

**DRAFT**

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, FEBRUARY 20, 2007, AT 10:54 A.M.

The Board met as the Marin County Housing Authority Board of Commissioners at 10:08 a.m. and convened as the Board of Supervisors at 10:54 a.m.

Roll Call Present: Supervisor Arnold; Supervisor Brown; Supervisor McGlashan; Supervisor Adams; Supervisor Kinsey

2. APPROVAL OF MINUTES

M/s Supervisor Adams - Supervisor McGlashan to approve the minutes of the meetings of January 30 and February 6, 2007.

AYES: ALL

3. BOARD OF SUPERVISORS' MATTERS

Health Campus

Supervisor Arnold briefly commented on a tour she and Health and Human Services Director Dr. Larry Meredith had taken of the new Health Campus in San Rafael.

Breast Cancer

Supervisor Arnold briefly commented on efforts to restore \$300,000 in federal funds for Marin Breast Cancer projects.

Richardson Bay Regional Agency

Supervisor McGlashan advised that the Richardson's Bay Regional Agency has established a rapid response service and identified several contacts for boats that are adrift or in trouble.

Community Based Planning Processes

Supervisor Adams briefly commented on a meeting of the Marinwood and Tam Valley community members regarding community-based planning.

"Broom Busting Community"

Supervisor Adams acknowledged Reynolds Cameron for organizing the San Rafael "broom busting community."

New Partners For Smart Growth Conference

Supervisor Kinsey reported on a New Partners for Smart Growth Conference he attended in Los Angeles a week ago.

Washington D.C.

Supervisor Kinsey reported on his visit to Washington D.C. last week, on behalf of the County, commenting on his participation in discussions and presentations regarding several Army Corps of Engineers projects impacting the County, fishery restoration efforts, and maintaining the Pacific Coast Salmon fund.

California Transportation Commission ("CTC")

Supervisor Kinsey briefly commented on a list of projects recommended for funding by the California Transportation Commission ("CTC"), financed by Measure B funds approved by voters during the November election. Supervisor Kinsey noted that, at present, two Marin

projects were not recommended for funding. Supervisor Kinsey acknowledged former Supervisor Murray for her efforts to secure CTC funding for the Marin/Sonoma Narrows project and the 580/101 connector north project; and acknowledged Transportation Authority of Marin ("TAM") Executive Director Diane Steinhauser and San Rafael City Council Member Paul Cohen for their work on these projects.

4. ADMINISTRATOR'S REPORT

2008 Presidential Primary

County Administrator Matthew Hymel briefly commented on recent Senate approval of SB 113 moving California's presidential primary to February 2008.

Mr. Hymel responded to a question from Supervisor McGlashan regarding an all-mail ballot election.

Agenda Modification

Mr. Hymel advised of a date correction to the agreement for item CA-1b.

5. OPEN TIME

Iraq War

Three members of the public addressed the Board regarding opposition to the war in Iraq.

6. CONSENT CALENDAR A (ITEMS CA-1 THROUGH CA-7)  
("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 Brown - Supervisor Adams to approve Consent Calendar A with a date correction to item #CA-1b.

CA-1. Board of Supervisors

- a. Adopt Resolution No. 2007-23 approving revisions to Conflict of Interest Codes submitted by the San Rafael City Schools and the Stinson Beach County Water District.
- b. Authorize President to execute Memorandum of Understanding ("MOU") with the Marin Community Foundation, Major Employer's Group and the County of Marin to establish the Marin Workforce Housing Trust.
- c. Supervisor Brown requesting resolution commending George Buckle upon his retirement.
- d. Supervisor Kinsey requesting resolution commending Tony Giacomini, Eric Iseri, Joe Morena and Ian Adams of the Marin County Fire Department for their outstanding efforts in responding to a heart attack patient.

CA-2. County Administrator

- a. Request to adopt Resolution No. 2007-24 continuing the local emergency declarations for the County of Marin, related to severe storm damage, in conformance with Government Code Section 8630.
- b. Authorize President to execute agreement with The Legal Self Help Center of Marin, Inc., in the amount of \$30,000, to provide free legal services for self-represented litigants and individuals, especially low income, underserved and immigrant populations in Marin County.

CA-3. Health and Human Services

NOTE: Agreements in items CA-3a - CA-3c are renewals of existing agreements that were included in and funded in the FY 2006-07 budget.

- a. Authorize President to execute Bay Area Regional Immunization Registry Joint Powers Agreement, effective January 14, 2007 to January 13, 2012.
- b. Authorize President to execute the following FY 2006-07 agreements related to the Emergency Medical Services ("EMS") System: (i) William Teufel, MD, in the amount of \$60,000, to provide medical direction; and (ii) Kate Garay, RN, in the amount of \$58,350, for local and regional program planning.
- c. Authorize President to execute agreement with Fischer Communications, in the amount of \$42,796 for 15 months, to provide a communications strategic plan for the Nutrition Wellness Program.
- d. Authorize President to execute agreement with Boeschen and Associates, in the amount of \$30,000 for 15 months, to assist in strategic planning and implementation of the Nutrition Wellness Program and the Marin Physical Activity Nutrition Wellness Collaborative.
- e. Authorize President to execute FY 2006-07 agreement with the Center for Restorative Practice ("CFRP"), in the amount of \$81,257.50, to assist families in consensus-based decision making related to service plans for at risk children and youth.

CA-4. Information Services and Technology

Authorize President to execute addendum to the agreement with Pixxures, Inc. increasing the contract by \$5,000 for a total contract amount of \$32,500, to rectify the parcel boundaries on the MarinMap orthophotograph.

CA-5. Library

Request to approve change in hours of operation for the South Novato Library, effective April 3, 2007, adding four hours to the existing schedule as detailed in staff report dated February 20, 2007.

CA-6. Public Works

- a. Request to adopt Traffic Resolution No. 2001 prohibiting parking on portions of Redwood Highway Frontage Road in the Strawberry Point area, District 3.
- b. Approve purchase of new furniture and related expenses, in the amount of \$82,705.28, for labor and materials to reconfigure and install furniture in the Public Guardian's Office in the Department of Health and Human Services, under the existing contract with Coordinated Resources Inc. ("CRI").
- c. Authorize President to execute agreement with Bright Star Security, Inc., in the amount of \$92,520, for guard patrol services at Gness Field Airport.

CA-7. Treasurer

Monthly report of County, Schools, and District Investments as of December 31, 2006.

AYES: ALL

7. CONSENT CALENDAR B (ITEM CB-1)

("CONSENT CALENDAR B" REFLECTS THOSE AGENDA ITEMS REQUIRING FOUR AFFIRMATIVE VOTES RELATING TO BUDGETARY MATTERS)

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

CB-1. Library

Request from the Director of County Library Services to accept the following donations and approve budget actions as detailed in staff report dated February 20, 2007: (Four affirmative votes required)

- a. \$28,800 from the Friends of the Marin County Free Library.
- b. \$2,000 from the Tomales Bay Library Association.
- c. \$250 from Charles Schwab & Co. Inc.
- d. \$250 from the Novato Republican Women, Federated.

AYES: ALL

8. RESOLUTION CELEBRATING "BLACK HISTORY MONTH"

M/s Supervisor Adams - Supervisor McGlashan to adopt a resolution celebrating "Black History Month."

Supervisor McGlashan read the resolution and presented it to Cultural Competence Committee Chair Teresa Taylor-King who thanked the Board and Health and Human Services Director Dr. Larry Meredith.

Thereafter, the vote on the pending motion was

AYES: ALL

9. RESOLUTION SUPPORTING THE RECLASSIFICATION OF "ALCOPOPS"-TYPE FLAVORED MALT BEVERAGES

By letter dated February 20, 2007, Supervisor Susan Adams submitted her report and recommendations regarding the above-captioned matter. Supervisor Adams advised that this resolution will be sent to the California State Board of Equalization ("BOE") to support the reclassification of "Alcopops" to a distilled spirit product.

M/s Supervisor Adams - Supervisor McGlashan to adopt Resolution No. 2007-22, supporting the reclassification of "Alcopops" type flavored malt beverages from a beer-wine product to a distilled spirit product.

Marin Institute representative Laurie Leiver and a Novato High School student spoke in support of the resolution.

Thereafter, the vote on the pending motion was

AYES: ALL

10. HEARING: CONSIDERATION OF MARIN SANITARY SERVICE'S REQUESTED 8.1% RATE INCREASE, FOR REGULAR REFUSE COLLECTION IN CENTRAL MARIN FRANCHISE AREAS 1, 2, 3, 4, 5 AND 6

By letter dated February 20, 2007, Public Works Deputy Director Jeff Rawles submitted his report and recommendations regarding the above-captioned matter.

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

M/s Supervisor Brown - Supervisor Adams effective March 1, 2007, to: (a) adopt 8.1% rate increase for regular refuse collection in Central Marin Franchise areas 1, 2, 3, 4, 5, and 6; and (b) authorize President to execute twelfth amendment to the agreement with Marin Sanitary Service reflecting approved rate.

Supervisor Kinsey briefly commented on the necessity of this increase to pay for new "clean air" vehicles and the cost of disposal at the Redwood Landfill.

Thereafter, the vote on the pending motion was

AYES: ALL

(Supervisor Brown absent at 11:35 a.m.)

11. STATUS REPORT FROM THE DEPARTMENT OF PUBLIC WORKS REGARDING THE NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

By letter dated February 20, 2007, Public Works Assistant Director Craig Tackabery submitted his report and recommendations regarding the above-captioned matter.

Mr. Tackabery presented highlights of the Nonmotorized Transportation Pilot Program ("NTPP"), a component of the federal transportation bill enacted in 2005, which allocates \$25 million to Marin County for the purpose of constructing infrastructure and conducting educational programming to determine whether bicycling and walking can reduce single-occupant vehicle usage.

Mr. Tackabery noted that the proposed public hearing date of April 10, 2007, for consideration of recommendations on projects and programs, will be rescheduled for a yet to be determined alternate date in April.

In response to a question from Supervisor Arnold, Mr. Tackabery advised that staff received input from City Managers, Parks and Recreation Directors and Public Works staff. Mr. Tackabery noted that staff also met with several countywide groups, including environmental and bicycle coalitions.

Supervisors and staff spoke about the opportunity for the Board to review staff recommendations and make selection decisions during the public hearing process, acknowledged staff and the Advisory Committee for the progress made in identifying short and long-term projects, and spoke about the appropriateness of sending a letter to Marin County's congressional representatives requesting additional federal support for projects beyond the scope of the Pilot Project.

Marin Bicycle Coalition Advocacy Director Deb Hubsmith expressed support for the process being used to categorize projects, endorsed comments regarding efforts to find additional funds, and commented on the importance of planning projects to move the process forward.

12. REQUEST TO AUTHORIZE PRESIDENT TO EXECUTE AGREEMENT WITH THE GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT ("GGBHTD") FOR OPERATION OF THE MUIR WOODS BUS SHUTTLE SERVICE

By letter dated February 20, 2007, Public Works Assistant Director Saiid Fakharzadeh submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor McGlashan - Supervisor Arnold to authorize President to execute agreement with the Golden Gate Bridge, Highway and Transportation District ("GGBHTD"), in an amount not to exceed \$249,475, for operation of the Muir Woods bus shuttle service during the months of May to September 2007.

Supervisor McGlashan briefly discussed the key modifications planned for the third year of the demonstration project.

(Supervisor Brown returned at 11:50 a.m.)

Board members discussed efforts to identify future funding options for the shuttle service.

AYES: ALL

13. REQUEST TO BEGIN A SIX-MONTH PILOT PROGRAM TO PROVIDE REPRESENTATION OF DEFENDANTS AT ARRAIGNMENTS

By letter dated February 20, 2007, Public Defender Joseph Spaeth submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor Brown to (a) approve a six-month pilot program to provide representation of defendants at arraignments; and (b) add 0.5 FTE extra hire Deputy Public Defender II and 0.5 FTE extra hire Legal Assistant, effective February 25, 2007.

Mr. Spaeth spoke briefly regarding possible outcomes of the Program, including a reduction in jail population.

Board members and staff discussed funding for the Program, fairness issues of providing representation during the arraignment process, and the importance of data collection to track the Pilot Program's success.

AYES: ALL

14. PERSONNEL ACTIONS

M/s Supervisor Adams - Supervisor Arnold to approve the following personnel actions:

a. Treasurer-Tax Collector

Pursuant to the recommendation of Treasurer-Tax Collector Michael Smith in his letter dated February 20, 2007, effective March 10, 2007, to approve the addition of 1.0 FTE Accountant II (Class #0370), to enable cross-training in investment responsibilities and respond to increased workloads.

b. Retirement

Pursuant to the recommendation of Retirement Administrator charnel Benner in her letter dated February 20, 2007, effective February 25, 2007, to approve the addition of 1.0 FTE Accountant Assistant (Class #1391), to provide new and increased services to assist both active and inactive Marin County Employees' Retirement Association ("MCERA") members.

AYES: ALL

15. REQUEST TO APPROVE THE COUNTY'S PARTICIPATION IN THE INITIAL STAGE OF A FRANK LLOYD WRIGHT THEMATIC APPLICATION TO THE NATIONAL PARK SERVICE, TO BE CONSIDERED FOR THE UNITED STATES TENTATIVE LIST

By letter dated February 20, 2007, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Brown - Supervisor Adams to approve the County's participation in the initial stage of a Frank Lloyd Wright thematic application to the National Park Service to be considered for the United States Tentative List and direct staff to return to the Board with a progress report and recommendation for next steps.

Board members expressed concerns regarding additional requirements or restrictions imposed on future building modifications as part of the National Historic Landmark program. Deputy County Administrator Clarissa Daniel advised that the proposed action does not bind the County to participate in later stages of the application process and noted that the Frank Lloyd Wright Civic Center Conservancy will review all the information and report to the Board before any further steps are taken.

Supervisors Kinsey and McGlashan spoke about the opportunities this program may provide to attract funding and international support for future building projects. Supervisor McGlashan urged the Conservancy to research the details as early as possible to allow the Board adequate time to make a decision before the February 2008 application submittal deadline.

Thereafter, the vote on the pending motion was

AYES: ALL

#### 16. APPOINTMENTS

##### Integrated Pest Management ("IPM") Commission

Supervisor Kinsey advised that an appointment to the IPM Commission, which was continued from the February 13, 2007, Board meeting has been rescheduled to allow the Clerk's office to advertise for applicants.

##### a. Children and Families Commission (First 5 Marin)

Scheduled appointments for March 27, 2007, for three term expirations as follows: Two At-Large seats (David Bonfilio and Rocio Elisa Hernandez, incumbents) and one seat representing Health and Human Services (Frima Stewart, incumbent).

##### b. County Service Area ("CSA") #29 - Paradise Cay

Scheduled appointment for March 27, 2007, for one term expiration (William Canada, incumbent).

##### c. Disaster Council

M/s Supervisor Adams - Supervisor Arnold to reappoint Chief Charles Lacy to Disaster council representing the Police Chiefs Association.

AYES: ALL

##### d. Economic Commission

Scheduled appointment for March 27, 2007, for one term expiration representing the North Bay Leadership Council (Clark Blasdel, incumbent).

##### e. Marin/Sonoma Mosquito and Vector Control District Board of Trustees

Scheduled appointment for March 27, 2007, for one At-Large term expiration (Katharina Sandizell Smith, incumbent).

f. Oakland Airport Noise Forum

Two vacancies as follows: one for a Citizens' Representative and one for a Marin County elected official. Applications have been received from Michael McEneany for the Elected Official representative and from Matthew Curwood, Thomas Martell and Bill Rothman for the Citizen representative.

M/s Supervisor McGlashan - Supervisor Adams to appoint Michael McEneany as the elected official representative.

AYES: ALL

M/s Supervisor McGlashan - Supervisor Adams to appoint Thomas Martell as the Citizens representative.

AYES: ALL

g. Peace Conversion Commission

Scheduled appointment for March 27, 2007, for one At-Large term expiration (Lucienne O'Keefe, incumbent).

h. Strawberry Design Review Board

Scheduled appointment for March 20, 2007, for one vacancy.

i. Youth Commission

M/s Supervisor Arnold - Supervisor Adams to appoint Gabriela Andrade to one vacancy on the Youth Commission.

AYES: ALL

17. FIRST READING: ORDINANCE AMENDING CHAPTER 6.90 OF THE MARIN COUNTY CODE EXTENDING EXISTING RESTRICTIONS UPON THE USE OF BOLINAS BEACH FOR CAMPING DURING WEEKENDS

By letter dated February 20, 2007, Supervisor Kinsey submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor McGlashan on behalf of Supervisor Kinsey, to request clerk to read ordinance by title only and schedule merit hearing for March 13, 2007, at 10:30 a.m.

AYES: ALL

The clerk read the title of the proposed ordinance and the merit hearing was set for March 13, 2007, at 10:30 a.m.

The Board recessed at 12:15 p.m. to meet as the Marin County Flood Control and Water Conservation District Board of Supervisors and reconvened as the Board of Supervisors at 12:23 p.m.

The Board recessed at 12:24 p.m. to meet in closed session.

19. CLOSED SESSION



The Board met in closed session at 12:30 p.m. to discuss the following:

- a. Instructions to labor negotiator (Human Resources Director) regarding benefits for all bargaining units pursuant to Government Code Section 54957.6.
- b. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of case: County of Marin v. San Rafael Rock Quarry, Inc. Marin County Superior Court, Case No. CV 014602.
- c. Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(c). Number of potential cases: One (1).
- d. Appointed Department Head evaluation (Community Development Agency Director) pursuant to Government Code Section 54957.

The Board reconvened in open session at 4:29 p.m. Supervisor Brown was absent.

The President reported that the Board met in closed session and advised that the Board has approved County participation in Medicare reimbursement rate claim and authorized outside counsel representation.

The meeting was adjourned at 4:30 p.m.

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PRESIDENT

ATTEST:

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CLERK