

*DRAFT*

REGULAR MEETING OF THE MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION  
DISTRICT BOARD OF SUPERVISORS HELD TUESDAY, JULY 17, 2007, AT 11:26 A.M.

Roll Call

Present: Supervisor Arnold; Supervisor Brown; Supervisor McGlashan; Supervisor Kinsey

Absent: Supervisor Adams

18a. OPEN TIME

Ross Valley Drainage Fee Election

A member of the public expressed concern regarding invalidated ballots.

Public Records Act Request

A member of the public spoke about a response from the Marin County District Attorney to her Public Records Act request for ballots from the Ross Valley Drainage Fee election.

Ross Valley Drainage Fee Election

A representative of the Marin United Taxpayers Association ("MUTA") expressed concerns regarding the Ross Valley Drainage Fee election process and requested that either the unsigned ballots be considered valid or another election be held which would be administered by the County's Elections Department.

18b. BOARD OF SUPERVISORS' MATTERS

Sycamore Park Meeting

Supervisor McGlashan invited the public to attend a meeting with County staff to discuss the results of a consultant firm's analysis of the Flood Zone #3 watershed on August 1, 2007, at 6:30 p.m. in the Mill Valley City Council chambers.

18c. Hearing: Ordinance establishing Ross Valley Drainage Fee

By letter dated July 17, 2007, Chief Assistant Director Bob Beaumont submitted his report and recommendations regarding the above-captioned matter.

The hearing was declared open to receive public comment.

A member of the public submitted a partial listing of parcels that were not included in the Ross Valley Drainage Fee election and expressed concern regarding the election process.

A member of the public stated that in her opinion there was misunderstanding in the community regarding the meaning of today's merit hearing and expressed concern regarding the election process.

(Supervisor McGlashan absent at 11:56 a.m.)

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

M/s Supervisor Brown - Supervisor Arnold to adopt Ordinance No. 3472 establishing an annual storm drainage fee for services and facilities furnished by the District in connection with its storm drain system for Zone 9 of the District.

In response to questions from Supervisor Kinsey, Mr. Beaumont advised that all Ross Valley drainage fees will be subject to audits by the Marin County Auditor-Controller. County Counsel Patrick Faulkner advised that the fees will be Flood Control Zone #9 funds, not County general fund monies, and can only be used for Flood Zone #9 purposes.

Thereafter, the vote on the pending motion was

Vote: Motion carried 3-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor Kinsey

ABSENT: Supervisor McGlashan, Supervisor Adams

- 18d. AUTHORIZE PRESIDENT TO EXECUTE FIRST ADDENDUM TO AGREEMENT WITH KLEINFELDER WEST, FORMERLY KNOWN AS KLEINFELDER, INC., INCREASING THE CONTRACT BY \$15,064 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$70,473, FOR ENVIRONMENTAL SERVICES SUPPORTING THE NOVATO DREDGING PROJECT, FLOOD CONTROL ZONE 1

By letter dated July 17, 2007, Senior Civil Engineer Tracy Clay submitted her report and recommendations regarding the above-captioned matter.

(Supervisor McGlashan returned at 11:58 a.m.)

M/s Supervisor Arnold - Supervisor McGlashan to authorize President to execute first addendum to agreement with Kleinfelder West, formerly known as Kleinfelder, Inc., increasing the contract by \$15,064 for a total contract amount not to exceed \$70,473, for environmental services supporting the Novato dredging project, Flood Control Zone 1.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Kinsey

ABSENT: Supervisor Adams

- 18e. REQUEST TO AWARD CONTRACT TO LOWEST RESPONSIVE BIDDER, MAGGIORA & GHILOTTI OF SAN RAFAEL, CA, IN THE TOTAL AMOUNT OF \$398,765 WITH A \$40,000 CONTINGENCY, FOR THE MARIN AVENUE DRAINAGE IMPROVEMENT PROJECT (PROJECT NO. Z3-43)

M/s Supervisor McGlashan - Supervisor Arnold to award contract to lowest responsive bidder, Maggiora & Ghilotti of San Rafael, CA, in the total amount of \$398,765 with a \$40,000 contingency, for the Marin Avenue Drainage Improvement Project (Project No. Z3-43).

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Kinsey

ABSENT: Supervisor Adams

#### 18f. APPOINTMENTS

- i. Flood Control Zone ("FCZ") #3 Advisory Board - Richardson Bay  
Scheduled appointment for August 7, 2007, for one vacancy due to the resignation of William Brooks.

ii. FCZ #4 Advisory Board - Bel Aire-Tiburon

- a. One vacancy due to the resignation of Serge Dumont. An application has been received from Rufus Thayer.

M/s Supervisor McGlashan - Supervisor Arnold to appoint Rufus Thayer.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Kinsey

ABSENT: Supervisor Adams

- b. Scheduled appointment for August 7, 2007, for one vacancy due to the resignation of Fred Starr.

iii. FCZ #6 Advisory Board - Rafael Meadows

This appointment was continued to a date to be determined.

iv. FCZ #9 Advisory Board - Corte Madera Creek

Scheduled appointment for August 7, 2007, for new At-Large seat on the FCZ #9 Advisory Board.

v. FCZ #10 Advisory Board - Inverness

Scheduled appointments for August 7, 2007, due to the resignations of Scott McMorrow and Dan Morse.

The meeting was adjourned at 12:01 p.m.

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PRESIDENT

ATTEST:

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CLERK