for June 28, 2005, for three vacancies as follows: one vacancy due to the resignation of Mark Litwin and two term expirations (Ted Canon and Greg Shaughnessy, incumbents).

e. Library Commission

Scheduled appointments for June 28, 2005, for four term expirations as follows: One representing District 1 (Harriet Michael, incumbent), one representing District 3 (Shelby Gross, incumbent), one representing District 4 (Richard Jensen, incumbent), and one representing District 5 (Reggie Winner, incumbent).

f. Mental Health Board

Scheduled appointment for June 28, 2005, for one vacancy representing Family Members due to the resignation of Howard Richcreek.

g. Wildlife and Fisheries Committee

Scheduled appointments for June 28, 2005, for five term expirations as follows: One representing Conservation (Loretta Farley, incumbent), two representing Sport Fishers (Brooke Halsey, Jr. and Alex Nichelini, incumbents), and two representing Sport Hunters (Gilbert Murphy and Ed Schulze, incumbents).

h. Workforce Investment Board

Scheduled appointments for June 28, 2005, for twenty-nine term expirations as follows: Fifteen Business representatives, four Community-Based Organization representatives, three Local Education representatives, two Labor Organization representatives, and three One-Stop members.

16. Hearing: Revision of Ordinance No. 3424 regarding Bolinas Beach Camping Ordinance to change the penalty for violations from a misdemeanor to an infraction.

By memorandum dated June 7, 2005, Supervisor Kinsey submitted his report and recommendations regarding the above-captioned matter.

The hearing was declared open to receive public comment. Seeing no one present to speak, the hearing was closed.

Supervisor Kinsey advised that Ordinance 3424 had been amended to restrict use of Bolinas Beach for camping between Friday noon through Monday noon every week of the year, but the title of Section 6.90.010 of that Ordinance still refers to "seasonal" weekend camping restrictions. Supervisor Kinsey requested County Counsel to correct this minor clerical error since the intent is clearly to regulate camping year round.

M/s Supervisor Kinsey - Supervisor Murray to adopt Ordinance No. 3425 to change the penalty for violations of the Bolinas Beach Camping Ordinance No. 3424 from a misdemeanor to an infraction.

AYES: ALL

The Board of Supervisors recessed at 12:20 p.m. to meet as the Marin County Flood Control and Water Conservation District Board of Supervisors and the Marin County Open Space District Board of Directors and reconvened at 12:31 p.m. All Supervisors were present.

County Administrator Mark Riesenfeld requested that Closed Session Item 19b, regarding anticipated litigation *Martinelli vs. Johnson, et al.*, be continued to the June 14, 2005, Board meeting.

The Board recessed at 12:32 p.m. to meet in closed session.

19. Closed Session

The Board of Supervisors met in closed session to discuss the following:

- a. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of case: *Comcast Phone, LLC v. State Board of Equalization, et al.* Alameda County Superior Court, Case No. RG 04151862.
- b. The item regarding anticipated litigation in the matter of *Martinelli vs. Johnson, et al.* was continued to June 14, 2005.
- c. Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(c). Number of Potential Cases: One (1).
- d. Instructions to labor negotiator (Human Resources Director) regarding negotiations with all bargaining units pursuant to Government Code Section 54957.6.
- e. Appointed Department Head evaluation (County Administrator) pursuant to California Government Code Section 54957.

The Board of Supervisors recessed at 2:07 p.m. and reconvened in open session at 2:08 p.m. Supervisors Brown and Murray were absent.

20. Announcement from Closed Session

The President Pro Tem reported that the Board met in closed session and advised that the Board took the following action, in the matter of Item 19a, to approve the recommended

settlement of the State Board of Equalization in the case of *Comcast Phone, LLC v. State Board of Equalization, et al.* Alameda County Superior Court, Case No. RG 04151862.

M/s Supervisor Murray - Supervisor Adams to approve the recommended settlement of the State Board of Equalization in the case of *Comcast Phone, LLC v. State Board of Equalization, et al.* Alameda County Superior Court, Case No. RG 04151862.

Vote: Motion carried 3-2.

AYES: Supervisor Adams; Supervisor Murray; Supervisor Brown

NOES: Supervisor McGlashan; Supervisor Kinsey

The Board adjourned at 2:09 p.m. in memory of Charles Curley.

SINE DIE

PRESIDENT

ATTEST:

CLERK